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GIC2006148

IN THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV. 03654 of 2008

BETWEEN

ROY RAMIREZ

Claimant

And

DAVID JAMES

Defendant

I, Roy Ramirez, of #5 Mercline Drive, Enterprise, Chaguanas, in the Island of Trinidad, make oath and say as follows.

1. I am the Claimant and I am aged 58years. The facts and matters herein deposed to are true and correct and within my personal knowledge except where stated to be on information and belief in which case I verily believe same to be true.
2. On or about 19th of September, 2008 I have filed my statement of Case and Claim form for possession of land and damages for trespass.
3. On or about 10th of December, 2009 the Honourable Justice Boodoosingh gave certain directions. One of those directions are to file and Exchange Witness Statements before 31st of January, 2011.
4. I was present in the court and the Attorney at law Mr. Christopher Gidla after coming out of the court has explained the dates to me and I told him I will see him before 31st of January, 2011.
5. On or about, 2010 September my wife had a stroke and I am the only person to look after her daily operations, in terms of taking her to the hospital and feeding her and taking her to the bathroom and toilet.
6. I had to spend a lot of money towards her medical expenses and transportation. Even though My attorney at law reminded me of the dates I could not meet him in time to comply with the directions.
7. My wife is finally a little better to do the things on her own and I met My attorney at law on 13th of April, 2011 and he explained to me about the sanctions and informed me that we have to make an application to ask for relief from sanctions.
8. My attorney at law also informed me that though the defendant filed the Witness statements they were not served on him.
9. The failure to comply with the sanctions is not intentional.
10. The trial date is 1st and 2nd of November, 2011 and hence the trial date can still be met.
11. If the relief from sanctions is not given I will be left without any means and shelter and in these present conditions with my wife’s illness I will face very grave conditions.
12. I have a good case on the merits of the facts.
13. Hence in the Interests of administration of Justice, I beg this Honourable court to give me relief from the sanctions and give me an extension to file the witness statements.

Sworn to at # 123 Duke Street)

Port of Spain this )

Day of 2011 )

**Before Me,**

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**Commisioner of Affidavits.**