**FORM 4: Appearance To Fixed Date Claim (part 9)**

### IN THE REPUBLIC OF TRINIDAD AND TOBAGO

**CHRISTOPHER ROSS GIDLA**

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**Bar No.GIC2006148**

#### IN THE HIGH COURT OF JUSTICE

Claim No. CV 2009 -01049

##### BETWEEN

**RUDOLPH SYDNEY Claimant**

##### AND

## 

## JOSEPH THOMAS Defendant

**NOTICE OF APPLICATION**

**The Defendant applies to the Honourable Court for an order pursuant to Part 26.7 of the Civil Proceedings Rules 1998 that the Defendant be granted relief from sanctions for failure to comply with the directions of the Hounourable Madam Justice Dean Armorer dated 14th day of May, 2009 and that an order be granted extending the time for the Claimants to comply with the said directions.**

1. **A draft order that the Claimants are seeking is attached to this Application**
2. **The affidavit of Christopher Ross Gidla accompany this application.**

**The grounds of the application are:-**

1. **The delay in complying with the said directions was not deliberate but due only to mistaken entry of the date of the compliance in the attorney’s diary, i.e the date 22nd was taken to be as 27th.**
2. **The delay in complying with the said directions could be remedied in a timely manner which will not delay the trial of this action**
3. **The delay failure to comply with said directions in a timely manner will not cause prejudice to the other parties to this action.**

**I hereby certify that the facts stated above are true to the best of my knowledge, information and belief**

**Dated this day of May, 2009**

**CHRISTOPHER ROSS GIDLA**

**Quamina, Gidla & Associates**

**Attorneys at Law**

**123 Duke Street**

**PORT OF SPAIN**

**NOTICE : This application will be heard by the Honourable Madam Justice Dean-Armorer on the day of 2009 at a.m in Courtroom , Hall of Justice, Knox street, Port of Spain.**

**If you do not attend this hearing an order may be made in your absence.**

**The Court office is at the Hall of Justice, Knox Street, Port of Spain, Telephone NO.623 -2416, Tel/Fax 623-7241. The Office is open between 8:00 am and 4:00pm. Mondays to Fridays except Public Holidays and Court Holidays.**

**The applicants address for service is Christopher Ross Gidla, Quamina,Gidla & Associates, Attorneys at Law, 123 Duke Street, Port of Spain, Attorney at Law for the Applicants.**

**To: The REGISTRAR, HALL OF JUSTICE, KNOX STREET, PORT OF SPAIN.**

**AND TO:Robert Boodoosingh**

**Attorney at Law**

**c/o Mr.Anthony V Manwah,**

**Attorney at Law Suite No. 7**

**Plaza 46, No.46 prince Street,**

**Port of Spain**