**IN THE REPUBLIC OF TRINIDAD AND TOBAGO**

**CHRISTOPHER ROSS GIDLA**

**Bar NO. GIC2006148**

**18-20 Pembroke Street**

**Port of Spain**

**Tel/350-6259**

IN THE HIGH COURT OF JUSTICE

CV 2012 – 01520

BETWEEN

**JOSHUA KANHA Claimant**

**(in his capacity as lawful Attorney**

**Of Boodbhir Birbalsingh)**

**AND**

**SYLVIA DUNCAN**

**SANDRA DUNCAN**

**And**

**PERSONS UNKNOWN Defendants**

\* \* \* \* \*

**DEFENCE**

1. The third and fourth Defendants namely Darren Duncan Christina Bernard are the occupiers of the property situated at Lot 1 of Stella Street, curepe and named as persons unknown in the claim form and statement of Case.
2. The third and the fourth Defendants neither admits nor denies the paragraph 1 of the Statement of case, because they does not know whether they are true.
3. The third and fourth Defendants neither admits nor denies paragraph 2 because they does not know whether they are true. The third and fourth Defendants know that the land was owned by Popo Birbalsingh when they were tenanting the land. They were not given any notice when there had been a change of ownership in 27th of November, 2002, until the Mr. Boodbhir Birbal singh’s attorney wrote to them on 8th of September, 2011.
4. The third and fourth Defendants admits paragraph 3 of the statement of Case.
5. The Third and fourth defendants admit paragraph 4 of the statement of case.
6. The Third and fourth defendants admit paragraphs 5 and 6 of the statement of Case.
7. The third Defendants admit paragraph 7 of the statement of case. However, the defendants made attempts to serve the notice. They failed in their attempts as address of the landlord could not be found. The original land lord Mr. Popo Birbal singh was deceased and the deed of gift and thus the transfer to Boodbhir Birbal singh was not notified to the third and fourth Defendants. Mr.Boodbhir Birbalsingh himself lives in United States of America and thus could not be found. There is no notice given to the defendants notifying that there is a power of attorney in existence and thus there is an agent in Trinidad and Tobago. Hence it became impracticable to give notice of extension to the Claimant.
8. The third and fouth defendants admit paragraph 8 of the statement of case.
9. The defendants were put at a big disadvantage of not notifying them about change of transfer and the claimant not living in Trinidad and Tobago and hence they still continue to be the statutory tenants.

Dated this 25th of May, 2012

Christopher Ross Gidla

Attorney at Law for the Defendant

**Certificate of Truth**

I, DARREN DUNCAN of 44 WATTS STREET CUREPE , in the Island of Trinidad , do hereby certify that I believe that the contents of this defence are true and correct.

Dated this day of 2012

………………………………………………..

**Darren Duncan**

third Defendant

I, Christina Bernard of 44 WATTS STREET CUREPE , in the Island of Trinidad , do hereby certify that I believe that the contents of this defence are true and correct.

Dated this day of 2012

………………………………………………..

**Christina Bernard**

Fourth Defendant

This Defence is filed and served this 25th day of May, 2012 by Christopher Ross Gidla Attorney At Law of 18-20 Pembroke Street, Port of Spain whose address is in Gidla & Associates, 18-20 Pembroke Street, Port of Spain

To: The Registrar

Hall of Justice

Knox Street

Port of Spain

AND

TO: FOJ WILSON

FOJ WILSON AND COMPANY

37 ABERCROMBY STREET

PORT OF SPAIN

ATTORNEYS AT LAW FOR THE CLAIMANT.