*Civil*

*Injunction/Trespass/Dispossession*

**CHRISTOPHER GIDLA**

**Attorney At Law**

**GIC2006148**

**123 Duke Street Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2009

**HAFIZA MOHAMMED**

**Claimant**

**AND**

**CARLOS DEWAYNE MOORE Defendant**

**- - - -** ooo**000**ooo **- - - -**

**Statement of Case**

1. Irving Stanley Reid now deceased owned two parcels of land situate at Rise land Road, Carnbee , Tobago comprising Three Acres, Two Roods and Twenty Seven perches and Six Acres one rood, and twenty six point one perches (hereinafter referred to as the disputed property). A copy of the deed hereto annexed and marked “hm1”
2. The Claimant met the deceased in the year 1971. The Claimant the deceased became intimate friends.
3. In the Year 1988, the deceased invited the claimant to stay at his place and from then on they started having a common law wife and husband relationship
4. The Claimant helped the deceased in the repairs of the house situated in the two parcels of land. The Deceased never mentioned that he has a family nor he was ever married to the claimant.
5. The Deceased passport says he is single and was not married.
6. During the life of the Deceased the deceased promised that he would leave the two parcels and the house to the claimant for her absolute use.
7. The deceased used to make trips to United States and back to Trinidad.
8. On 9th of June, 2001 the deceased died in the Arima health facility. A copy of the death certificate is hereto annexed and marked “hm2”
9. On 5th of July, 2006 the defendant as attorney applied for letters of administration on behalf of Jessie Vaughn, who alleged that she is the wife of the deceased Irving Stanley Reid. He was granted letters of administration on 10th day of August, 2007. The Claimant was not notified of the intended application for letters of administration even though the claimant was living in the premises at that time and was a beneficiary and was in common law relationship with the deceased. A copy of the letters of administration is hereto annexed and marked “hm3”
10. The letters of administration was a temporary one and has to be reapplied by the Jessie Vaughn. The Claimant’s attorney at law, Mr. Christopher Ross Gidla of 123 Duke Street, port of spain made searches on the letters of Administration and didn’t find the marriage certificate between Irving Stanley Reid and Jesse Vaughn annexed. A copy of the letters of the administration is hereto annexed and marked hm4
11. The Claimant caused an attorney at law in the United States of America to do a search on the records of the deceased and the said attorney informed the claimant that there was no record of the marriage between Irving Stanley Reid and Jesse Vaughn. A copy of the letter is annexed and marked “hm4”
12. On 11th of February, 2003 the claimant executed a deed unto herself as occupier who has undisturbed possession. The Defendant made a claim against her asking for a declaration that the said deed be null and of no effect and order that the claimant do deliver up possession of the disputed premises. A copy the deed is hereto annexed and marked “hm5”
13. The Claimant retained an attorney by the name of Wayne Amor who did not file a defence to the claim. On 22nd of October, 2008 Honorable Madame Justice Pemberton gave an order that the aforementioned deed be declared null and void and did not give an order pertaining to the delivering possession of the disputed premises. A copy of the order is hereto annexed and marked “hm6”
14. The Defendant again made an application for Judgment in default of the defense on the same claim asking for declaration that the deed be null and void and also to deliver up the possession of the property. The Honourable Madame Justice pemberton told the Defendant that the claim is already defunct and he has to make a fresh claim for possession. This clearly indicates that there never was an order for the delivery of the possession.
15. On 29th of July, 2009 around 6:45 am the Defendant and his agents, servants, including Bailiff and two policemen one dressed in black and one in uniform came to the disputed premises and destroyed the doors, furniture, beds, mattresses, toilet, sink and other things. They took some of the Claimant’s important documents. Included in those documents are her Identification Card, Bank Account Book, and farmer’s license. They told the Claimant that she should not take any pictures of the said destruction.
16. They also took the Claimant’s hand bag with $2,800.00 money in it and also her gold jewellery.
17. They opened her duck pen letting out the ducks and leaving them to die.
18. They put a full load of dirt by the gate so that no car could pass.
19. The Claimant tried to explain to them that there never was an order for the delivery of the premises and the Judge asked the Defendant, that he has to file separate claim form.
20. The claimant found a temporary shelter in my friends house. Unless the defendants were restrained she do not have a place to live at the moment.

**The Claimant Claims:**

1. Damages for trespass to All and singular that parcels of land situate at riseland road, carnbee, Tobago ( “the disputed lands)
2. An Injunction restraining the Defendant, whether by himself, his servants and or agents from entering, remaining, constructing on the premises and or demolishing the dwelling house on the premises at Carnbee, Riseland Road, Tobago.
3. An Injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, his servants and or agents peaceful and quiet enjoyment of the said premises.
4. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from restricting the Claimants from entering into the premises and into the house on the premises.
5. An injunction ordering the Defendant in removing the load of dirt placed front of the entrance and any other obstruction they place in the entrance.
6. A declaration that the letters of administration no.L1585 of 2006 to the Jessie M.Reid on 10th day of August,2007 is null and void
7. An order that the Registrar General do cancel the said Deed
8. An order that the Claimant be declared the common law wife of the deceased and the Claimant be vested with the equitable interest in the property of the deceased.
9. Damages for conversion of Property
10. Damages for assault
11. Damages for injury to feelings and humiliation and distress
12. Aggravated damages.
13. Costs
14. Interest

Particulars of Special Damage

1. Fridge $3,000
2. Stove $1000
3. Four Beds and Matresses $ 6400
4. Two 99” fans $200
5. Television $1800
6. Money $2800
7. Jewellery $ 3000
8. 28 ducks @$60 $1680
9. Microwave $ 600
10. Dining table with chairs $2000
11. Two Tables $ 1600
12. Wares $1000
13. Clothes $500
14. Curtains $ 300
15. Vinyl $200
16. Nine Doors $2700
17. Seven windows $7000
18. Toilet set $ 1500
19. Sink $700
20. Pipes $ 200
21. Two Water Tanks $2400

$ 40,480

I, Hafiza Mohammed of Riseland Road carnbee,Tobago, do hereby certify in accordance with Part 8.8 (1) that I believe that the contents of this Statement of Case are true and correct and that I am entitled to the remedies and reliefs stated herein.

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Hafiza Mohammed

Claimant

This Statement of case was issue by Mr.Christopher Ross Gidla, Attorney at Law whose business address is 123 Duke Street,Port of Spain, in the Republic of Trinidad and Tobago and whose telephone and facsimile no is 624 - 4410 The Claimant’s address for service is C/o Harrison James 4b riseland Road, Carnbee Tobago

**Dated the July, 2009**

Christopher Ross Gidla

Attorney at law for the Claimant

To the Assistant Registrar

High Court of Justice

Tobago

And: to Carlos Dewayne Moore

Canaan feeder Road

Canaan

Tobago