Civil

Injunction/Trespass/mortgage claim

**Filing Attorney: Augustus Thomas**

**Attorney At Law**

**BAR. no.THA2006142**

**18-20 Pembroke Street Street**

**Port of Spain**

**Advocate: Christopher Ross Gidla**

**Attorney At Law**

**Bar No. GIC2006148**

**18-20 Pembroke Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2013

**TREVOR MENDOZA**

**Claimant/applicant**

**AND**

**RAMCHAND SEECHARAN Defendant**

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**NOTICE OF APPLICATION**

The Claimant TREVOR MENDOZA, of 10 ¾ Mile Mark, Toco Main Road, Matura, in the Island of Trinidad applies to the court for :

1. Injunction restraining the Defendant whether by himself, his servants and or agent or howsoever from entering, remaining and or selling the mortgaged property.
2. Such further and /or other relief as to the Court may seem appropriate and
3. Costs.

A draft of the order that I seek is attached.

The grounds of the application is:

1. The Defendant lent a sum of one forty dollars ($40,000) on the 1st july,2013 on the agreement that the sum shall be paid within three (3) months of the date the money was lent.
2. In default that the money is not repaid within that time the Defendant shall possess the property situated at Matura in the ward of Matura in the island of Trinidad comprising ONE FOURTH PART OF AN ACRE and bounded on the North by the Toco Main Road on the South by lands of George P. Rousseau on the East by lands of Charles Lawrence and the west lands Hugh Grey together with the buildings erected.
3. The Claimant has failed to repay the money on 30th of September, 2013, but approached the Defendant on 10th of November, 2013 with full sum of repayment and the Defendant refused to accept the sum.
4. Even though the legal date of redemption has passed the equitable date for redemption did not pass.
5. The Defendant on 27th December, 2013 informed the Claimant that he would be pursuing a a sale of the mortgaged property and would take steps to evict him from the said property.
6. Unless the Court makes a order restraining the Defendant he shall make an next attempt to dispossess the Claimant

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

An affidavit in support accompanies this application

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Attorney for the Claimant]

Augustus Thomas

18-20 Pembroke Street

Port of Spain

Dated the day ,2013

**NOTICE:**

This application will be heard by the Honourable Judge in Chambers on the day of 2013 at am/pm at High Court of Justice, Knox Street, Port of Spain in Court Room no.

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

**OR**

The Judge in Chambers will deal with this application by –

NB: **This notice of application must be served as quickly as possible on the Defendants to the application.**

**The Court Office** is at the Hall of Justice, Knox Street, Trinidad and Tobago, telephone number 690-2156, Fax 690-2674. The office is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except Public Holidays and Court Holidays.

**TO: Registrar**

**High Court of Justice**

**Port of Spain**

**To:**

**RAMCHAND SEECHARAN**

**#11 Harris Street**

**San Fernando**