Personal Action: wrongful Distress

Christopher Ross Gidla

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**REPUBLIC OF TRINIDAD AND TOBAGO**

**In The High Court of Justice**

Claim No: **CV2019**

Between

**Winston Applewhite Claimant**

And

**Syvan Kangalee**

Defendant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CLAIM FORM**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Claimant, **Winston Applewhite C/o Adanna Applewhite,**  of #No.109 First Street, Barataria, Trinidad, Republic of Trinidad and Tobago claims against the Defendant Sylvan Kangalee,104 Second Street, Barataria Trinidad, Republic of Trinidad and Tobago.

The Claimant claims:

1. Specific damages of $ 653,995
2. Damages

1. Statutory Interest at the rate of 12% per annum
2. Costs

1. Such further and/or other relief.

**Certificate of Truth**

I believe that the contents of this claim form/statement of case are true and that I am entitled to the remedy claimed

Signed………………………………………..

Winston Applewhite (Claimant)

Dated: 2019

**NOTICE TO THE DEFENDANT** – See the notes served with this claim Form

This Claim form must contain or have served with it either a Statement of Case or c copy of a Court Order entitling the Claimant to serve the Claim Form without a Statement of Case.

If you do not complete the form of appearance served on you with this Claim Form and deliver or send it to the Court Office (address below) so that they receive it within eight days of service of this Claim Form on you, the Claimant will be entitled to apply to have judgment entered against you. The form of appearance may be completed by you or an Attorney acting for you.

**You should consider obtaining legal advice with regard his claim.**

**This Claim Form has no validity if it is not served within four months of the date below unless it is accompanied by an Order extending that time.**

The **Court Office** is at the Hall of Justice, Knox Street, Trinidad and Tobago, Telephone number 690-2674.

The office is open between 8:00am and 4:00pn Mondays to Fridays except public holidays and court holidays.

Dated the day of 2019

The Claimant’s address for service is:

**Christopher Ross Gidla**

**Attorney –at-Law**

**99A Duke Street**

**Port-of-Spain**

**Trinidad**

Christopher Ross Gidla

Attorney at Law

Gidla &Associates

99A Duke Street

Port of Spain

Bar No: GIC2006148

Tel/Fax: 624-4410

**REPUBLIC OF TRINIDAD AND TOBAGO**

**In The High Court of Justice**

Clam No: **CV 2019-**

Between

**Winston Applewhite**

And

**Sylvan Kangalee**

Defendant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**STATEMENT OF CASE**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**STATEMENT OF CASE** filed this day of 2019 by Christopher Ross Gidla of 99A Duke Street Port of Spain Attorney at Law for Claimant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CHRISTOPHER ROSS GIDLA**

**ATTORNEY AT LAW FOR**

**CLAIMANT**

1. The Defendant at all material times was the landlord of the Claimant.
2. Claimant was at all material times a tenant of the Defendant.
3. The Claimant Started renting the place in the year 2011, in the month of June.
4. The rental price was agreed at Three Thousand dollars ($3,000). The Rental agreement was oral agreement at that moment. The Claimant paid Twelve thousand dollars ($12,000) as part of the security tenant deposit and the rent in advance for June, July, August 2011. A copy of the receipt is hereto attached and exhibited as “WA 1”
5. The Rental was increase to three thousand and five hundred dollars ($3500) in the year 2015.
6. The Claimant is running a small business of conceptual design and printing and his equipment is in that apartment.
7. The Claimant defaulted in his rental payments from September, 2014 to August, 2015, but however paid $3500 in March 2015, and paid for the months of September, November, December, 2015 and January, February, March, 2016. The Defendant on 2nd of June, 2016 asking for the arrears. At the point of time the Defendant claims that the Claimant owes him Forty nine thousand dollars ($49,000). A copy of the letter is hereto attached and exhibited as “WA 2”.
8. On 2nd of June 2016 Mr. Gerard Raphael, the Defendant’s Attorney at Law sent a letter to the Claimant asking for the amount of money owing, Which he states is forty nine thousand dollars (“$ 49,000”).
9. On 27th of June, 2016 the Defandant sent a notice to quit to the Claimant.
10. In the first week of July, The Claimant went out to drop his son to School and on return, he found the entry gate padlocked and he observed that the entry gate to the apartment was also padlocked. He was not allowed to enter the premises and his were left in the apartment
11. The Claimant observed the Defendant sitting in the gallery, and he informed the Claimant that the Claimant should bring the police and the rent owing to collect his belongings.
12. The Claimant left the with just his clothes he is wearing and started living in NO.11A Santa Cruz Old Road, San Juan in a pan yard.
13. On 15th of December, 2016 Ms. Natasha Samuel , Attorney at Law, for the Defendant sent a letter stating that and Agent wll visit the premises on or before 23rd of December, 2016 to remove any and all items within the premises unless and until the Claimant pays the Seventy thousand dollars ($70,000) which is the rent owing at that time.
14. Again on 5th of January, 2017 Mr. Stanley Archibald sent a letter to the Claimant, stating that he will store the items removed, ( which indicates the items were removed already) will be stored for two (2) weeks until 15th of January, 2017, Provided the Claimant pays Ten thousand ($10,000) as storage fee. Failing which the items will be sold. Auctioned to repay the debt owed to the Defendant.
15. The items that were in the premises are

**Particulars:**

**Adio Applewhite (Child) Assets**

|  |  |
| --- | --- |
| **ASSETS 21” Television**  **Entertainment Table**  **Computer System with Desk and Chair**  **2 Tower Fan**  **Reading Lamp**  **Night Lamp**  **Student Desk**  **Queen Size Bed and Accessories**  **2 Storage Bins**  **Assorted Electrical and non Electrical Toys**  **2 Ofﬁcial Basketballs and a Football**  **Assorted Table Games**  **Steelpan Instrument - Chrome Tenor Pan**  **Bicycle**  **School Books,**  **Charts and Accessories**  **Assorted Clothes, Foot Wears and Accessories**  **School Uniforms, Foot Wears and Accessories**  **Hair Products and Accessories**  **6 Assorted Caps**  **6 Lunch Bags**  **5 School Bags**  **2 Watches**  **Jewelry**  **5 Wall Pictures**  **DVD Player**  **Double Wardrobe**  **Chester Draw**  **Miscellaneous 10%**  **Trophy and Awards**  **Winston Applewhite Assets:**  **Stereo System with 4 Boxes**  **34” Television**  **4 Digital Players**  **Portable CD Player**  **2 Tower Fans**  **1 Clothes Irons**  **Electric Shaver and Accessories**  **Clock**  **Watch**  **3 Extension Phone System**  **3 Cellular Phones and Accessories**  **Washing Machine**  **2 Doors Fridge**  **6 Burners Stove**  **Single Burner Outdoor Stove**  **Heavy Duty Wall Microwave**  **2 Juicer**  **Food Processor**  **2 Osterizer**  **Oven Toaster**  **2 Petrol Lamps**  **Night Lamp**  **Timer**  **Electronic Accessories**  **8 Surge Protectors**  **Electrical Installations and Devices (Bathroom, Washroom and Gallery)**  **2 Gas Tanks**  **2 Wardrobe**  **5pcs Living Room Set**  **5pcs Dinning Set**  **Cabinet**  **China Cabinet**  **Entertainment Center**  **Centre Table**  **Tower Table**  **Round Table**  **4 Stools**  **Medicine Chest and Accessories**  **Mattress**  **Trunk**  **Table Top Rotating CD Rack**  **3 CD Tower Racks**  **2 Cassette Racks**  **3 Food Stands**  **Wares Stand**  **Assorted Racks**  **Over 60 Cassettes**  **Over 300 CDs**  **Over 200 DVDs**  **Over 40 Song Compositions**  **6 Songs Demo**  **7 Song Melodies Demos**  **Home Library**  **8 Wall Pictures**  **2 Mirrors / Body and Face**  **4 Rugs**  **6 Table Mat Sets**  **Kitchen Towels**  **Food Stuffs**  **8 Assorted Shopping Bag**  **3 Plastic Buckets**  **Wares - Mugs, Cups, Glasses, Jugs, Bowls, Plates, Saucers, Pots, Baking Pans, Buckets, Waiters, Forks, Knifes, Spoons, Storage Containers, Gadgets etc:**  **(Crystal, Glass, Proclaim, Ceramic, Plastic, & Enamel).**  **12 Assorted Head Gears**  **Assorted Cloths,**  **Foot Wear and Accessories**  **Assorted Pillows,Dollies, Curtains and Sheets**  **Hair and Toiletries Products and Accessories Grandson Clothings Etc.**  **Miscellaneous 10%**  **Trophies and Awards ?**  **Social Files ?**  **Mails ?**  **TSTT Devices for Internet;**  **Phone and E-Entertainment ?**  **Heavy Duty Air Compress Heat Press Machine Heat Press Machine**  **Heavy Duty Heat Press Cap Machine**  **Mug Heat Press Machine and Glazer**  **Air Compressor**  **2 Domestic Sewing Machines**  **3 Clothes Irons**  **Computer System**  **Computer Audio System**  **Document Scanner**  **Film/Slides Scanner**  **3 Extension Phone System**  **Fax Machine**  **3 Security Cameras**  **Light Table Art Projector and Stand**  **2 Air Brush Machine**  **Heat Gun**  **Heat Glue Gun**  **Hair Dryer**  **Vacuum**  **2 Tower Fans**  **3 Drawing Lamp**  **Security Lamp**  **2 Electrical Extensions Cords**  **Heat Press Tools and Accessories**  **Drawing Tools and Accessories**  **Sewing Tools and Accessories**  **Ofﬁce Tools, Gadgets and Accessories**  **Carpenter Tools and Accessories**  **Plumbing Tools and Accessories**  **Electrical Tools and Accessories**  **Mechanic Spanners**  **Laser Measuring Ruler**  **Paper Cutter**  **Chime Clock**  **5 Collapsible Steel Shelves**  **3 Wood Shelves**  **Drawing Table and Chair**  **3 pc Ofﬁce Set**  **Ofﬁce Desk and Chair**  **Computer Double Station Center**  **3 Ofﬁce Chairs**  **4 Chairs**  **2 Large Storage Cabinets**  **1 Desk Size Storage Cabinet**  **1 Small Storage Cabinet**  **4 Draws Fire Proof File Cabinet**  **TV Wall Rack**  **Clothes Racks**  **Assorted Clothes Hangers**  **Ofﬁce Supplies and Accessories**  **Computer Supplies and Accessories**  **Art Supplies and Accessories**  **Sewing Supplies and Accessories**  **Printing Supplies and Accessories**  **Electronic Accessories**  **Art Bin**  **2 Art Cases**  **Over 15 Types of Computer Softwares**  **Over 80 Sets of Drawings**  **Over 40 Digital Drawings**  **Over 30 Negative and Positive Film Drawings Over 10,000 Heat Transfers - Decals**  **Printable Mugs; Mouse and Coaster Pads**  **Cloth**  **Library**  **Assorted Sample Products (Cloths, Clothes, Caps. Uniforms, Pads, Bags, Glasses and Ceramic Mugs etc.)**  **Mail Box**  **4 Wall Pictures**  **2 Mats**  **Tent**  **Awing**  **Acrylic Cut Sheets**  **Customers Assorted Goods**  **Artwork/Layout**  **Decals**  **Signs**  **Ofﬁce Supplies**  **Clothes, Uniforms and Rags**  **Miscellaneous 10%**  **External Drive Data ? Company Files and Books ?** | **500.00**  **350.00**  **1800.00**  **1000.00**  **100.00**  **150.00**  **700.00**  **5000.00**  **250.00**  **3500.00**  **800.00**  **500.00**  **5000.00**  **450.00**  **2500.00**  **5500.00**  **1800.00**  **100.00**  **500.00**  **600.00**  **700.00**  **500.00**  **1000.00**  **350.00**  **800.00**  **2500.00**  **800.00**  **$37,750.00**  **3,775.00**  **$41,525.00**  **3500.00**  **1500.00**  **2000.00**  **200.00**  **1000.00**  **300.00**  **500.00**  **150.00**  **400.00**  **800.00**  **800.00**  **2000.00**  **4000.00**  **3000.00**  **200.00**  **2000.00**  **1600.00**  **1000.00**  **700.00**  **300.00**  **150.00**  **150.00**  **50.00**  **500.00**  **600.00**  **6000.00**  **600.00**  **2500.00**  **5000.00**  **3000.00**  **1500.00**  **4000.00**  **800.00**  **600.00**  **400.00**  **200.00**  **200.00**  **1500.00**  **300.00**  **50.00**  **150.00**  **600.00**  **300.00**  **500.00**  **200.00**  **600.00**  **250.00**  **1500.00**  **2500.00**  **40000.00**  **12000.00**  **2800.00**  **12000.00**  **800.00**  **350.00**  **250.00**  **300.00**  **50.00**  **400.00**  **300.00**  **100.00**  **8000.00**  **2400.00**  **12000.00**  **4000.00**  **600.00**  **200.00**  **$167,200.00**  **$16,720.00**  **$183,920.00**  **32000.00**  **1000.00**  **8000.00**  **7000.00**  **3000.00**  **2000.00**  **400.00**  **1500.00**  **1600.00**  **700.00**  **300.00**  **900.00**  **400.00**  **1500.00**  **2500.00**  **3000.00**  **1200.00**  **400.00**  **150.00**  **50.00**  **800.00**  **1000.00**  **900.00**  **200.00**  **300.00**  **2000.00**  **3500.00**  **700.00**  **2500.00**  **800.00**  **500.00**  **1000.00**  **200.00**  **600.00**  **600.00**  **200.00**  **30000.00**  **100.00**  **1200.00**  **5500.00**  **1200.00**  **2500.00**  **450.00**  **600.00**  **5800.00**  **900.00**  **800.00**  **5000.00**  **400.00**  **3000.00**  **300.00**  **1000.00**  **2100.00**  **1000.00**  **500.00**  **3000.00**  **1000.00**  **250.00**  **150.00**  **1700.00**  **24000.00**  **16000.00**  **3200.00**  **150000.00**  **600.00**  **100.00**  **14000.00**  **3200.00**  **150.00**  **800.00**  **200.00**  **800.00**  **300.00**  **300.00**    **8000.00**  **4000.00**  **3500.00**  **500.00**  **3000.00**  **$385,500.00**  **38,550.00**  **$424,050.00** |