**Advocate Attorney : CHRISTOPHER GIDLA**

**Attorney At Law**

**18-20 Pembroke Street**

**Port of Spain**

**Tel: 350-6259**

**Bar No. GIC2006148**

### IN THE REPUBLIC OF TRINIDAD AND TOBAGO

#### IN THE HIGH COURT OF JUSTICE

Claim # CV 2011-01729

##### BETWEEN

**RUDOLPH SYDNEY**

**(Through his lawful Attorney, Shirley**

**Jones Rajkumar) Claimant**

##### AND

## 

## Nicole Hyacinth Joseph Marshal

## Stephen Marshal Defendants

## NOTICE OF APPLICATION

The Claimant **Rudolph Sydney through his lawful attorney Shirley Jones Rajkumar**  of 190 Foster Road, Sangre Grande, apply to the Court pursuant to part 11.3 of the Civil Proceedings Rules 1998 as amended (hereinafter referred to as “CPR”) for

1. an order to extend the time within which to file the Witness statement to 20th of October, 2012 .
2. That the Claimant be relieved from any sanctions pursuant to part 26.7

A draft of the Order sought is attached.

The grounds of the application are:

1. This application follows an order by the Hounorable Mr. Justice Rajkumar to file the witness statements by 29th of September, 2012,
2. The claimant has filed the witness statement of the claimant to date.
3. However, the Witness statement of the builder who build the house the said house in dispute for the Claimant is not filed.
4. The Claimant did not wish to retain his lawyer Mr. Boodoosingh and took the file to Ms.Janice George on in the month of April.
5. Miss Janice George indicated to the Claimant on 27th of July, 2012 that she would not do the matter for her
6. Mr. Boodoosingh did not brief the Claimant that he has to file the witness statements by 29th of September, 2012. However, Ms. Janice George, informed the Claimant on 27th of September, 2012, that she would have to file the Witness Statements.
7. The Claimant approached Mr.Christopher Gidla to handle the matter for him. Mr.Christopher Gidla immediately made arrangements to obtain the office copy.
8. The office copy was given to Mr.Gidla around 3:30 pm on 28th of September, 2012. However Mr.Gidla did not have enough time to arrange for the Witness to sign the document.
9. In light of the circumstances the Claimants’s attorney hereby request a further extension to 20th of October, 2012 for the filing and serving of the Mr.Roniel Jerry’s witness statement.
10. The parties attorneys will certify on this application that the variation agreed will not affect the period within which the trial, if any, is to take place.

An affidavit in support accompanies this application

Dated this day October, 2012

Christopher Ross Gidla

Attorney at Law for the Defendant

Notice

This application will be heard by His Lordship the Honourable ,in POS, Hall of Justice on the day of , 2012 at the Hall of Justice, Knox Street, Port of Spain at

If you do not attend this hearing an Order may be made in your absence

The Honourable Mr. Justice will deal with this application by

NB This notice of application must be served as quickly as possible on the Respondent to the Application.

The Court Office is at the Hall of Justice, Knox street, Port of Spain, telephone number 623-2747, Fax No. . The office is open between 9:00 am and 3:30 pm. Mondays to Fridays and between 8:00 am and 4:00 pm Mondays to Fridays except Public Holidays and court Holidays.

The Applicant address for service is :

Christopher Ross Gidla, 18-20 Pembroke Street, Port of Spain.

To:

Registrar

Supreme court

HALL OF JUSTICE

KNOX STREET

PORT OF SPAIN

AND TO: Anand R.Singh

Attorney At Law

For the Defendant.

**TRESPASS**

**Instructing Attorney at Law : AUGUSTUS THOMAS**

**18-20 Pembroke Street,**

**Port of Spain**

**Bar No:THA2006142**

**Tel. No:**

**Advocate Attorney : CHRISTOPHER GIDLA**

**Attorney At Law**

**18-20 Pembroke Street**

**Port of Spain**

**Tel: 350-6259**

**Bar No. GIC2006148**

### IN THE REPUBLIC OF TRINIDAD AND TOBAGO

#### IN THE HIGH COURT OF JUSTICE

##### BETWEEN

**RONALD RAMJIT Claimant**

##### AND

## 

## SHUKUNDAI SAMAROO Defendant

I, **AUGUSTUS THOMAS,** Attorney at Law, of 18-20 Pembroke Street, Port of Spain, in the Island of Trinidad make oath and say as follows:

1. The facts and matters deposed to herein are true and correct and within my personal knowledge except where otherwise stated in which case I verily believe them to be true and correct.
2. I am the instructing Attorney at Law for the Defendant and Mr. Christopher Gidla is the Advocate Attorney.
3. The Hounorable Mr. Justice Rahim on 4th day of October, 2011 gave an order for filing and serving the Defence by 19th of October, 2011. We have filed the Appearances on 5th of October, 2011.
4. The Claimant’s Attorneys at Law indicated to the Defendant’s Attorney at Law that the Claim could be settled if a survey is done and the Claimant is compensated according to the survey.
5. Based on that indication the we have obtained instructions from the Defendant and the Defendant agreed to the proposal and hence no defence was filed in contemplation that the matter would be settled.
6. On October 11, 2011 Attorneys for the claimant wrote to us with a recommendation of list of Chartered Valuators.
7. The Attorney’s contacted the Chartered valuators and were informed that the survey needs to be done by chartered quantity surveyor and not the Chartered surveyor and hence refused to do survey by the recommended valuators.
8. The matter came up for hearing on 29th of November, 2011 and the Honorable Justice Rahim set a date for hearing of the application of injuction in this matter on 24th of January, 2012.
9. I, through a telephone conversation informed Mr. John Heath that Mr. Ray Pierre agreed to do the survey and informed the Attorney’s for the Claimant.
10. The Attorney’s At law for the Claimant called us and informed us that they wishes to halt the survey until they find out more about Mr. Ray Pierre.
11. The Attorney’s for the Claimant wrote to us and proposed two names Ellis & Associates, and Hart & Leonard Ltd.
12. The Attorney’s for the defendant employed the services of Ellis and Associates to do the service.
13. Eventhough the negotiations are being pursued the Attorneys for the Claimant filed a application for Summary Judgment on 10th of January, 2012.
14. Joanna Le Quay of Ellis and Associates did a survey on 23rd of January, 2012 and Attorney’s at Law for the Claimant objected to the survey on the basis the survey did not include all the building built by the Claimant particularly the concrete drive way. This concrete drive way was not built by the Claimant as claimed.
15. Since the original spirit of the negotiations were broken down and the settlement might not be forthcoming since the original proposal was changed, the Defendant asks this Hounorable court for an opportunity to defend the Claim.
16. The Defence was already prepared and can be filed at a very short notice. The delay was not deliberate. In the circumstances, I humbly pray that this Court may grant the Order in terms of the Notice of Application.

Sworn by the above named }

AUGUSTUS THOMAS at }

18-20 Pembroke Street, }

Port of Spain, this day of }

March, 2012 }

Before Me

Commissioner of Affidavits.

**TRESPASS**

**Instructing Attorney at Law : AUGUSTUS THOMAS**

**18-20 Pembroke Street,**

**Port of Spain**

**Bar No:THA2006142**

**Tel. No:**

**Advocate Attorney : CHRISTOPHER GIDLA**

**Attorney At Law**

**18-20 Pembroke Street**

**Port of Spain**

**Tel: 350-6259**

**Bar No. GIC2006148**

### IN THE REPUBLIC OF TRINIDAD AND TOBAGO

#### IN THE HIGH COURT OF JUSTICE

Claim # CV 03169 of 2011

##### BETWEEN

**RONALD RAMJIT Claimant**

##### AND

## 

## SHUKUNDAI SAMAROO Defendant

**DRAFT ORDER**

**UPON READING** the Defendant’s Notice of Application dated day of March, 2012 and the affidavit of Augustus Thomas, Attorney at Law for the Defendant sworn to on the day of March, 2012.

**IT IS ORDERED**

1. That the time for the filing of the defence be extended to the / dayof 2012.
2. That the cost in this matter be costs in the cause.

**Dated this day of , 2012**

**Registrar**