**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 2010

**TERENCE GORDON**

**Claimant**

**AND**

**DHANBASSIE MARTINEZ**

**ROHAN SINGH**

**Defendants**

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

**Notice of Application.**

The Claimant, Terence Gordon of house no 84, Lp 5 ,Graham Trace Extension, Sangre Grande, applies to the court for an order that:

1. A declaration that the Claimant is entitled to a Right of way over the premises known as Graham Trace Extension, Junior Secondary School, Sangre Grande at points shown in the photograph annexed hereto by way of necessity.
2. An injunction restraining the Defendant by himself, his agents or otherwise howsoever from restricting, preventing or otherwise interfering with the Claimant’s reasonable enjoyment of such right of way and ordering the defendant to remove the fence obstructing the Claimants right of way to his house situated at Graham Trace extension, opposite Junior Secondary School, Sangre Grande.
3. An order that the bridge in front of the Claimant’s land be restored.
4. An order restraining the Defendant, by himself, his agents or otherwise from building a Wall in the empty lot thus obstructing the Claimant from passing through the land denying the Right of Way to the Claimant.

A Draft of the order that I seek is attached.

The Grounds of the application are:

The Claimant is residing in the premises lower down to the premises of Defendant. He has no way of passing to the main road except through the premises of the Defendant.

An affidavit in support accompanies this application.

Dated

Signed

Attorney at Law for Claimant.

**NOTICE**

This application will heard by the Hounorable Judge on the day of , at am/pm at in courtroom

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

**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 , fax number . The office is open between 8:00am and 4::00pm. Mondays to Fridays except public holidays and court holidays.

**FORM 5 – DEFENCE AND COUNTERCLAIM (**part 10)

**CHRISTOPHER GIDLA**

**Attorney At Law**

**GIC2006148**

**123 Duke Street**

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**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2011

**TERENCE GORDON**

**Claimant**

**AND**

**ROHAN SINGH**

**DHANBASSIE MARTINEZ Defendant**

**DEFENCE**

I dispute the claim on the following grounds-

**I certify that all the facts set out in my Defence are true to the best of my knowledge, information and belief. My address for service is**

Telephone No.

Signed Dated

Defendant

We are acting for the Defendant, our address for service is:

Signed (Attorneys at Law for the Defendant)

The **Court Office** is at the {Hall of Justice, Knox Street, Port of Spain] telephone number 623-6297, FAX 625-5088. The office is open between [8:00 a.m] and [4:00 p.m] Mondays to Fridays except on Public Holidays and Court Holidays.

**COUNTER CLAIM**

I claim against the Claimant

(set out details of the remedy or relief sought)

on following grounds-

**I certify that all the facts set out in my counterclaim are true to the best of my knowledge information and belief and that I am entitled to the remedy claimed**

**Signed Dated**

Defendant

We are acting for the Defendant, our address for service is:

Signed (Attorneys at Law for the Defendant)

**Notes:**

1. The defendant may set out his defence in any way he chooses – it is not necessary to use this form.
2. The Defendant must –
   * State which allegations in the claim he admits
   * Which he denies
   * Which he neither admits or denies because he does not know whether they are true
   * Identify any documents which he considers necessary to his use.
3. He must give his reasons for denying any allegations made by the Claimant
4. The Defendant must set out clearly all the facts on which he relies to dispute the Claim and must set out any different version of events on which he relies
5. The Defendant may not be allowed to give evidence about any fact which is not set out in the Defence.
6. If the Defendant wishes to counter claim he must
   * Specify any remedy that he seeks against the Claimant
   * Include a short statement of all facts on which he relies.
   * Identify any documents which he considers necessary to his case
7. Where the Defendant is represented by an Attorney he must also sign the Form and give his address for service.

**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 2011

**TERENCE GORDON**

**Claimant**

**AND**

**ROHAN SINGH**

**DHANBASSIE MARTINEZ Defendant**

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

**NOTICE OF APPLICATION**

The Claimant **Terence Gorden of** # 5 Mercline Drive, Enterprise, Chaguanas in the Island of Trinidad in the Republic of Trinidad and Tobago applies to the court for an order that

1. An Injunction restraining the Defendant, whether by himself, his servants and or agents from entering, remaining constructing and or demolishing the dwelling house on the land at # 5 Mercline Drive Enterprise, Chaguanas.
2. An Injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimants, his servants and or agents peaceful and quiet enjoyment of the said lands.
3. That the cost of this application be Cost in the cause.

A Draft order is attached

**The grounds of the application are**

1. The Claimant and the Claimant’s predecessor in title in particular the Claimant’s mother have been in continuous, undisturbed and exclusive occupation of the disputed lands.The Claimant have had exclusive and undisturbed possession of the subject lands since 1961.
2. The Defendant on about August 2008 trespassed upon the disputed lands and has demolished part of the Claimant’s house and further intends to demolish the Claimant’s dwelling house unless they are restrained from doing so.
3. In the circumstances the Claimants prays that the court will restrain the Defendant until the matter is heard and determined.

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

An affidavit in support accompanies the application

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

Christopher Gidla

123 Duke Street

Port of Spain

Dated the day of 2008.

NOTICE:

This application will be heard by His Lordship the Honourable Mr. Justice , in Chambers on the day of 2008 at the Hall of Justice, Knox street, Port of Spain.

**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 Respondent to the Application.**

**The Court Office** is at the Hall of Justice, Knox street, Port of Spain, Trinidad, telephone number 690-2156, Fax 690-2674. The office is open between 8:00 am and 4:00 pm Mondays to Fridays except Public Holidays and Court Holidays.

Dated the day of , 2008

CHRISTOPHER GIDLA

Attorney At Law for the Claimant.

The Applicant’s address for service is Quamina Gidla and associates of #123 Duke Street, Port of Spain, whose address for service is C/o Wilson and Company , # 37 Abercromby Street, Port of Spain.

To: The Registrar

High Court of Justice

Port of Spain

**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 2011

**TERENCE GORDON**

**Claimant**

**AND**

**ROHAN SINGH**

**DHANBASSIE MARTINEZ Defendant**

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

**ORDER**

Before the Honourable Justice

Dated this day of 2008

Entered the day of 2008

Before the Honourable

**UPON READING** the Claimant’s Notice of Application filed on the day of , 2008 and the Claimant’s affidavit sworn to and filed on the day of ,2008 together with the exhibits therein referred to.

**AND** the Claimant by his undertaking to abide by any Orders this court makes as to damages in case this court shall thereafter be of the opinion that the Defendants shall have sustained any loss or injury by reason of this Order which the Claimant ought to pay.

**AND UPON**  hearing Attorney At Law for the Claimant.

**IT IS HERBY ORDERED**

1. An Injunction restraining the Defendant, whether by himself, his servants and or agents from entering, remaining constructing and or demolishing the dwelling house on the land at # 5 Mercline Drive Enterprise, Chaguanas.
2. An Injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimants, his servants and or agents peaceful and quiet enjoyment of the said lands.
3. That the cost of this application be Cost in the cause.

…………………………………………………

Registrar of the Supreme Court

**CARL D. QUAMINA**

**Attorney At Law**

**QUC1993027**

**C/o Wilson & Company**

**Attorneys At Law**

**#37 Abercromby Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim #

**EDWIN GIBSON Claimant**

**AND**

**HER WORSHIP MS. GORDON**

**SANGRE GRANDE**

**2ND MAGISTRATE’S COURT Defendant**

**Honourable Judy Gordon**

**Notice of Application:**

The Claimant applies to the court for an order that:

1. Leave be granted to apply for Judicial review.

2. Costs.

3. Such further and/or other relief as the Court thinks just and appropriate.

A Draft of the Order that I seek is attached.

The grounds of the application are:

1. Failure and/or refusal of the Honourable Magistrate to allow the applicant to be herd or to examine his means before making a final order fro maintenance in respect of Kenneth born 2/1/99, Keith born 2/1/99, Kerise born 2/1/99 and Kamrika born 29/8/97 in accordance with the Family Law Guardianship of Minors act.

……………………………………………………… ……………………………………………………

**CARL D. QUAMINA EDWIN GIBSON**

**Attorney At Law Claimant**

Dated this day of 2007

I Edwin Gibson of Phase 4 La Horquetta in the Ward of Arima in the Island of Trinidad make oath and say that the contents of my claim are true.

Sworn to at #15 Brierley Street]

Sangre Grande this day ]

of 2007 ]

Before me,

Commissioner of Affidavit

**NOTICE:**

This application will be heard by His Lordship the Honourable Mr. Justice Best, in Chambers on day of 2007 at the Hall of Justice, Knox Street, Port of Spin.

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

**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, 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.

Dated the 30th day of July, 2007

**CARL D. QUAMINA**

Attorney At Law for the Claimant.

The Applicant’s address for service is c/o Carl Quamina Attorney At Law of #15 Brierley Street, Sangre Grande whose address for service is inc/o of Wilson and Company # 37 Abercromby Street, Port of Spain.

By an Oral agreement I rented a lot of land with a board house, situated at Graham Trace Extension, opposite Junior Secondary school,Sangre Grande since 29th January, 1968, from a Popo Bassanoo. (Rental receipt is hereto annexed.)

1. In the year 1988 I built a concrete flat house on the said lands
2. There is a way as shown in the photograph annexed hereto leading from the aforementioned property of the Claimant to the main road, over an empty lot of land belonging to the Popo Bassanoo which I have been using as right of way to get to the main road.
3. The Have no means of leaving my property for the purpose of having access to the main road at the Graham Trace Extension, opposite Junior Seconday School, Sangre Grande or otherwise without passing over the said lands expect thorough back of privately owned houses next to the my house.
4. I was informed recently that the said empty lot of land was sold to the Defendants by Popo Bassanoo.
5. In or about the month of August, 2010 I come to know that the aforementioned adjoining land was sold by Popo Bassanoo to the Defendants.
6. On or about 8th of September,2010 the Defendants agents have erected a Iron fence across the land along the frontage thereof to the main road, thus cutting off my access to the said main road. A photograph of the fence is hereto annexed
7. The Fence was found partially removed and the I was able to pass through the fence.
8. On or about, the the fence was reconstructed back again and another fence was erected in the front of the land.
9. The Defendants agents dug up the bridge which is situated at the front of the empty lot.
10. This would prevent the Claimants vehicles to pass through the said piece of land
11. In the attempt to dig the bridge the Claimants broke the water pipe belonging to the Claimant. The Pipe was not repaired till date, eventhough many requests were made.
12. Despite numerous requests from the Claimant, the Defendant has refused to remove the fence and continues to refuse to do so.
13. By reasons of the aforesaid facts and matters the Claimant seeks an order restraining the Defendant from blocking the land whether by the fence or any other means and/or damages.
14. In these circumstances I ask this honourable court to grant me an injunction to remove the said fence.

**AND THE CLAIMANT CLAIMS**

1. A declaration that the Claimant is entitled to a Right of way over the premises known as Graham Trace Extension, Junior Secondary School, Sangre Grande at points shown in the photograph annexed hereto by way of necessity.
2. An injunction restraining the Defendant by himself, his agents or otherwise howsoever from restricting, preventing or otherwise interfering with the Claimant’s reasonable enjoyment of such right of way and ordering the defandant to remove the fence obstructing the Claimants right of way to his house situated at Graham Trace extension, opposite Junior Secondary School, Sangre Grande.
3. That the Defendants reconstruct the bridge and water pipe

Cost.

Damages

1. Such further and or other order as the nature of the case may require