FORM 10: Application

NOTICE OF APPLICATION

THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim no; CV 2008 – 04778

RUPERT WILLIAM PHILIP

Claimant

AND

RUTH BRERETON

Defendant

The Claimant applies to the court for an order that the judgment in Default of entering a memorandum of appearance be made..

A draft of the order that I seek is attached.

The grounds of the application are

1. The Claim form was filed on 5th December, 2008 and served on the Defendant on 22nd December, 2008 at about 3:30 pm.
2. The Defendant did not file memorandum of appearance or the defense.
3. The Claimant’s claim is for Damages for trespass to All and Singular that parcel of land situated at Lot # 296 Edinburg 500 project, An injunction restraining the Defendant whether by herself, her servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the disputed lands, An injunction restraining the Defendant whether by herself, her 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 disputed lands, A declaration that the Claimant is still the lessee of the disputed lands acquired by virtue of his tenancy with the National housing Authority, a further declaration that the defendant, her servants and or agents are not entitled to enter and or remain and or construct and or carry out any work on the disputed lands, Aggravated damages, costs and such further and or other reliefs as the nature of this case may requires and special damages amounting to $ 125,583
4. Since this is Claim for an unspecified amount the claimant is not in a position to prove the damages.

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 this application.

Signed Attorney for Claimant

Dated

Notice:

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

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 the office is open between 8:00 a.m and 4:00 p.m Mondays to Fridays except Public Holidays and Court Holidays.