**IN THE REPUBLIC OF TRINIDAD AND TOBAGO**

**CHRISTOPHER ROSS GIDLA**

**Bar NO. GIC2006148**

**18-20 Pembroke Street**

**Port of Spain**

**Tel/350-6259**

IN THE HIGH COURT OF JUSTICE

CV 2012 – 01520

BETWEEN

**JUDY WALCOTT Claimant**

**AND**

**EUGENE JERRY MARCANO Defendant**

\* \* \* \* \*

**DEFENCE**

1. The Defendant admits paragraph 1 of the Statement of Case.
2. The Defendant admits paragraph 2 of the Statement of Case
3. The Defendant admits paragraph 3 of the Statement of Case.
4. The Defendant admits that a ravine wall is built. But denies that the Wall is built inside 9-10 inches inside the lands of the Claimant. Moreover the Claimant himself admits the ravine wall is built from the base of the drain which happens to fall outside the Claimant’s Land.
5. The Defendant admits that the Defendant built bench, fountain, and enclosure, but denies the these structures were attached to the Ravine Wall. True copies of the photographs showing the gap between the wall and these structures are is hereto exhibited and marked “A”
6. The Defendant admits paragraph 6 of the Statement of Case.
7. Defenant admits paragraph 7
8. The Defendant denies paragraph 8 that he agreed that the structures would be moved about 10-12 inches away from the Wall. The Defendant further maintains that the structures were never in the claimant’s land nor attached to the Ravine wall.
9. The Defendant denies paragraph 9 that he ever received any letter on 14th of March, 2010 seeking the removal the structures.
10. The Defendant neither admits nor denies paragraph 10, because he does not know whether they are true. The Defendant wishes the claimant to prove that there are offensive smells and vapours and the claimant is in discomfort and damage because of that.
11. The claimants house is built about a few feet from the ravine wall. The Defendant’s dog kennel is situated on his side of the ravine wall. Moreover, the Claimant has a dog kennel on the other side of the Ravine wall and has 6 to 8 dogs in that kennel which are occupied day and night. Due to busy schedule of the claimant the dog kennel was not cleaned regularly. These however eminate smells and vapours causing discomfort to the defendant and his family.

Dated this 25th of May, 2012

Christopher Ross Gidla

Attorney at Law for the Defendant

**Certificate of Truth**

I, Christopher Ross Gidla of 18-20 Pembroke Street, Port of Spain, in the Island of Trinidad , do hereby certify that I believe that the contents of this defence are true, correct. I further certify that defendant has left the jurisdiction temporarily and hence could not sign the certificate himself and that the certificate is given on the defendant’s instructions.

Dated this day of 2012

………………………………………………..

**Christopher Ross gidla**

Defendant’s attorney at Law

This Defence is filed and served this 25th day of May, 2012 by Christopher Ross Gidla Attorney At Law of 18-20 Pembroke Street, Port of Spain whose address is in Gidla & Associates, 18-20 Pembroke Street, Port of Spain

To: The Registrar

Hall of Justice

Knox Street

Port of Spain

AND

TO: Charles Seepersad

Lincoln’s chambers

67 Pembroke Street

Port of Spain