**FIXED DATE CLAIM FORM**

*Civil*

*Injunction/Trespass/Dispossession*

**Filing Attorney: Augustus Thomas**

**Attorney At Law**

**BAR. no.THA2006142**

**18-20 Pembroke Street Street**

**Port of Spain**

**Advocate: Christopher Ross Gidla**

**Attorney At Law**

**Bar No. GIC2006148**

**18-20 Pembroke Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim NO. CV

**Between**

**SAMAD YOUSSUF ALLI**

**Claimant**

**AND**

**NIZAM MOHAMMED**

**Defendant**

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

**CLAIM FORM**

The Claimant, **SAMAD YOUSSUF ALLI** of Farm No.22, Smithlands, Wallerfield in the Island of Trinidad claims against the Defendant **NIZAM MOHAMMED** of 33 Queen Steet, in the Island of Trinidad.

**BRIEF NATURE OF THE CLAIM AND REMEDY**

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the land comprising approximately twenty two (22) acres situate at #22 Smithlands, Wallerfield and bounded on the North by lands of Bruce Procope on the South by a Road Reserve, on the east by plot no. 21 and the west by the Lands of Bruce
2. An injunction restraining the Defendant whether by himself, his 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**.**
3. A declaration that the Claimant is in possession of and has acquired by virtue of adverse possession.
4. A further declaration that the Defendant, his 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**.**
5. Aggravated damages.
6. Costs
7. Such further and or other reliefs as the nature of this case may require.

**Augustus Thomas**

**ATTORNEY FOR THE CLAIMANT**

**Dated this day of ,2013**

**NOTICE TO THE DEFENDANT**

The first hearing of this claim will take place at the Hall of Justice, Knox Street, Port of Spain on …………… the…………………… day of ………………………..2013, at…………….am/pm in courtroom…………………………..

**If you do not attend at that hearing, judgment may be entered against you in accordance with the claim.**

If you do attend, the Judge may-

1. deal with the claim, or
2. give direction for the preparation of the case for a further hearing.

A statement of case or an affidavit giving full details of the claimant’s claim should be served on you with this claim form. If not and there is no order permitting the claimant not to serve the statement of case or affidavit you should contact the court office immediately.

You should complete the form of appearance served on you with this 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 form of appearance may be completed by you or an attorney at law acting for you.

**You should consider obtaining legal advice with regard to this claim. *See* the notes on the back of this form or on the next page.**

**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.**

**Certificate of truth**

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

Signed

Claimant

Dated the

The claimant’s address for service is: Augustus Thomas, Attorney at Law, 18-20 Pembroke Street, Port of Spain.

Signed

Attorney at law for the claimant

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.

The Parties to be served with this claim form:

**Nizam Mohammed**

No.33 Queen Street

Arima

Or his attorney at Law

Matthew Ramcharan & Company

Attorney’s at law

No.2 Queen Street,

Arima

Trinidad

This Claim Form was served by me…………………………………………………………………

At…………………………..am/pm on ……………………………………………………………………………

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

…………………………………………………………………………………………………………………………………………..

(Signed) ……………………………………………………………………………………………………………………

(Address) …………………………………………………………………………………………………………………….

**FIXED DATE CLAIM FORM**

*Civil*

*Injunction/Trespass/Dispossession*

**Filing Attorney: Augustus Thomas**

**Attorney At Law**

**Bar no.THA2006142**

**18-20 Pembroke Street Street**

**Port of Spain**

**Advocate: Christopher Ross Gidla**

**Attorney At Law**

**Bar No. GIC2006148**

**18-20 Pembroke Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim NO. CV

**Between**

**SAMAD YOUSSUF ALLI**

**Claimant**

**AND**

**NIZAM MOHAMMED**

**Defendant**

1. The Claimant at all material times is the occupier and is in possession of the land comprising approximately twenty two (22) acres situate at #22 Smithlands, Wallerfield and bounded on the North by lands of Anthony Sabga ltd, on the south by plot no,22 and partially by lot no.7 , on the east by plot no.22 and on the west by the lands of Anthony Sabga ltd and a chattel house on the premises (hereinafter called the disputed premises).
2. In or about, 1990, Mr.Bruce Procope was in the process of forming a company by the name of Aurelian farms ltd. In that process he made an agreement with the Defendant and in that process has asked the Claimant to occupy the disputed premises.
3. In 1993 Mr.Bruce Procope has informed the Claimant that the agreement is no longer in process and asked the Defendant to vacate the premises.
4. The Claimant did not vacate the disputed premises and was in occupation of the disputed premises since 1993. Neither Mr. Bruce Procope nor the Defendant did bring any proceedings to evict the Claimant from the disputed premises and was in adverse possession.
5. In the same year the Claimants approached the commissioner of state lands and enquired about the lease of the disputed premises and were informed that Mr.Nizam Mohammed was the previous lease holder and the said lease since expired.
6. Even thought the Commissioner has knowledge that the Claimants were in occupation he did not bring any proceedings against the Claimant.
7. On 10th of July, 2013 Messrs. Matthew Ramsaran and Company Attorneys at law for the Defendant has written a letter to the Claimant informing him to vacate the disputed premises forthwith and failing which they will take action to evict us.
8. Since the letter the Claimant has obtained information that the Defendants are making preparations which could be adverse to evict the Claimant
9. The Claimants live in constant fear of the Defendant as he may use any means to come upon the disputed premises and harass him.
10. is out of the Jurisdiction and brings this claim by her lawful attorney and her daughter Sherry Ann Peters. A true copy of the Power of Attorney registered as No. DE 201001442115 is hereto annexed and marked “A”
11. On or about, in the year of 1970, the Claimant purchased from Vernon Morgan the house situated at Pole #7 Apparicio, Lower Santa Cruz which was standing on lot of land. Vernon Morgan was occupying the right hand side of the land and and said house purchased by the Claimant was situated on the left hand side of the lot of land. The lot of land hereinafter referred to as disputed lands. A copy of the receipt is hereto annexed and marked “B”
12. The said disputed lands was owned by Lucy Montrichard and was leased by Vernon Morgan and subsequently sub leased to the Claimant.
13. The Claimant was paying the half of the rent for the disputed lands and the half by Vernon Morgan.
14. In 1972 the Claimant build a three bedroom, concrete house replacing a dilapidated wooden structure on the disputed lands.
15. Vernon Morgan died in about 1995 and from thence the Claimant was paying the land and building taxes and the Wasa bill for both the houses situated on the disputed lands. Copies of the bills are hereto annexed and marked “C”
16. On or about 27th of May, 2010 the defendant approached the Claimant and told her that he will burn down her house and started using obscene language.
17. The Defendant built a foundation at the back of the house of the Claimant. On 11th of July, 2010 the Claimant received information that the Defendant is in the process of building a structure at the back of the Claimant’s house
18. In the circumstances the Claimant crave the protection of this honourable court and seek the claim as stated.

**AND THE CLAIMANT CLAIMS**

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the land comprising approximately twenty two (22) acres situate at #22 Smithlands, Wallerfield and bounded on the North by lands of Anthony Sabga ltd, on the south by plot no,22 and partially by lot no.7 , on the east by plot no.22 and on the west by the lands of Anthony Sabga ltd. (hereinafter called the disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands**.**
3. A declaration that the Claimant is in possession of and has acquired by virtue of adverse possession.
4. A further declaration that the Defendant, his 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**.**
5. Aggravated damages.
6. Costs
7. Such further and or other reliefs as the nature of this case may require.

----------------------------------

Augustus Thomas

Claimant’s Attorneys at law

**DATED** the day of ,2013