**FORM 1: CLAIM FORM**

*(Part 8, Rule 8.1(3)*

*Civil*

*Injunctioin/Trespass/Dispossession*

**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 #

**RUPERT WILLIAM PHILIP Claimant**

**AND**

**RUTH BRERETON**

**Defendant**

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

**CLAIM FORM**

The Claimant, **RUPERT WILLIAM PHILIP** of Harry Trace C/o Aldwyn Prince, Uquire Road, Freeport the Island of Trinidad claims against the Defendant **RUTH BRERETON** of Lp # 55 Montrose Street, Montrose Village, Chaguanas in the island of Trinidad.

**BRIEF DETAILS OF CLAIM**

1. Damages for trespass to All and Singular that parcel of land situate at Lot # 296 Edinburg 500 project, Chaguanas (hereinafter called “the disputed lands”)
2. 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.
3. 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.
4. A declaration that the Claimant is still the lessee of the disputed lands acquired by virtue of his tenancy with the National Housing Authority now called Housing Development Corporation hereinafter called “HDC”
5. 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**.**
6. Aggravated damages.
7. Costs
8. Such further and or other reliefs as the nature of this case may require.

**Particulars of Special Damage**

**Front Room**

1. Large bed $1500
2. Mattresses $600
3. Small bed and mattress $ 1300
4. Electric fan $ 150
5. 3 chairs @ 60 each $ 180
6. Small television table $ 80
7. Books (including photocopied books $ 1,500
8. Small table $ 500
9. Small bench $ 30
10. Durable manual typewriter $150

Middle Room

1. 2 large very strong wardrobes – Antique Furniture,

@ $2500 each $5000

1. Large very strong antique table $600
2. Large safe (Kitchen Cabinet) $1,900
3. Fridge (old) $ 200
4. 4 large space savers @ 220 each $ 880
5. Space Savers and clothes $ 20,000
6. A large assortment of books on subjects $ 40,000
7. Books on financial accounts, cost accounts, and

management $ 30,000

1. tarpaulin $ 700
2. Tools (hoe@ $30.00,Fork @ 329.00,

hammer@ 180.00Saw @ $87.00, Hatchet @ $75.00,

Pig foot @ $100.00 ,

2 Brushing cutlasses @ $70.00 each $140.00,

Straight cutlass @ $ 69.00, Shovel @ $ 172.00,

Luchette @ $36.00) $ 1218

1. Library book “common wealth Caribbean law and legal

Systems $ 385.00

1. 1 large press filled with books documents and clothes $ 4,000
2. 1 large table with doors, packed with books $ 3,000
3. Umbrella $ 80.00

Back Room

1. Cot 50 books were placed on it and various

Documents and foodstuffs $ 2,000

1. 1 large table $ 150
2. Refrigerator (old) $ 5,00
3. Two burner stove with gas cylinder $ 500
4. 1 Centre table antique $ 200
5. Books $ 3000
6. Long large table with food, documents $ 2,500
7. Scrubbing board $ 80
8. Six Large bags with books $ 2,000
9. Large bench and cupboard $ 500
10. Damaged and lost wares $ 200

**Value**

I hereby certify that the Claimant’s claim is likely to exceed $15,000

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Christopher Ross Gidla

Claimant’s Attorney at law

**NOTICE TO THE DEFENDANT**- **See the notes served with this Claim Form**

This Claim Form must contain or have served with it either a statement of case or a copy of a court order entitling the claimant to serve the claim form without a statement of case.

If you do not complete the form of appearance served on you with this Claim Form and deliver or send it to the court office (address below) so that they receive it within EIGHT days of this Claim Form on you, the claimant will be entitled to apply to have judgment entered against you. The form of appearance may be completed by you or an attorney acting for you.

**You should consider obtaining legal advice with regard to this claim.**

**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.**

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.

Dated the day of ,2008

The Claimant’s address for service is: CHRISTOPHER ROSS GIDLA Attorney At Law, of # 123 Duke Street, Port of Spain whose address for service is in C/o Wilson & Company Attorneys At Law #37 Abercromby Street Port of Spain**.**

Civil

Injunction/Trespass/Dispossession

**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 2008

**RUPERT WILLIAM PHILIP Claimant**

**AND**

**RUTH BRERETON**

**Defendant**

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

**STATEMENT OF CASE.**

1. The Claimant in or about the year 1991 bought a leasehold property situated at lot 296, 14th Street,Edinburgh 500, Chaguanas, (hereinafter called “disputed lands” ) from the Housing Development corporation formerly called National Housing Authority (Hereinafter called “HDC.)
2. In or about September 1991, the Claimant built a house comprising two rooms, a toilet and bathroom.
3. During that period the Claimant was on suspension without pay from his job as a teacher. Because of that the Claimant became impecunious and hence decided to sell the house and leasehold back to the National housing Authority in or about 27th May, 1992.
4. The Defendant has come to know of this and approached the Claimant and informed him of her desire to purchase the house and the leasehold.
5. The Claimant agreed to sell his leasehold and the house to the defendant
6. As per the conditions of the lease the lease cannot be assigned without the consent of the National Housing Authority and the new assignee should not be an owner or part owner of any land or property.
7. The Defendant implied to the Claimant and the HDC that she is not an owner or part owner of any lease or property. Taking this implication the Claimant took the purchase price from the Defendant Thirty thousand dollars ($30,000)
8. The Defendant also initially agreed that the Claimant could stay in the premises until his condition of employment changed.
9. The Claimant received letters dated October 20, 2006 and 18th day of April, 2007 from the Defendant requesting him to vacate the premises at disputed lands.
10. During the Claimant’s various inquiries on different occasions, the HDC informed him that the Defendant’s application for an assignment of the Claimant’s lease to the Defendant was not approved because they understood, among other things that she was part owner of land and/or property at Montrose Street, Montrose village. Chaguanas.
11. The Claimant has been informed that as per Section 40 (3) of the Housing Act, a person who requires a lease from the said NHA, is now normally required to swear to an affidavit that he or she is not an owner or part owner of any land/or property in the Trinidad and Tobago. The Claimant has been informed that the defendant has not done so.
12. That on or about 2007 the Claimant was informed by the HDC that the claimant was still the owner of the disputed lands.
13. On or about 21st of September 2007, the Defendant her servants and/or agents came to the premises and demolished the house and destroyed the contents in the house.
14. On or about 21st of September, 2008 the Defendant her servants and or agents came to the premises and demolished the house and the rooms and the contents in the house.

**AND THE CLAIMANT CLAIMS**

1. Damages for trespass to All and Singular that parcel of land situate at lot # 296, Edinburgh 500 project, Chaguanas
2. An injunction restraining the Defendant whether by herself, her servants and or agents or howsoever from entering, remaining and or demolishing the house on the disputed lands, and/or constructing on the disputed lands.
3. A declaration that the Claimant is still the lessee of the disputed lands acquired by virtue of his tenancy with the HDC
4. 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.
5. 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.
6. Aggravated damages.
7. Costs
8. Such further and or other reliefs as the nature of this case may require.

**Particulars of Special Damage**

**Front Room**

1. Large bed $1500
2. Mattresses $600
3. Small bed and mattress $ 1300
4. Electric fan $ 150
5. 3 chairs @ 60 each $ 180
6. Small television table $ 80
7. Books (including photocopied books $ 1,500
8. Small table $ 500
9. Small bench $ 30
10. Durable manual typewriter $150

Middle Room

1. 2 large very strong wardrobes – Antique Furniture,

@ $2500 each $5000

1. Large very strong antique table $600
2. Large safe (Kitchen Cabinet) $1,900
3. Fridge (old) $ 200
4. 4 large space savers @ 220 each $ 880
5. Space Savers and clothes $ 20,000
6. A large assortment of books on subjects $ 40,000
7. Books on financial accounts, cost accounts, and

management $ 30,000

1. tarpaulin $ 700
2. Tools (hoe@ $30.00,Fork @ 329.00,

hammer@ 180.00Saw @ $87.00, Hatchet @ $75.00,

Pig foot @ $100.00 ,

2 Brushing cutlasses @ $70.00 each $140.00,

Straight cutlass @ $ 69.00, Shovel @ $ 172.00,

Luchette @ $36.00) $ 1218

1. Library book “common wealth Caribbean law and legal

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1. 1 large press filled with books documents and clothes $ 4,000
2. 1 large table with doors, packed with books $ 3,000
3. Umbrella $ 80.00

Back Room

1. Cot 50 books were placed on it and various

Documents and foodstuffs $ 2,000

1. 1 large table $ 150
2. Refrigerator (old) $ 5,00
3. Two burner stove with gas cylinder $ 500
4. 1 Centre table antique $ 200
5. Books $ 3000
6. Long large table with food, documents $ 2,500
7. Scrubbing board $ 80
8. Six Large bags with books $ 2,000
9. Large bench and cupboard $ 500
10. Damaged and lost wares $ 200

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Christopher Ross Gidla

Claimant’s Attorneys at Law

**DATED** the day of ,2008

CERTIFICATE OF TRUTH

I, Rupert William Philip the Claimant herein, hereby certify that the facts stated in this Statement of Case are true.

**FORM 3: (Part 9)**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim #

**ROY RAMIREZ Claimant**

**AND**

**DAVID JAMES**

**Defendant**

APPEARANCE

**WARNING:** If this form is not fully completed and returned to the court at the address below within EIGHT days of service of the Claim Form on you, the Claimant will be entitled to apply to have judgment entered against you. If he does so you will have no right to be heard by the Court except as to costs or the method of paying any judgment unless you apply to set judgment aside.

1. Have you received the Claim Form with the above claim number? YES/NO
2. If so, when? ----------/--------/--------
3. Did you also receive the Claimant’s Statement of Case? YES/NO
4. If so when? ----------/-------/---------
5. Are your names properly stated on the Claim Form? YES/NO

If not, what are your Full names? ………………………………………………...

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1. Do you intend to defend the claim? YES/NO

If so you must file a defence within 28 days of the service of the Claim Form on you.

1. Do you admit the whole of the claim? YES/NO

If you do you should either

* 1. Pay the claim direct to the Claimant or his attorney, or
  2. Complete the application form to pay the Claim by instalments.

1. Do you admit any part of the claim? YES/NO

If you do you may –

1. Pay the money that you admit direct to the Claimant or his attorney, or
2. Complete the application form to pay the Claim by instalments.
3. If so, how much do you admit? ....................

If you dispute the balance of the claim you must also file a defence within 28 days of service of the Claim Form on you or judgment may be entered against you for the whole amount claimed.

1. What is your own address?

........................................................

1. What is your address for service? .......................................

If you are acting in person you must give an address within 3 miles of the court office to which documents may be sent either from other parties or from the court. You should also give your telephone number, FAX number and E mail address if any.

Signed................................ ..............................

[Defendant in person] [Defendant’s attorney]

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.

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

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim #

**ROY RAMIREZ Claimant**

**AND**

**DAVID JAMES**

**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.

Civil

Injunction/Trespass/Dispossession

**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 2008

**ROY RAMIREZ**

**Claimant**

**AND**

**DAVID JAMES Defendant**

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

**NOTICE OF APPLICATION**

The Claimant **Roy Ramirez 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

Civil

Injunction/Trespass/Dispossession

**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 2008

**ROY RAMIREZ**

**Claimant**

**AND**

**DAVID JAMES 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

NOTES FOR DEFENDANT

The Claimant is seeking an order form the Court as set out in the Claim Form overleaf on the basis of the facts or evidence set out in the statement of case or affidavit which was served with it. The Claimant will not be entitled to enter judgment against you without a hearing.

You may:

1. **Admit the Claim**

If so, you should complete and return the form of Appearance to the court office stating this. You may attend the first hearing if you wish to do so.

**B. Dispute the Claim**

If so, you should complete and return the form of Appearance as under A. You should also file at the court office and serve on the Claimant’s attorney (or the Claimant if she has no attorney):

1. a defence if the Claim Form was accompanied by the Claimant’s Statement of Case, OR
2. an affidavit in answer if the Claim Form is accompanied by an affidavit sworn by or on behalf of the Claimant.

Your statement of case or affidavit must set out briefly ALL the facts on which you will rely to dispute the claim made against you.

You should also attend the first hearing. **If you do not the judge may deal with the claim in your absence.**

**C. Make a claim against the Claimant**

If so, you should complete and return the form of Appearance as under A. You **must** file a statement of case (a counterclaim) setting out full details of what you claim against the Claimant and the facts on which you will rely. The statement of case should also set out ALL the facts on which you rely in disputing any part of the Claimant’s claim against you.

**You should also attend the first hearing. If you do not the judge may deal with the claim in your absence.**

**--------------**

**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.

**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**

I, **EDWIN GIBSON** of Phase 4 La Horquetta in the Ward of Arima in the Island of Trinidad make oath and say as follows:-

1. I am the Respondent named herein in proceedings #990-993/04 before the Sangre Grande 2nd Magistrate’s Court brought by Helen Solomon against me for maintenance of three children.

2. That I never attended Court in the matter and despite my non attendance the order was made final without proof or submitted proof of my earnings.

3. That the complainant of the matter subsequently sought enforcement for my non payment of the order and the police serving officer came to court confirmed that while I did not accept the summons because of a misunderstanding placed same at my feet.

4. I never consented to pay the order but I am verily informed that the making of the order final was contrary to law as the Court had no evidence of my means. A certified copy of the proceeds and notes of evidence taken is annexed hereto and marked “**E.G.1**”.

5. I therefore seek a review of the Magistrate’s decision to make the order final.

I the Claimant hereby certify that the contents of my statement of case herein are true and correct and that I am entitled to the remedies claimed.

……………………………………………………………………

Claimant Signature

…………………………………………………………………………………

Attorney At Law for the Claimant