*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 #

**RUPERT WILLIAM PHILIP Claimant**

**AND**

**RUTH BRERETON**

**Defendant**

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

**NOTICE OF APPLICATION**

The Claimant, **RUPERT WILLIAM PHILIP** of Harry Trace C/o Aldwyn Prince, Uquire Road, Freeport the Island of Trinidad apply to the court for the following orders:-

1. That no memorandum of appearance or the defence having been entered by the Defendant, judgment be and is hereby entered against the Defendant pursuant to 15.2 of the Civil Proceedings Rules 1998 as amended.
2. A declaration that the Claimant is still the lessee of the All and Singular that parcel of land situate at Lot # 296 Edinburgh 500 Project, Chaguanas (herein after called the “disputed lands”) acquired by virtue of his tenancy with the National Housing Authority now called Housing Development Corporation (hereinafter called “HDC”)
3. An order that the Defendant Pay the for trespass to “the disputed lands”)
4. An order that the Defendants restrain whether by herself, her servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the disputed lands
5. An order that the Defendant restrain from entering or remaining and or constructing and carrying out any work on the disputed lands.
6. An order that the Defendant pay the Aggravated damages as assessed by the court.
7. That the Defendant do pay the costs of this action under Part 67.5 of the Civil Proceedings Rules 1998 as amended.
8. Such further and or other reliefs as the nature of this case may require.
9. **That the Defendant also pay the special damages hereinunder specified.**

**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

Total $ 125,583

The Grounds of the Application are :-

1. The Claimant filed his Claim Form and Statement of Case on 5th December, 2008 and served it on the Defendant on 22nd of December, 2008.
2. The Defendant has not to date filed any memorandum of appearance or any Defence to the proceedings herein
3. The facts as stated in the statement of Case are true and correct and the Defendant has no Defence or no Defence on the merits to the claim herein.

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

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

And To: RUTH BRERETON

LP # 55 Montrose Street,

Montrose Village

Chaguanas

Trinidad.