**CHRISTOPHER GIDLA**

**Attorney At Law**

**C/O Wilson & Company**

**Attorneys’ At Law**

**37 Abercromby Street**

**Port of Spain**

### IN THE REPUBLIC OF TRINIDAD AND TOBAGO

#### IN THE HIGH COURT OF JUSTICE

Claim # CV 2008- 05009

##### BETWEEN

**SUGJAGE REEMAUL Claimant**

##### AND

## 

## ANDRE BEHARRY Defendant

I ANDRE BEHARRY, OF Corner Brunton Avenue and Water fall Avenue, Diego Martin in the Island of Trinidad, in the Republic of Trinidad and Tobago, make oath and say as follows:

1. I am the Defendant herein and the facts and matters hereinafter deposed to are true and correct and are within my personal knowledge and except where otherwise stated to be on information and belief in which case I verily believe the same to be true and correct.
2. I make this Affidavit in support of my defence.
3. That I will contend at the trial of this action that the claimant claim discloses no claim.
4. Without prejudice to the foregoing the I deny that the claimant is entitled to possession of the premises mentioned at paragraph 1 of the statement of case or at all
5. That I make no admission of the facts and matters pleaded at paragraph 3 of the statement of case. I contend that if (which is not admitted) the Claimant is the lawful owner of the premises that title is subject to the interest of the defendant.
6. Paragraph 4 of the statement of claim is denied. I have been in undisturbed possession of the said lands without licence or consent of the claimant or his predecessor in title since 1985 and as such the claimant’s title (if any) is extinguished.
7. That my father Desmond Beharry, my sister Mandy Beharry – Serrette and I occupied the said premises since 1977. We lived in a house. I attended the Boys RC School Diego Martin. My sister attended the Diego Martin girls RC School (New St.Johns RC School)
8. That my father owned and operated straightening and painting (auto body) shop on the said premises up and until the date of his death in August 1998.
9. That in or about the year 1979 my Father Desmond paid $1000 dollars which is paid in full for the lease of land. A copy of the receipt is hereby annexed and exhibited as AB 1.and again in 1985 my Father Desmond Beharry paid 1,250 for the purchase of the land. We never got the legal documents. A copy of the the receipt is hereby annexed and exhibited as AB 2. Hence we are living in the premises without any licence or consent. In 2005 Adrian Piggott demolished the house which is two bedroom concrete structure, which is twenty years after.
10. Paragraph 5 of the Statement of Claim is denied. I had the ownership of the land and has a right to build the structure temporarily and built a structure later on. I was never violent at any time.
11. I make no admission of the facts and matters pleaded in paragraphs 6 and 8.
12. Paragraph 7 is admitted.
13. I make no admission of the paragraph 9 and in respect of paragraph 10 the Defendant claims the right of possession to the premises and states further that due to my undisturbed occupation of the land any title by whom the claimant no claims has been extinguished and the claimants title deed is null, void and has no effect.
14. Further and in the alternative the I claim that the claimant bought subject to his interest. I have been visibly in occupation and control of the entire parcel prior to the date of the claimants purchase/ trespass.
15. I make no admission of the facts and matters pleaded at paragraph 11 only to say that the structure was quite visible at the date of the claimant’s investment.
16. I therefore seek a declaration from the Honourable court
17. That I have been in undisturbed possession of the subject parcel for over 16 years without consent or objection from the Claimant or his predecessor in title and in the circumstances the Claimants title is extinguished by my occupation
18. In the alternative that the Claimant’s title is subject to my interest in the premises.
19. That the Claimant’s deed is null void and or no effect and the be expunged from the protocol of deeds.
20. That the subject lands be vested is my name.

Sworn to at Duke Street)

Port of spain, this day)

of February, 2009 )

Before Me,

Commissioner of Affidavits.

FILED ON BEHALF OF THE CLAIMANT HEREIN

**ANDRE BEHARRY**