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 **- - - -**

**AFFIDAVIT**

I Roy Ramirez of # 5, Mercline Drive, Enterprise, Chaguanas in the Island of Trinidad, make oath and say as follows:-

1. I am the Claimant and I am aged 58 years. The facts deposed to herein are true and correct and within my personal knowledge unless where other wise stated.
2. I swear this affidavit in support of my application herein seeking certain injunctive reliefs against the Defendant herein.
3. This action was commenced by Claim Form and Statement of Case filed herein on , ,2008. Hereto annexed and marked “ R.R1” is a copy of the said Claim Form and Statement of Case.
4. The Subject lands are the lands situated at #5 Mercline Drive, Enterprise, Chaguanas together with the dwelling house standing thereon (hereinafter called the “disputed lands”)
5. That for the past forty seven years I have been in continuous and undisturbed possession of the disputed lands.
6. On or about the year 1961 or 1962 my mother Ieta Forde tenanted the disputed lands aforementioned on which she, together with her then common law husband Selwyn Forde, constructed a two (2) bedroom dwelling house. I, my mother and her Common law husband Selwyn Forde moved in shortly after
7. In or about the year 1974 my mother Ieta Forde migrated to America leaving her then common law husband Selwyn Forde and me in occupation of the house.
8. In or about the year 1974 Selwyn Forde married my mother.
9. After the marriage, in the year 1974 Selwyn Forde also migrated to America leaving me in the house as a sole occupant.
10. At all material times my mother with the knowledge and acquiescence of her husband Selwyn Forde has always informed me that the property was for me. I carried out extensive renovation and repairs to the dwelling house and have maintained the property at my own expense. Hence Selwyn Forde is stopped from claiming title or interest in the property.
11. That by HCA 1247 of 2002, Selwyn Forde initiated legal proceedings against me for possession of the property. The matter was never completed and Selwyn Forde since died. Here to annexed and marked R.R2 is a copy of the said proceedings.
12. On or about 8th August, 2008, at around 6:00 am, defendant his servants and/or agents came to my property at # 5 Mercline Drive, Enterprise, Chaguanas and told me that they were there to demolish my house.
13. At that point of time I left the place in pursuit of a lawyer.
14. I was told by my wife and verily believe that she was informed that one of the people is a bailiff and four of the other persons are off duty police officers.
15. I was told by my wife and I verily believe that she informed them that the matter of the property was in court and she had documents to show that.
16. I was informed by my wife and I verily believe that she was told that if she pay $ 50,000 they would go away other wise they would demolish my house which she refused.
17. I was told by my wife and I verily believe that the defendant, his servants and/or agents started to demolish my concrete house. In the process of this they grabbed my daughter Althea Neptunes’s arm as she is taking pictures of the said event.
18. They demolished most of my house leaving a small shed in which I have to shelter myself with my wife and my children. Hereto annexed and marked “R.R.3 are photographs of the demolition.
19. On or about 13th day of September, I saw the defendant’s servants and or agents looking about the premises. Which I believe it to demolish the rest of the premises. I fear that they would demolish the home and leave me stranded on the road.
20. In these circumstances I am asking this Honourable Court for an injunction restricting the Defendant from further demolishing my home as I will suffer great lose and inconvenience. I am in constant fear of the demolition which the defendant clearly intends to undertake unless restrained by this Honourable Court.

SWORN to at 123 Duke Street ]

Port of Spain, this 15th day of ]

August, 2008 ]

Before me,

Commissoner of Affidavits.

**“R.R.1”**

This is the Exhibit marked **“R.R.1”** referred to in the affidavit of **ROY RAMIREZ** sworn to this day of , 2008.

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**COMMISSIONER OF AFFIDAVITS**

**“R.R.2”**

This is the Exhibit marked **“R.R.2”** referred to in the affidavit of **ROY RAMIREZ** sworn to this day of , 2008.

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**COMMISSIONER OF AFFIDAVITS**

**“R.R.3”**

This is the Exhibit marked **“R.R.3”** referred to in the affidavit of **ROY RAMIREZ** sworn to this day of , 2008.

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**COMMISSIONER OF AFFIDAVITS**