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**

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**STATEMENT OF CASE.**

1. The Claimant and the Claimant’s Ieta Forde have since on or about the year 1961 been in exclusive, continuous and undisturbed possession of All and Singular that parcel of land comprising more or less one Acre of land situate at # 5 Mercline Drive, Enterprise, Chaguanas together with the dwelling house standing thereon.
2. On or about the year 1961 or 1962 the Claimant’s mother tenanted the disputed land on which she, together with her then common law husband Selwyn Forde, constructed a two (2) bedroom dwelling house. The Claimant, his mother and her then common law husband Selwyn Forde moved in shortly after
3. In or about the year 1974 the Claimant’s mother migrated to America leaving her then common law husband Selwyn Forde and the Claimant in occupation of the house.
4. In or about the year 1974 Selwyn Forde married the Claimant’s mother
5. After the marriage, in the year 1974 Selwyn Forde also migrated to America leaving the Claimant in the house as a sole occupant.
6. At all material times the Claimants mother with the knowledge and acquiescence of her husband Selwyn Forde has always informed me that the property was for the Claimant. The based on their promise carried out extensive renovation and repairs to the dwelling house and have maintained the property at his own expense. Hence Selwyn Forde, his servants and /or agents are stopped from claiming title or interest in the property.
7. That by HCA 1247 of 2002, Selwyn Forde initiated legal proceedings against the Claimant for possession of the property, The matter was never completed and Selwyn Forde since died
8. The matter was abated for the substitution of the parties which was never carried out.
9. On or about 8th of August, at around 6:00 am, the defendant his servants and /or agents came to the disputed property and informed the Claimant that they were there to demolish the house
10. The Claimant’s wife was informed that one of the person is a bailiff and four of the other persons are off duty police officers.
11. The Claimants wife duly informed them that the matter was in court and she had documents to prove it.
12. The Claimant’s wife was then informed by them that if they pay them $50,000 they would go away or otherwise they would demolish the house.
13. The Claimant’s wife refused to pay them and they started to demolish the house and in the process grabbed the Claimant’s daughter Althea Neptune hand as she is taking pictures of the said event.
14. They demolished most the Claimant’s house leaving a small shed in which the Claimant along with his family of is sheltering.
15. The defendant’s intends to continue to demolish the house further unless restrained by this court.
16. Damages for trespass to All and Singular that parcel of land situate at #5 Mercline Drive, Enterprise, Chaguanas hereinafter called “the disputed lands”)
17. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining and or demolishing the house on the disputed lands. constructing on the disputed lands.
18. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining and or demolishing the house on the disputed lands, constructing on the disputed lands.
19. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining and or constructing on the disputed lands.
20. A declaration that the Claimant is in possession of and has acquired by virtue of his predecessor’s long undisturbed possession a possessory title in relation to the said lands.
21. 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.
22. Aggravated damages.
23. Costs
24. Such further and or other reliefs as the nature of this case may require.
25. 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.

**Particulars of Special Damage**

1. House hold appliances $18,000
2. Dishes $10,000
3. Toiletries $ 3,000
4. Groceries $ 7,000
5. PS2 game Player $ 2,700
6. Games for PS2 player $ 3,500
7. DVD Player $ 1,000
8. Ornaments $ 9,000
9. Tools $ 5,000
10. Jewellery $10,000
11. 3 Beds $ 5,000
12. TV $ 2,500
13. Furnitures $ 20,000
14. Mirrors $ 1,000
15. Thread Mill $ 5,000
16. 2 Stoves $ 5,000
17. Radio $ 4,000
18. Clothes $15,000
19. 3 Ward robe & Drawers $ 9,000
20. 3 Cell Phones $ 2,000
21. 1 ipod 80g $ 3,500
22. Books and uniform $ 5,000
23. Camcorder Charger $ 5,00
24. Computer $ 4,000
25. 2 Washing Machines and 1 Spin dryer $ 8,500
26. 4 glass sliding doors $ 3,000
27. Three houses demolished Plastered &Painted

Foundation 50 X 36 feet $60,000

1. 4 Bedroom all approximately 12 X 14 with

With Carpet $75,000

1. Kitchen 10 X 10 tiled wall, floor, counter top $10,000
2. Living room vinyled $2000
3. 4 pillars $ 6,000
4. 5 Windows 10 X 3ft 10inches $ 5,000
5. 4 frosted 6 windows 6X 3ft 10inches $ 1500
6. 10 doors $ 3,500
7. Roof $65,000
8. Gypsum Ceiling $ 44,000

Claimant’s sons concrete foundation & wooden Structure

1. Foundation 20 X 17 ft $25,000
2. Framing wood $ 12,000
3. 30 ply 8X4 X ¾ $ 9,000
4. Roof and Galvanise $ 2,000
5. 2 doors $ 600
6. 3 Windows 6 X 3 $
7. Carpet $ 8,000

Claimant’s second sons living area

1. Foundation 16 X 10 ft $18,000
2. Framing wood $ 9,000
3. 15, 5 X 8 ply $ 4,500
4. Roof galvanise $ 1,300
5. 1 door $ 350
6. 2 windows 30 X 6 ft (tinted) $ 800

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Christopher Ross Gidla

Claimant’s Attorneys at Law

**DATED** the day of ,2008

CERTIFICATE OF TRUTH

I, Roy Ramirez the Claimant herein, hereby certify that the facts stated in this Statement of Case are true.

1. The Claimant, **ROY RAMIREZ** claims against the Defendant, **DAVID JAMES**, of No. # 27 Morvant Avenue, Morvant, the following:

1. Possession of the dwelling house Lot 39 New City, Valencia which the Defendant is unlawfully occupying.

2. Cost.

3. Such further and or other order as the nature of the case may require

**………………………………………………………………**

**CARL D. QUAMINA**

**Attorney At Law for the Claimant**

**NOTICE TO THE DEFENDANTS** – See the notes served with the Claim Form.

This Claim form must contain to 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 sent it to the court Office (address below) so that they receive it within EIGHT DAYS of service 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 any 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, 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 day of 2007

The Claimant address for service is **CHRISTOPHER ROSS GIDLA,** Attorney At Law, C/o Wilson & Company, Attorneys At Law, #37 Abercromby Street, Port of Spain, Trinidad and Tobago.

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.**

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**APPEARANCE**

Nature of Case:

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2006

**NORMA DURITY Claimant**

**AND**

**ANTHONY CALLISTE Defendant**

**APPEARANCE TO FIXED DATE CLAIM**

**WARNING**: This form should be completed and returned to the court at the address below within EIGHT days of service of the Claim Form on you. However, the Claimant will not be entitled to have judgment entered against you except at the first or subsequent hearing of the claim.

1. Have you received the claim

Form with the above number? YES/NO

2. If so, when did you receive it? ……/…./….

3. Did you also receive the

Claimant’s statement of case

or affidavit in YES/NO

4. If so, on what date did you

receive them? ……/……/……

5. Are your names properly stated

on the Claim Form? YES/NO

If not, what are your full names? …………………

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

\*(If so you should file a defence or affidavit in answer within 28 days of the service of the Claim Form on you)

7. Do you admit the whole claim? YES/NO

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

9. If so, what do you admit? …………………

10. What is your address? ……………………

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11. What is your address for service? ………………………

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

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Signed ……………………………………… Dated

[Defendant in person]

[Defendant’s attorney]

The **Court Office** is at the {Hal of Justice, Knox Street, Port of Spain] telephone number 623-2416, FAX . The office is open between [8:00 a.m] and [4:00 p.m] Mondays to Fridays except on Public Holidays and Court Holidays.