**FIXED DATE CLAIM FORM**

*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 #

**SUMATEE LATCHMAN**

**Claimant**

**AND**

**KALIAH ABDULLAH Defendant**

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

**CLAIM FORM**

The Claimant, **SUMATEE LATCHMAN** of Corner Allick Terrace, and Bagatelle Road, Diego Martin in the Island of Trinidad claims against the Defendant **KALIAH ABDULLAH** of Corner Kennedy Lane and Bagatelle Road, Diego Martin

**BRIEF DETAILS OF CLAIM**

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, and or constructing a Wall on the premises of Corner Allick Terrace, and Bagatelle Road, Diego ( hereinafter disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing or moving the boundary stones and removing the chain link on the premises of Corner Allick Terrace, Bagatelle Road, Diego
3. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands.
4. An order that the Defendant do forthwith pull down and remove the wall constructed on the disputed lands.
5. A declaration that the Defendant is not entitled to enter or cross the Claimant’s said disputed lands.
6. 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.
7. Aggravated damages.
8. Costs
9. Such further and or other reliefs as the nature of this case may require.

**CHRISTOPHER ROSS GIDLA**

**ATTORNEY FOR THE CLAIMANT**

**Dated this day of ,2010**

**NOTICE TO THE DEFENDANT**

The first hearing of this claim will take place at the Hall of Justice, Knox Street, Port of Spain on …………… the…………………… day of ………………………..2010, at…………….am/pm in courtroom…………………………..

**If you do not attend at that hearing, judgment may be entered against you in accordance with the claim.**

If you do attend, the Judge may-

1. deal with the claim, or
2. give direction for the preparation of the case for a further hearing.

A statement of case or an affidavit giving full details of the claimant’s claim should be served on you with this claim form. If not and there is no order permitting the claimant not to serve the statement of case or affidavit you should contact the court office immediately.

You should complete the form of appearance served on you with this form and deliver or send it to the court office (address below) so that they receive it within **EIGHT** days of service of this claim form on you. The form of appearance may be completed by you or an attorney at law acting for you.

**You should consider obtaining legal advice with regard to this claim. *See* the notes on the back of this form or on the next page.**

**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.

The Claimants address for service is:

**CHRISTOPHER GIDLA**

ATTORNEY AT LAW

Gidla & Associates

Attorneys at Law

123 Duke Street

Port of Spain

Tel/Fax:624-4410

The Parties to be served with this claim form:

**KALIAH ABDULLAH**

Corner of Kennedy Lane

and Bagatelle Road

Diego Martin,

This Claim Form was served by me…………………………………………………………………

At…………………………..am/pm on ……………………………………………………………………………

………………………………………………………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………..

(Signed) ……………………………………………………………………………………………………………………

(Address) ……………………………………………………………………………………………………………………..

…………………………………………………………………………………………………………………………………………………

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 2010

**SUMATEE LATCHMAN**

**Claimant**

**AND**

**KALIAH ABDULLAH Defendant**

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

**STATEMENT OF CASE.**

1. The Claimant is and was at all material times tenant in possession of land and premises situate at # lot no 102, Corner of Allick Terrace and Bagatelle Road, Diego Martin (“hereinafter the disputed lands”)
2. The Defendant is and was at all material times tenant in possession adjoining premises known as # Lot 103, Corner Kennedy Lane and Bagatelle Road, Diego Martin.
3. The Claimant is leasing the said disputed lands from the Ministry of Housing and Settlement (“hereinafter LSA”) under the squatter regularization programme. Hence the in lawful possession of the disputed lands. (The agreement is hereto attached and marked SL1.)
4. The said lands comprises about 3759 sq. ft and the land is surveyed and subdivided by the LSA and the boundary stones planted. A copy of the survey sheet is hereto attached and marked SL2.
5. On or about 25th October, 2010 the Defendant asked the Claimant’s permission to move the fence on the boundary the disputed lands so that they could put a scaffolding to enable them to plaster their wall. The Claimant gave them the permission to move the fence.
6. On or about 26th October, 2010, The Clamant saw the Defendant’s agents, digging a trench on her side of the premises.
7. The Claimant asked the workers, to stop from doing it because they are digging the trench in her property. They called the defendant and she send her brother in law and he measured 4 ft from the defendant’s house and it still fell wihin the premises of the disputed land and told the workers to build the trench.
8. The Claimant went to the Land Settelment Agency in the Orange Grove, and spoke to CEO Mr.Sammy who asked to go to the containment department.
9. On 27th October, 2010 the Claimant went to the containment department in Port of Spain and made a report to officer Sebastian., who informed her that he do not have enough staff to send with her but will look into the matter,
10. On 27th October, 2010 the Claimant saw a group of people standing in her premises. At that moment She was afraid for her life and called the police. Who took her report over the phone and did not send any aid to her assistance.
11. The Claimant also called the The LSA who told her that they will send two officers.
12. The officers inspected her premises and took some pictures of the work they are doing. They spoke to the defendant and the defendant seized work for while. The Officers confirmed that the trench lies in the Claimant’s property
13. During the Divali Weekend that is 29th , 30th, and 31st they started with the steel work and concrete work and the whole structure for the concrete was finished . (the Photographs of the Wall is hereto attached and marked LS3)
14. They started to put up the blocks. The Wall interferes with the Claimant’s sewer line and her roof. A photograph showing the interference is hereto attached.
15. In digging the trench the Defendants damaged the Claimant’s Sewer line and the Soakaway.
16. The defendant’s threatens and intends to continue the acts unless restrained by this Honourable Court.
17. By reason of the matters aforesaid the Claimant suffered loss and damage.

**AND THE CLAIMANT CLAIMS**

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, and or constructing a Wall on the premises of Corner Allick Terrace, and Bagatelle Road, Diego ( hereinafter disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing or moving the boundary stones and removing the chain link on the premises of Corner Allick Terrace, Bagatelle Road, Diego
3. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands.
4. An order that the Defendant do forthwith pull down and remove the wall constructed on the disputed lands.
5. A declaration that the Defendant is not entitled to enter or cross the Claimant’s said disputed lands.
6. 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.
7. **Damages**
8. Aggravated damages.
9. Costs
10. Such further and or other reliefs as the nature of this case may require.

----------------------------------

Christopher Ross Gidla

Claimant’s Attorneys at Law

**DATED** the day of ,2010

CERTIFICATE OF TRUTH

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

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 2010

**SUMATEE LATCHMAN**

**Claimant**

**AND**

**KALIAH ABDULLAH Defendant**

APPEARANCE

Please enter appearance for KALIAH ABULLAH

**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 support? YES/NO

1. If so on what date did you receive them? ----------/-------/---------
2. Are your names properly stated on the Claim Form? YES/NO

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

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

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

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

1. Do you admit the whole of the claim? YES/NO
2. Do you admit any part of the claim? YES/NO
3. If so, what do you admit? ....................
4. 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................................ Dated

[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**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2010

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 2010

**SUMATEE LATCHMAN**

**Claimant**

**AND**

**KALIAH ABDULLAH 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,which must be within 3 miles of the court office

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 2010

**SUMATEE LATCHMAN**

**Claimant**

**AND**

**KALIAH ABDULLAH Defendant**

**NOTICE OF APPLICATION**

The Claimant, **SUMATEE LATCHMAN** of Lot #2 Corner Allick Terrace and Bagatelle Road, Diego Martin in the Island of Trinidad, applies to the court for an order that

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, and or constructing a Wall on the premises of Corner Allick Terrace, and Bagatelle Road, Diego ( hereinafter disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing or moving the boundary stones and removing the chain link on the premises of Corner Allick Terrace, Bagatelle Road, Diego
3. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands.
4. An order that the Defendant do forthwith pull down and remove the wall constructed on the disputed lands.
5. A declaration that the Defendant is not entitled to enter or cross the Claimant’s said disputed lands.
6. 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.

A Draft order is attached

**The grounds of the application are**

1. The Claimant is and was at all material times a tenant of the disputed lands leasing from the Land Settlement Agency.
2. The Defendant is and was at all material times a tenant of the adjoining lands.
3. The Defendant is in the process of constructing a Wall on the Claimant’s Land and threatens and intends to construct the Wall unless restrained by this Court
4. 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 2010

NOTICE:

This application will be heard by His Lordship the Honourable Mr. Justice , on the day of 2010 at am/pm at the Hall of Justice, Knox street, Port of Spain in court room

**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.

The Applicant’s address for service is Gidla and associates of #123 Duke Street, Port of Spain, whose address for service is 123 Duke 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 2010

**SUMATEE LATCHMAN**

**Claimant**

**AND**

**KALIAH ABDULLAH Defendant**

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

**ORDER**

Before the Honourable Justice

Dated this day of 2010

Entered the day of 2010

Before the Honourable

**UPON READING** the Claimant’s Notice of Application filed on the day of , 2010 and the Claimant’s affidavit sworn to and filed on the day of ,2010 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 or howsoever from entering, remaining, and or constructing a Wall on the premises of Corner Allick Terrace, and Bagatelle Road, Diego ( hereinafter disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing or moving the boundary stones and removing the chain link on the premises of Corner Allick Terrace, Bagatelle Road, Diego
3. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands.
4. An order that the Defendant do forthwith pull down and remove the wall constructed on the disputed lands.
5. A declaration that the Defendant is not entitled to enter or cross the Claimant’s said disputed lands.
6. 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.

…………………………………………………

Registrar of the Supreme Court

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 2010

**SUMATEE LATCHMAN**

**Claimant**

**AND**

**KALIAH ABDULLAH Defendant**

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

I, **SUMATEE LATCHMAN,** of Corner Allick Terrace, Bagatelle Road, Diego Martin in the island of Trinidad make oath and say as follows:

1. I am the Claimant herein. The Facts and matters herein deposed to are true and correct and within my personal knowledge except where stated to be on information and belief in which case I verily believe same to be true.
2. I am and was at all material times a tenant in possession of land and the premises known as Lot #102, Corner Allick Terrace, Bagatelle Road, Diego Martin. I am leasing the land from the Ministry of Housing and Settlement, under a squatter regularization programme. (Copy of the agreement is hereto attached and marked LS1”)
3. The Defendant is and was at all material times a tenant in possession of adjoining premises known as #103 Corner Kennedy and Bagatelle Road, Diego Martin.
4. On or about 25th October, 2010 the Defendant asked my permission to move the fence on the boundary of my premises so that they could put a scaffolding to enable them to plaster their wall. I gave them the permission to move the fence.
5. On or about 26th October, 2010, I saw the Defendant’s agents, digging a trench on my side of the premises.
6. I asked the workers, to stop it because they are digging the trench in my property. They called the defendant and she send her brother in law and he measured 4 ft from the defendant’s house and it still fell within my premises and told the workers to build the trench.
7. I went to the Land Settlement Agency in the Orange Grove, and spoke to CEO Mr.Sammy who asked me to go to the containment department.
8. On 27th October, 2010 I went to the containment department and made a report to officer Sebastian., who informed me that he do not have enough staff to send with me but will look into the matter,
9. On 27th October, 2010 I saw a group of people standing in my premises. At that moment I was afraid for my life and called the police. Who took my report over the phone and did not send any aid to my assistance.
10. I Also called the The LSA and told them that there are some people on my premises and they sent two officers. The officers came to my premises and the people disappeared before the officers came there.
11. The officers inspected my premises and took some pictures of the work they are doing. They spoke to the defendant and the defendant seized work for while
12. During the Divali Weekend that is 29th , 30th, and 31st they resumed work with the steel and concrete and the whole structure for the concrete was almost finished . a Copy of the photograph of the Wall is hereto attached and marked LS2
13. They started to put up the blocks. The Wall interferes with my sewer line and my roof. A Copy of the photograph is hereto attaché and marked LS3
14. The defendant’s intends to continue to build the structure further unless restrained by this court.
15. In these circumstances I humbly pray that this court grant me the order for the Claimant as outlined in the prefixed notice of Application filed herein

Sworn to at 123 Duke Street

Port of Spain this )

Day of 2010 )

Before Me,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Commissioner of Affidavits