Trespass

**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 2009

**BISSOONDATH MAHARAJ**

**MAHARAJ REAL ESTATE**

**COMPANY LIMITED**

**Claimants**

**AND**

**GOMATEE ALI Defendant**

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

**CLAIM FORM**

The Claimants, BISSOONDATH MAHARAJ of #21 Greenvale Avenue, Valsayn and Maharaj Real Estate Upper Level, Trincity Mall, Trincity in the Island of Trinidad claims against the Defendant **GOMATEE ALI** of #32 Gran Couva Main Road, Preysal, in the island of Trinidad,

**BRIEF DETAILS OF CLAIM**

1. Damages for trespass to Claimant’s property.
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the disputed lands.
3. **Damages to the injury to feeling and humiliation.**
4. Aggravated damages.
5. Costs
6. Such further and or other reliefs as the nature of this case may require.

**NOTICE TO THE DEFENDANT**- **See the notes served with this Claim Form**

This Claim Form must contain or 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 send it to the court office (address below) so that they receive it within EIGHT days 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 an 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, 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.

Dated the day of ,2009

The Claimant’s address for service is: CHRISTOPHER ROSS GIDLA Attorney At Law, of # 123 Duke Street, Port of Spain whose address for service is in C/o Wilson & Company Attorneys At Law #37 Abercromby Street Port of Spain**.**

Trespass

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**IN THE HIGH COURT OF JUSTICE**

Claim # of 2009

**BISSOONDATH MAHARAJ**

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**COMPANY LIMITED**

**Claimants**

**AND**

**GOMATEE ALI Defendant**

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

**STATEMENT OF CASE.**

1. The Claimant and the Claimant’s mother Ieta Forde have since 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 the Claimant that the property was for the Claimant. The Claimant 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 estopped 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 people 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 Neptunes’s 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.

**AND THE CLAIMANT CLAIMS**

1. Damages for trespass to All and Singular that parcel of land situate at #5 Mercline Drive, Enterprise, Chaguanas hereinafter called “the disputed lands”)
2. 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.
3. 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.
4. 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.
5. 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.
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.
10. 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.

**FORM 3: (Part 9)**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim #

**ROY RAMIREZ Claimant**

**AND**

**DAVID JAMES**

**Defendant**

APPEARANCE

**WARNING:** If this form is not fully completed and returned to the court at the address below within EIGHT days of service of the Claim Form on you, the Claimant will be entitled to apply to have judgment entered against you. If he does so you will have no right to be heard by the Court except as to costs or the method of paying any judgment unless you apply to set judgment aside.

1. Have you received the Claim Form with the above claim number? YES/NO
2. If so, when? ----------/--------/--------
3. Did you also receive the Claimant’s Statement of Case? YES/NO
4. If so when? ----------/-------/---------
5. 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 within 28 days of the service of the Claim Form on you.

1. Do you admit the whole of the claim? YES/NO

If you do you should either

* 1. Pay the claim direct to the Claimant or his attorney, or
  2. Complete the application form to pay the Claim by instalments.

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

If you do you may –

1. Pay the money that you admit direct to the Claimant or his attorney, or
2. Complete the application form to pay the Claim by instalments.
3. If so, how much do you admit? ....................

If you dispute the balance of the claim you must also file a defence within 28 days of service of the Claim Form on you or judgment may be entered against you for the whole amount claimed.

1. 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................................ ..............................

[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 (**part 10)

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim #

**ROY RAMIREZ Claimant**

**AND**

**DAVID JAMES**

**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.

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 #CV 2009-01681

Between

**GOMATEE ALI**

**Claimant**

**AND**

**BISSOONDATH MAHARAJ**

**MAHARAJ REAL ESTATE**

**COMPANY LIMITED Defendants**

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

**NOTICE OF APPLICATION**

The Applicant/Defendant of #21 Green vale Avenue Valsayn and Maharaj Real Estate Upper Level , Trincity Mall, Trincity of in the Island of Trinidad in the Republic of Trinidad and Tobago applies to the court for an order that

1. An Injunction restraining the Claimant, whether by himself, his servants and or agents from entering, remaining and or committing a trespass to good and property situate at #21 Greenvale Avenue, Valsayn and Upper level, Trincity Mall, Trincity.

A Draft order is attached

**The grounds of the application are**

1. On the 28th of July, 2009 the Respondent/Claimant, agents and servants trespassed on the property of the Applicant/defendant situate at #21 Greenvale Avenue, Valsayn and made unlawful demands for monies.

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

CHRISTOPHER GIDLA

Attorney At Law for the Claimant.

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

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 **- - - -**

**ORDER**

Before the Honourable Justice

Dated this day of 2008

Entered the day of 2008

Before the Honourable

**UPON READING** the Claimant’s Notice of Application filed on the day of , 2008 and the Claimant’s affidavit sworn to and filed on the day of ,2008 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 from entering, remaining constructing and or demolishing the dwelling house on the land at # 5 Mercline Drive Enterprise, Chaguanas.
2. An Injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimants, his servants and or agents peaceful and quiet enjoyment of the said lands.
3. That the cost of this application be Cost in the cause.

…………………………………………………

Registrar of the Supreme Court

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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