### IN THE REPUBLIC OF TRINIDAD AND TOBAGO

#### IN THE HIGH COURT OF JUSTICE

#### DIVORCE

##### CHRISTOPHER GIDLA

Quamina, Gidla & Associates

# 123 Duke Street

Port of Spain

Telephone/Fax # 624 4410

Attorney’s Bar # GIC2006148

### 

### Petition No.00037of 2009

## BETWEEN

|  |  |
| --- | --- |
| **WENDY BALLAH** | Petitioner |
| And |  |
| **MICHAEL BATSON** | Respondent |

\* \* \* \* \* \* \*

**NOTICE OF APPLICATION**

The Applicant WENDY BALLAH applies to the Court for an Order.

1. That her evidence in these Proceedings be given on Affidavit be read and used at the trial of the Petition for divorce filed herein on 9th day of January 2009.

The draft Order I seek is attached.

The grounds of the application are: - that the Petitioner will

1. The petition for divorce was filed on 9th January,2009.
2. On or about 10th January, 2009 the Respondent threatened the petitioner that, in the event the petitioner divorces him, he would kill the petitioner.
3. On or about 10th January, 2009, he told the Petitioner that he has gun and a bullet for her.
4. That the petitioner now fears for her life and on advice from her close friends and relatives, the petitioner decided to leave Trinidad and Tobago.
5. That the petitioner made travel arrangements to leave this jurisdiction and would be leaving on 27th January, 2009.
6. That in these circumstances the petitioner would not be able to attend the divorce hearings on 9th of February, 2009.
7. In these circumstances the petitioner humbly pray this honourable court to grant the decree in her absence and tender the affidavit as evidence.

I hereby certify that the facts stated above are true to the best of my knowledge Information and belief.

An Affidavit in support accompany this application

……………………………………..

CHRISTOPHER ROSS GIDLA

Attorney At Law for the Petitioner

Dated this day of 2009.

NOTICE

This application will be heard by the Judge in Chambers on ................. the ........ day of............... 2009 at .......am/pm at the Family Court, NIPDEC HOUSE, #4 Cipriani Boulevard, Port of Spain.

If you do not attend this hearing an Order may be made in your absence.

NB. This Notice must be served as early as possible on the Respondent to this application.

The court Office is at NIPDEC HOUSE, #4 Cipriani Boulevard, Port of Spain telephone number 627-8105 or 627-6297, FAX number 625-5088. The office is open between [8.00 am and 4.00 p.m. every day except Public Holidays and such other days on which the Court Office is closed.

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### Petition No.00037of 2009

## BETWEEN

|  |  |
| --- | --- |
| **WENDY BALLAH** | Petitioner |
| And |  |
| **MICHAEL BATSON** | Respondent |

\* \* \* \* \* \* \*

I **WENDY BALLAH** of LP #**66,PRODUCTION AVENUE, SEA LOTS, PORT OF SPAIN, make oath and say as follows:**

1. I am the Petitioner herein and the facts and matters hereinafter deposed to are true and correct and within my personal knowledge except where otherwise stated in which case I verily believe the same to be true and correct.
2. On the 12th day of March, 2001, I was lawfully married to **MICHAEL BATSON** (hereinafter called “the Respondent”) at the Registrar General’s Office,72 – 74 South Quay, Port of Spain, in the Island of Trinidad. There is now produced and shown to me hereto annexed and marked “**W.B.1**” a true copy of the said marriage certificate.
3. The Respondent and I last lived together at TROU MACAQUE ROAD, LAVENTILLE. The Respondent is a RETIREE of TTEC and resides at TROU MACAQUE ROAD, LAVENTILLE in the Island of Trinidad.
4. There are no children of the family now living, nor has there been any child born to me during the course of my marriage to the Respondent.
5. There have been no previous proceedings in any Court in Trinidad and Tobago or elsewhere with reference to the marriage or to any child of the family or between the Respondent and me with reference to my property of either or both of us.
6. No agreement or arrangement has been made or is proposed to be made between the Respondent and me for my support.
7. The Respondent has behaved in such a way that the I cannot reasonably be expected to live with the Respondent

**PARTICULARS**

1. The Respondent is of violent and uncontrollable temper and I find this intolerable
2. During the course of the Marriage the Respondent would frequently threaten me and I developed a fear for the Respondent.
3. The Respondent would smoke Marijuana and use obscene language and want to fight and break things in the house.
4. The Respondent has assaulted, threatened, harassed and physically assaulted me on many occasions.
5. The Respondent would call me on the phone and say that he have a bullet and gun for me.
6. my marriage to the Respondent has broken down irretrievably as a result of the forbearing and I can no longer remain married to the Respondent.
7. In the premises I humbly ask this Honourable Court to make an Order that the said marriage be dissolved.

Sworn to at #123 Duke Street, \*

Port of Spain this day of \*

2009. \*

Before me,

Commisioner of Affidavits.

### IN THE REPUBLIC OF TRINIDAD AND TOBAGO

#### IN THE HIGH COURT OF JUSTICE

#### DIVORCE

##### CARL D. QUAMINA

##### Quamina, Scott & Associates

# 15 Brierley Street

Sangre Grande

Telephone/Fax # 668-2680

Attorney’s Bar # QUC 1993027

### Petition No. FH 00566 of 2004

## BETWEEN

|  |  |
| --- | --- |
| IRWIN NICHOLAS SMITH | Petitioner |
| And |  |
| NICOLE AUGUSTE | Respondent |

\* \* \* \* \* \* \*

Before the Honourable Mrs. Justice Gibson

Dated the day of 2009.

Entered the day of 2009.

UPON Reading the application filed herein on the day of

2009 and the Affidavit of IRWIN NICHOLAS SMITHsworn on the day of , 2005 and filed on the day of 2005.

UPON Hearing Attorney At Law for the Applicant and Attorney At Law for the Respondent

AND upon Reading the valuation report in respect of the Matrimonial home situate at #7 Bridge Road, Brooklyn Land Settlement, Sangre Grande.

IT IS HEREBY ORDERED

1. That leave is granted for the Petitioners evidence in thee proceedings to be given on Affidavit s and that the sand Affidavit be read and used at the trial of the Petition for divorced filed hereon herein on 13th October 2004.