*Civil*

*Injunction/Trespass/Dispossession*

**Filing Attorney: Augustus Thomas**

**Attorney At Law**

**BAR. no.THA2006142**

**18-20 Pembroke Street Street**

**Port of Spain**

**Advocate: Christopher Ross Gidla**

**Attorney At Law**

**Bar No. GIC2006148**

**18-20 Pembroke Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim NO. CV

**Between**

**SAMAD YOUSSUF ALLI**

**Claimant**

**AND**

**NIZAM MOHAMMED**

**Defendant**

**NOTICE OF APPLICATION**

The Claimant **SAMAD YOUSSUF ALLY**, of Farm No.22, Smithlands, Wallerfield in the Island of Trinidad applies to the court for :

1. 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 land comprising approximately twenty two (22) acres situate at #22 Smithlands, Wallerfield and bounded on the North by lands of Bruce Procope on the South by a Road Reserve, on the east by plot no. 21 and the west by the Lands of Bruce
2. 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**.**
3. A declaration that the Claimant is in possession of and has acquired by virtue of adverse possession.
4. 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**.**
5. Aggravated damages.
6. Costs
7. Such further and or other reliefs as the nature of this case may require.

A draft of the order that I seek is attached.

The grounds of the application is:

1. The Claimant has been in the occupation and possession of the land comprising approximately twenty two (22) acres situate at #22 Smithlands, wallerfield and bounded on the North by lands of Bruce Procope on the South by a Road Reserve, on the East by Plot no. 21 and the West by lands of Bruce Procope together with a dwelling house standing thereon ( herein after called “disputed premises”) for Nineteen (19) years and hence was in adverse possession.
2. The Defendants title to the disputed lands has expired in 1993 and hence do not have a better title than the Clamants.
3. On 10th July, 2013 the Defendants has approached the Claimant with the police and delivered a letter asking them to vacate the disputed premises and threatening them that they will take action to evict them.
4. The Claimant has been informed that the Defendants are making preparations which could be adverse, to evict them from the disputed premises.
5. In these circumstances the Claimants seek protection from this hounourable court and the seek the order as made.

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

An affidavit in support accompanies this application

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Attorney for the Claimant]

Augustus Thomas

Attorney at Law

18-20 Pembroke Street

Port of Spain

Dated the day ,2013

**NOTICE:**

This application will be heard by the Honourable Judge in Chambers on the day of 2012 at am/pm at High Court of Justice, Knox Street, Port of Spain in Court Room no.

**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 Defendants to the application.**

**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.

**TO: Registrar**

**High Court of Justice**

**Port of Spain**

**To:**

**Mr. Nizam Mohammed**

**No.33 Queen Street**

**Arima**

**Or his**

**Attorney at Law**

**Mathew Ramcharan and Company**

**Attorneys at law**

**No.2 Queen Street**

**Arima**

**Trinidad**