**IN THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

**DIVORCE**

**CHRISTOPHER ROSS GIDLA**

GIDLA & ASSOCIATES

123 Duke Street,

Port of Spain

Tel: 624 - 4410

**Petition No of 2011**

**BETWEEN**

|  |  |  |  |
| --- | --- | --- | --- |
| **JENNIFER ALLISON JOSEPH - DAVIS** | | | **Petitioner** |
|  |  | | |
| **And** | |  | |
|  | | |  |
| **RAYMOND DAVIS** | | | **Respondent** |

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR FINANCIAL RELIEF**

I **JENNIFER ALLISON-DAVIS**, of #135 Laventille Road, East Dry River, Port of Spain in the Island of Trinidad, Supplemental Police, make oath and say as follows: -

1. I am the applicant herein and the facts and matters deposed to herein are true and correct except where stated to be on information and belief and in which case I verily believe the same to be true.
2. I depose to this affidavit in support of my application for custody, maintenance of my four Children, RAYANNA KHADISHA DAVIS who was born on the 12th of February, 1998, RAYJEN ALLISON DAVIS who was born on the 24th of November, 1999, RAYNICIA IFEOMA DAVIS who was on the 11th of May, 2004 and RAYNELLA FAITH DAVIS who was on the 4th August, 2005 and financial relief i.e settlement of the matrimonial Property situated at #135 Laventille Road, East Dry River, Port of Spain.
3. The Respondent and I were married on the 13th of December, 1997 at the Methodist Church, No. 24 Harris Promenade, San Fernando. Decree Nisi was granted to me on 26th of June, 2013, on the basis of Two years separation.
4. During the marriage we bought a house in #135, Laventille Road, East Dry River, Port of Spain. We obtained a mortgage from the Trinidad and Tobago Mortgage Finance company. The Loan was taken on his name and the house was registered on both of our names
5. The Respondent is Hospital Attendant and he sometimes drives a P/H car for hiring.
6. I am a Supplemental Police with the ministry of Health. During the marriage I used to provide for the living expenses and also used to take of the children’s needs i.e children’s books, extra curriculum, extra tuition and all other need etc. I used do the cooking , washing and other house hold duties besides working.
7. The respondent and I are separated because of the our reconciliable differences.
8. The respondent has shown a kind of behavior where the Children started complaining that they are not comfortable with his presence.
9. On several instances he assaulted the Children and my daughter Rayann Khadisha Davis had swollen lip because the Respondent hit her on mouth.
10. On an separate occasion the Respondent took my two daughters Rayann Khadisha Davis and Rayjen Allison Davis to Wood brook and showed them the place where the Prostitutes ply their trade.
11. On another incident the Respondent was found lying under the bed of my second daughter Rayjen Allison Davis.
12. The Respondent agreed with me that he would leave the house provided he gets his half which is estimated to be $100,000. I also agreed to pay off the existing mortage on the property.I went and applied for a loan with the TTMF and paid the legal fees and acceptance fees of $2280 and the Loan was approved.
13. After the loan was approved he informed me that he is not willing to sign the transfer.
14. It would cause a grave hardship for me and my daughters if the house was not transferred to my name and so my daughters could live in the house.
15. My daughters are completely comfortable with the Respondents presence albeit a brief access to them.
16. Hence I humbly ask this court to grant the joint custody, with only the liberal access to the respondent, maintenance in the sum of $3000 for four of my children and the matrimonial property to be transferred in my name and I pay the Respondent a sum of $100,000 minus the legal costs and the bank charges.

Sworn to at #123 Duke Street

Port of Spain this day

of 2013.

Before me

Commissioner of Affidavit

### FORM 8: FINANCIAL APPLICATION FORM WITH EVIDENCE

### IN THE REPUBLIC OF TRINIDAD AND TOBAGO

#### IN THE HIGH COURT OF JUSTICE

#### Family

##### CHRISTOPHER ROSS GIDLA

##### Quamina, Gidla & Associates

# 123 Duke Street

Port of Spain

Telephone/Fax # 624 - 4410

Attorney’s Bar # GIC2006148

##### Petition/Application No. of 2008

## BETWEEN

|  |  |
| --- | --- |
| SUNITA RAMBARAN | Applicant |
| And |  |
| **GOPAL RAMBARAN** | Respondent |

**APPLICATION FOR FINANCIAL RELIEF**

The Applicant **SUNITA RAMBARAN**, applies to the Court for the following order:

1. That **the court determine what share if any the petitioner is entitled to in All that 4 bedrooms upstairs and downstairs concrete dwelling house situated at # 55 Eleanore street, Chaguanas.**
2. **All that piece or parcel of land situated at Mayaro in the ward of Guayaguayare comprising Four hundred and sixty four point five square meters (being portion of a larger parcel of land comprising thirty five Acres described in the Schedule to Deed registered as NO.18958 of 1984)**
3. **All that piece or parcel of land together with the building thereon situate at St.Augustine in the Ward of Tacarigua in the county of St.George comprising Five thousand Superficial feet and registered as deed no 411 of 1947**
4. **All that piece or parcel of land situate at no 1 los lomas, cunupia.**
5. **That the Respondent and his daughter Shabnam Rambaran account the monies obtained from the rental of the property aforementioned in the paragraph 3 hereto.**
6. **That the respondent do pay the Applicant such sums as the court deems fit for the maintenance for herself as may be agreed or otherwise deemed just and equitable by the court.**
7. **That an Injunction be granted restraining the Respondent, his servants and/or agents from evicting the applicant from the said premises situated at # 55 Eleanore street, Chaguanas.**
8. **An injunction restraining the Respondent his servants and/or agents or Attorney from selling, mortgaging or otherwise disposing of the aforementioned properties.**

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

Applicant Attorney for the Applicant

whose address for service is as follows: Wilson & Company

Attorneys at law #37 Abercromby Street, Port of Spain.

Fax/Telephone number: 624 - 4410

**---------------------------------------------------------------------------**

**NOTICE OF DIRECTIONS HEARING**

Directions will be given to this application at the directions hearing on day of 2008 at (time) Hearing Room # at

The Court Office is at Family Court, NIPDEC House, Cipriani Place, #4 Cipriani Boulevard, Port of Spain. The office is open between 8:00am and 4:00pm every day except Public Holidays and on such days as the Court Office is closed.

**EVIDENCE OF APPLICANT**

I, **SUNITA RAMBARAN**, of # 55 Eleanore Street,Chaguanas, make oath and say as follow: -

(1) Date of Birth 7th of February, 1949

(2) Date of marriage

(if not married length of cohabitation 27th December, 1979

(3). Details of other proceedings relating to

the relationship: **court order made date**

✓

(a) Divorce decree nisi 29th September,2008

(b Maintenance

(c) Children issues

(d) Domestic Violence

(d) Other

(4) Full details of the children are set out in Form 2

(a) filed at the Court under case number xx.xxx OR

(b) filed with this application.

# Details of my income

(5). Details of employment

(a) type of main employment House Wife

(b) name of employer N/A

(c) address of employer N/A

(d) if self employed give details of

business and of any people with

whom you are in partnership. N/A

(d) gross pay/income N/A

per [week][month][year]

(e) normal take home pay/income N/A

per [week][month][year]

(f) what deductions are made for pension?

(6). Other income:

(a) State benefits

per [week][month][year] N/A

(b) voluntary maintenance N/A

per [week][month][year]

(c) maintenance under court order N/A

per [week][month][year]

Copy order exhibited marked 'A'

(d) income from investments N/A

per [week][month][year]

(e) rents received

per [week][month][year] N/A

(f) income from other work than main employment

per [week][month][year] N/A

# Employment

(7) If not working:

(a) Are you looking for work? NO

(b) Do you expect to look for work NO

within the next two years?

(c) What sort of work could you do? Retired

(d) What qualifications have you?

(e) When did you last work?

(8) If working-

(a) how are any children cared for? N/A

(b) what is the cost of child care? N/A

(c) are you thinking about changing

your job within the next year? N/A

(d) are you likely to get promotion within N/A

next year?

[If answer to (c) or (d) 'yes' - give details]

# Health

(9) Do you suffer from any health problems? NO

If so give details and state if they affect NIL

your employment or ability to get work.

# Cohabitation

(10) Are you living with any person other

than the respondent and any children? NO

(11) If so give details of any financial support

you receive from that person. N/A

# Expenditure

(12) What do you spend on - per [week][month][year]

**House -**

Mortgage RepaymentsNIL

Life Insurance Premiums NIL

Building Insurance Premiums NIL

Contents Insurance Premiums NIL

Rent NIL

Land & building taxes NIL

Water and sewerage charges NIL

Electricity $ 200 per month

Cooking Gas $ 46

Telephone NIL

Repairs and Decoration NIL

Furniture/furnishing replacements NIL

**Personal Expenses**

Food $2,500 per month

Laundry/Cleaning 65 per month

Medical/Dental/Optical NIL

Clothing/Shoes $200.00 per week

Hairdressing NIL

General Housekeeping expenses (contribution) NIL

Help in house NIL

Gardener/yard help NIL

Entertainment NIL

Holidays and Outings NIL

Presents NIL

Newspapers/Magazines NIL

Other NIL

Repayment of debts/loans etc. NIL

**Cost of working**

Travel to work NIL

Pension contributions NIL

Union/Professional Body Subscriptions NIL

**Expenditure on Children**

Food NIL

General Clothing NIL

School Uniform etc. NIL

School fees NIL

Lunch money NIL

School books NIL

General school supplies NIL

Extra tuition NIL

Travel to School NIL

Medical /Dental costs NIL

Toys/Games/Sports NIL

Outings NIL

Holidays NIL

Hairdressing NIL

Presents NIL

Pocket money

Child Care NIL

**Car**

Insurance TBC 8535 Nissan Pickup truck

Hire Purchase etc $ 700 per year

Repairs/Servicing NIL

Gas/Oil $ 100

# Capital and other assets

(13) Is the house you live in -

(a) owned by you? NO

(b) owned jointly with...................(name) of

...................................................(address)? The respondent, #55, Eleanore street,

chaguanas

(c) owned under a statutory lease? NO

(d) rented? NO

**If owned:**

(a) what do you think the house

is worth? 2,000,000.00

(b) Is the house mortgaged? NO

(c) Who is the lender?

(d) How much is owing on the mortgage? $

(e) Is there any other security (e.g. life insurance policy)? NO

If so, give details

(i) name of insurance company

(ii) number of policy

(iii) with or without profits

(iv) when due to mature

(iv) estimated value at maturity. $

(14). Do you own any other property? NO

If so -

(a) in your sole name

(b) jointly with

(c) what do you think the house

is worth?

(d) Is the house mortgaged N/A

(e) Who is the lender?

(f) How much is owing on the mortgage? N/A

(g) Is there any other security (e.g. life insurance policy)? N/A

If so, give details

(i) name of insurance company N/A

(ii) number of policy N/A

(iii) with or without profits N/A

(iv) when due to mature N/A

(iv) estimated value at maturity. N/A

(15) Do you own any stocks or shares? NO

If so give details below or on a separate piece of paper:

details of stock/share

date bought

price paid

present estimated value.

(16) Do you have any money invested in-

Bank NO

Building Society NO

Life Insurance Policy NO

Business NO

Unit Trusts NO

Credit Unions NO

Other NO

(if so, give details)

# Bank Account

(17) Do you have a Bank Account? NO

If so

Name of bank

Account number

Type of account

Present balance

# Other assets

(18) Do you own a car yes, Nissan pickup Truck

if so give details -

Registration Number PBC 8535

Make and Model NISSAN PICKUP TRUCK

Value $ 35,000

Outstanding loan. NO

(19) Do you have any other assets worth more than $2,500?

If so, give details

(a) Jewellery N/A

(b) Antiques N/A

(c) Paintings N/A

(d) Works of Art. N/A

(e) Boat N/A

1. Computer N/A
2. Other N/A

# Debts

(20) (a) Are you behind with -

Mortgage repayments? NO

Rent? NO

How much?

(b) have any steps been taken to repossess your house?

Do you owe

(c) debts to financial institution/bank/credit company/credit cards?

NO

if so, give details of -

amount of debt N/A

when borrowed N/A

for what

amount outstanding N/A

repayments $

per[week][month][year] N/A

are any repayments in arrear? N/A

(d) personal debts NO

give details.

# Respondent

# So far as you know -

(21) Is the respondent to this application working? YES

If so

For whom? Medical Doctor, self employed

What is his/her take home income Do not Know

Per month

Does he/she own/ have share in a business? Do not know

If so, give details

If not working, could the Respondent work? N/A

What do you say the Respondent could

(a) do?

(b) earn?

Does the Respondent own a house? YES

If so -

(a) address # 55 Eleanore Street, Chaguanas

(b) solely? or

(c) jointly with Applicant

(d) what is value Two million dollars app.

(e) is it mortgaged NO

(f) for how much

Does the Respondent have

(a) other property Yes

(b) investments

(c) life insurance policies

(d) bank account Yes

(e) money in building society

(f) money invested elsewhere

(g) car Yes

(h) other valuable assets

If so, give brief details

Property in St.Augustine with 16 bedrooms, property situated at Mayaro, property situated at los lomas

(22) **Other matters including other liabilities not otherwise mentioned:**

**(set out BRIEFLY any other matters which you think may be relevant to your application for financial provision)**

# What orders do you seek?

(23) Set out as clearly as possible what orders you seek

1. For maintenance of yourself yes
2. For maintenance of the children No
3. About the matrimonial home half the share
4. About capital half the share

**SWORN** to at …………………………..

……………………………………………

this………..day of ……………………2008.

Before me

The **Court Office** is at [ ], telephone number xxx.xxxx, FAX number xxx.xxxx. The office is open between [8.00 am and 4.00 p.m. every days except Public Holidays and such other days as the Court Office is closed