

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF  
GUYANA

REGULAR JURISDICTION

COURT FILE NO.: **2018-HC-BER-CIV-FDA-81**

BETWEEN:

SOBHEENAUTH RAMPERTAB of Lot 48 Area Q,  
Turkeyen, East Coast Demerara.

Applicant

-and-

1. SANKAR RAMPERTAB
2. DEOMATTEE RAMPERTAB also known as  
Deomattee Ramoutar, both of Lot 91,  
Corriverton, Corentyne, Berbice.

Respondents

The Honourable Justice Navindra A. Singh, Puisne Judge

Mr. Rodwell Jugmohan for the Applicant

First Named Respondent in person

Mr. Adrian Anamayah for the Second Named Respondent

**Delivered via electronic mail on June 25<sup>th</sup> 2019**

**DECISION**

It must be noted that the evidence in the trial of this Application was received at the same time that the evidence in the trial of an Application in High Court Action **328 FD of 2018 [Berbice]** was received since both Applications concerned the same subject matter property, though the matters were not consolidated.

The First Named Respondent and the Second Named Respondent are husband and wife and the Applicant and the First Named Respondent are brothers.

In High Court Action **328 FD of 2018 [Berbice]** the Second Named Respondent applied to the Court to make a finding that the subject matter property herein was in fact matrimonial property as between her and the First Named Respondent and to further make an equitable distribution order with regards to the said property.

The Court found in that case that based on the principle of promissory estoppel the Applicant herein is estopped from laying any claim to the property situate at lot 91 being a portion of lot lettered "H", a portion of the front lands of lot No. 78, Corriverton, Berbice with the building thereon.

Based on that finding and judgement delivered on June 25<sup>th</sup> 2019 the Applicant cannot legally be granted possession of the said property.

In the circumstances this FDA is dismissed.

The Court awards costs to the Second Named Respondent against the Applicant in the sum of \$50,000.00.

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Justice N. A. Singh