

LANDLORD-TENANT LAW---LANDLORD'S USE OF SELF-HELP
MEASURES TO OBTAIN POSSESSION ENJOINED

Wheeler v. Williams (Superior Court, Chancery
Division, Bergen County, Filed May 6, 1970)
by Ronald B. Atlas, Bergen County Legal Services.

In this action, the plaintiff, a month-to-month tenant, alleges that the defendant landlord illegally evicted her and a minor child, distrained her goods and chattels, and threatened use of other self-help measures such as locking out the plaintiff.

The tenant sought compensatory and punitive damages, an injunction preventing the landlord from locking her out and from interfering with her quiet use and enjoyment of the premises, and a declaratory judgment that the remedies provided by the summary dispossession statutes are the exclusive means for a landlord to recover possession of leased premises.

On May 6, 1970, Judge Lora of the Superior Court, Chancery Division, declared that the dispossession statutes are the exclusive remedies for a landlord and temporarily enjoined the landlord from using any self-help measures to dispossess plaintiff. On the return date, May 28, 1970, the injunction was made permanent.

Complaint; Affidavit; Order to Show Cause and Temporary Restraint; Memorandum of Law.