



## Adil Mohamedbhai

Year of Call: 2010

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### Overview

Adil has a broad commercial chancery practice. Since joining Chambers in 2012, Adil has developed substantial experience in civil fraud, commercial, company, partnership and offshore trust disputes. Adil acts both as sole counsel and junior counsel as part of a team of barristers. Adil has been selected by Legal 500 as one of the top ten commercial barristers under eight years' call in both 2016 and 2017. He is one of a handful of juniors (and the most junior by year of call) to be recognised as a leading barrister by Who's Who Legal: UK Bar 2018 - Fraud (Civil), which ranks him as one of the three most highly regarded juniors at the English Bar in that field.

Prior to coming to the Bar, Adil qualified as a solicitor at Freshfields, where he was involved in a broad range of transactional and contentious work. During 2009 - 2010, Adil was appointed as one of the first judicial assistants to the Justices of the UK Supreme Court, where he worked for Lords Rodger and Brown.

### Areas of expertise

- Civil Fraud
- Company
- Partnership and LLP
- Trusts and Probate
- Commercial Litigation
- Insolvency
- Chancery
- Offshore

### Recommendations

Commercial Litigation, tier 1 (Legal 500)  
Who's Who Legal: UK Bar 2018 - Fraud (Civil)

### Quotes

*"Very easy to work with and on top of all the detail - he will go far."*

*"One of the smartest people one can meet, a total star."*

“One of the smartest juniors at the chancery Bar. He is exceptionally focused with a brilliant legal mind.”

## Civil Fraud

Acting (with Philip Jones QC and Daniel Lightman) for the defendants in *National Crime Agency v Perry and others*, a complex multi-million pound civil recovery claim. The case raised questions of fraud, tracing, foreign law, insurance, limitation and contractual construction (amongst many others).

Acting for the defendants in LMAA arbitration proceedings concerning a complex dispute relating to the construction of superyachts. Various serious allegations of fraud were made in the course of the proceedings, including an allegation that evidence had been manufactured by the claimant for the purposes of misleading the tribunal in the defendants' successful security for costs application.

Advising in relation to a potential multi-million pound claim about directors diverting business opportunities from a group of companies.

Acting (with Dominic Dowley QC) for the main defendant in High Court proceedings in which there were allegations that a company had been sold at an artificially inflated price.

Acting (with Justin Higgo) in relation to a High Court dispute arising out of the sale of an artwork worth several millions of pounds. Justin and Adil were acting for the defendant, who was alleged to have received secret commissions as part of the sale of the artwork.

Acting (with Hugh Norbury QC) for the principal defendant in *FM Capital Partners Ltd v Marino and others*, a high-value dispute relating to alleged breaches of duty relating to investments made by a Libyan sovereign wealth fund.

Acting (with Hugh Norbury QC) for the claimant in *Motortrak Ltd v FCA Australia Pty Ltd* [2018] EWHC 990 (Comm), a claim for unpaid services in which the defendant claimed that the relevant contract had been procured by bribery. Adil also assisted with the preparation of an anti-suit injunction application in that case.

Acting (with Hugh Norbury QC) for a corporate guarantor in the latest instalment of the long-running saga of the attempts by Dubai Islamic Bank to recover over US\$400m arising out of the settlement of a fraud against the bank. The case – *Dubai Islamic Bank v Oiax Ltd* - raises novel issues of the effect of foreign illegality on an English law contract. It is due for trial in the first half of 2019 in the Commercial Court.

## Company

Advising in relation to a potential multi-million pound claim about directors diverting business opportunities from a group of companies.

Acting (with Dominic Dowley QC) for the main defendant in High Court proceedings in which there were allegations that a company had been sold at an artificially inflated price. The case gave rise to complex questions about how to value a company's potential loss.

Assisting Daniel Lightman in relation to a claim against nominee directors concerning their handling of assets of the company.

Advising (with Nicholas Lavender QC) in relation to claims and cross-claims brought in Jersey by and against the

former Chairman of a group of companies owning very valuable infrastructure assets across Europe. Adil acted for the companies. The claims and cross-claims gave rise to complex questions relating to the scope of a director's fiduciary duties.

Acting (with Hugh Norbury QC) for the principal defendant in *FM Capital Partners Ltd v Marino and others*, a high-value dispute relating to alleged breaches of duty relating to the investments made by a Libyan sovereign wealth fund.

Acting (with Daniel Lightman QC) for certain of the respondents to three unfair prejudice petitions relating to companies involved in the hotel business. Led by Daniel Lightman QC, Adil appeared before Sir Nicholas Warren in *Griffith v Gourgey & Ors* [2018] EWHC 1035 (Ch) and Fancourt J in *Griffith v Gourgey & Ors* [2018] EWHC 1484 (Ch); [2018] 3 Costs LR 605.

## Partnership and LLP

Acting (with John Machell QC) for the intervener in the Supreme Court appeal concerning whistleblowing and worker status of LLP members in *Bates van Wilkenhof v Clyde & Co LLP* [2014] UKSC 32.

Acting (with John Machell QC) in *Campbell v Campbell* [2017] EWHC 182 (Ch), a case principally about the extent of a worldwide jewellery partnership. Adil has also provided some assistance in relation to the Jersey proceedings in this dispute.

## Trusts and Probate

Advising in relation to a complex application for a limited grant of probate in respect of the estate of an international businessman domiciled abroad.

Acting (with Alan Boyle QC and Jonathan Adkin QC) in relation to a confidential trust dispute involving very substantial trusts in Bermuda containing assets worth billions of pounds. Adil assisted Leading Counsel in *Trustee 1 & Ors v Attorney General & Ors* [2015] SC (Bda) 41 Com (Bermuda).

Advising the trustees of a discretionary trust established in Bermuda in respect of potential claims arising out of a multi-million dollar investment in a now-insolvent high-risk fund.

Advising the existing beneficiaries of a discretionary trust in relation to the decision of the trustee to add a further beneficiary.

Advising on whether a property transferred during the course of a long-term relationship was held on constructive or resulting trust.

Assisting with advising a trustee of a trust of which the sole beneficiary was a highly successful banker in relation to potential very substantial claims against the trustee of an employee benefit trust.

Advising on the rights and obligations of a protector of substantial Jersey trusts.

Advising on a dispute relating to the ownership of properties in Jersey raising issues of constructive trust, resulting trust, proprietary estoppel and unjust enrichment.

Acting (with Jonathan Adkin QC) for a company ultimately partly held by a Cayman Islands trust in the context of

confidential divorce proceedings.

## Commercial Litigation

Acting (with Philip Jones QC) for the applicants in *Perry and others v National Crime Agency*, in which the applicants are bringing a very substantial compensation claim pursuant to section 283 of the Proceeds of Crime Act 2002.

Acting (with Daniel Lightman) for the claimant in *Perry v C Hoare & Co*, a claim against a private bank for breach of various duties, including duties under FSMA.

Advising in relation to a potential multi-million pound claim about directors diverting business opportunities from a group of companies.

Acting for the defendants in LMAA arbitration proceedings concerning a complex dispute relating to the construction of superyachts.

Acting (with Hugh Norbury QC) for the defendant in *Greenhouse v Skrill Ltd*, a contractual dispute about the terms governing a commercial relationship. The claim is in the Commercial Court.

Acting (with Hugh Norbury QC) for the claimant in *Cornwall v Medichem*, a contractual dispute about non-payment of commission and breach of confidence brought in the Commercial Court.

Acting (with Jonathan Adkin QC) for the defendant in *Certus Capital Ltd v Publiity AG*, a substantial claim relating to the alleged introduction of an investor to an asset manager of German commercial real estate.

Acting for an Italian football club in *Pencill Hill Ltd v US di Citta di Palermo SpA* in relation to various issues arising out of the enforcement of a substantial arbitral award.

Acting (with Hugh Norbury QC) for the principal defendant in *FM Capital Partners Ltd v Marino and others*, a high-value dispute relating to alleged breaches of duty relating to investments made by a Libyan sovereign wealth fund.

Acting (with Hugh Norbury QC) for the claimant in *Motortrak Ltd v FCA Australia Pty Ltd* [2018] EWHC 990 (Comm), a claim for unpaid services in which the defendant claimed that the relevant contract had been procured by bribery. Adil also assisted with the preparation of an anti-suit injunction application in that case.

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Acting for the defendants in related High Court and arbitral proceedings concerning a crude oil sale contract for the sale of crude oil in Nigeria.

## Insolvency

Advising on, and appearing in, a number of bankruptcy and insolvency proceedings in the High Court and in County Courts.

## Qualifications

MA in Law, Girton College, University of Cambridge (Double First, ranked among the top five students)

LLM, Girton College, University of Cambridge (First)

Legal Practice Course (Distinction)

## Memberships

Association of Partnership Practitioners

Chancery Bar Association

COMBAR

## Publications

Contribution to *The Law of Limited Liability Partnerships* (4th edition, 2016)

Contribution to *Contentious Trade Mark Registry Proceedings* (CITMA)

## Languages

French (fluent), Creole (fluent), Gujrati (conversational), Hindi (conversational), Urdu (conversational)

## Prizes

Joint highest grade in the Competition Law paper in the University of Cambridge LLM in 2003 – 2004

Cambridge Commonwealth Trust Scholarship, 2003

Hauser Global Scholarship (to attend NYU; scholarship committee chaired by the President of the International Court of Justice), 2003

The Margaret Hastings Prize, Girton College, University of Cambridge, 2003

The Sir Henry Tomkinson Scholarship, Girton College, University of Cambridge, 2001 – 2004

The Thomas & Elizabeth Walton Award, Girton College, University of Cambridge, 2001 – 2004

The Squire Scholarship, University of Cambridge, 2001 – 2003