



serle court

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Jonathan Upton

Year of Call: 2004

"A silk in waiting. He has an unwavering ability to get to the commercial crux of a matter extremely quickly."

"The perfect package for complex and hard-fought property litigation, Jonathan is both technically brilliant and a creative advocate."

"He combines a sharp mind, deep knowledge, experience and seasoned advocacy with consummate client-handling skills. Very cerebral, persuasive towards judges, prompt and easy to deal with."

Legal 500 & Chambers UK

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Practice Overview

Jonathan's practice involves a wide range of heavy commercial disputes including litigation relating to commercial fraud and asset recovery. He has particular expertise in property related work but his practice also encompasses company and partnership disputes, problems involving trusts, banking and professional negligence claims.

Jonathan has considerable experience of asset recovery, including urgent interim relief (freezing injunctions, proprietary injunctions and asset disclosure orders). He has acted for interveners in a number of divorce cases, usually involving trusts and/or proprietary estoppel.

A substantial part of Jonathan's work concerns real estate developments. His practice covers the full spectrum of disputes, from commercial disputes about joint ventures; fraud and dishonest conduct; failed securities and funding issues to more niche areas of property law.

Jonathan has been ranked in Chambers & Partners and the Legal 500 for many years.

Areas of Expertise

Property

Jonathan's practice includes the full spectrum of real property and commercial and residential landlord and tenant disputes.

He has significant experience in rights of light disputes and disturbances of other easements, acting for both developers and land owners, involving claims for injunctive relief and damages in lieu. His cases frequently involve expert evidence on negotiating damages based on a share of development profit. His recent work includes a claim for £1.9m arising out of the redevelopment of a prominent site in Shoreditch and a claim for an order directing the registration of a light obstruction notice to be cancelled in connection with a proposed development in Deansgate, Manchester.

Jonathan advises and litigates on joint venture disputes and other matters relating to land including contracts for sale, overage, options, injunctions, specific performance, possession and orders for sale. He is acknowledged as a leading practitioner in the field of restrictive covenants.

Jonathan's extensive knowledge of the statutory protections in the residential landlord and tenant context make him the first choice counsel on matters affecting mixed-use developments. He advises and litigates on lease interpretation, tenants' rights of first refusal, right to manage, variation of leases and service charges. His cases frequently involve large group litigation.

Commercial Litigation

Jonathan's practice involves a wide range of heavy commercial disputes, including commercial fraud, enforcement of judgments and asset tracing. He has significant experience of applying for (and resisting) urgent injunctive relief, including proprietary injunctions, freezing orders and asset disclosure orders.

A significant number of his cases include issues relating to contractual interpretation, very often in the context of development disputes.

His recent work includes:

- Acting for a defendant in a commercial fraud claim brought by over 200 claimants against an energy company (Commercial Court)
- Acting for a director and trustee in a claim involving allegations of fraud, breach of trust and breach of directors' duties (ChD)
- A failed joint venture claim involving a £12m real estate development with allegations of fraud (ChD)
- Successfully resisting a freezing injunction in respect of an alleged breach of a contract for sale of a multi-million pound real estate development

Jonathan accepts instructions in disputes (litigation and arbitration) in the British Virgin Islands, Jersey, Guernsey, the Dubai International Financial Centre and Bermuda.

Civil Fraud

Jonathan has extensive experience of cases involving fraud and allegations of dishonesty.

His recent work includes:

- Acting for a defendant in a commercial fraud claim brought by over 200 claimants against an energy company (Commercial Court)
- Acting for a director and trustee in a claim involving allegations of fraud, breach of trust and breach of directors' duties (ChD)
- A failed joint venture claim involving a £12m real estate development with allegations of fraud (ChD)
- Successfully resisting a freezing injunction in respect of an alleged breach of a contract for sale of a multi-million pound real estate development

He is a seasoned trial advocate and has been involved in a significant number of cases involving forged documents, sham transactions and the bona fides of a declaration of trust including *Tigris Industries Inc v Ghassemian* [2016] EWCA Civ 269; *Saranovic v Saranovic* The Times, March 21, 2017; and *Premium Jet AG v Sutton* [2017] EWHC 186 (QB).

Company

Jonathan has acted as sole counsel on company matters including applications for restoration to the register, petitions under s.994 of the Companies Act 2006 and cases concerning directors' duties. He is particularly experienced on matters relating to the management and administration of companies owned and controlled by leaseholders.

Private Client Trusts and Probate

Jonathan's trusts work encompasses co-ownership disputes and applications for orders for sale/TOLATA claims in both the domestic and commercial context. He successfully argued for a resulting trust analysis in *Chaudhary v Chaudhary* [2013] EWCA Civ 758; [2013] 2 F.L.R. 1526; [2013] Fam. Law 1257, cited in all the leading texts. He successfully appeared in the Upper Tribunal (Fancourt J) concerning the First-tier Tribunal's jurisdiction to determine

an application by joint trustees in bankruptcy to register a restriction against a property held in joint names (*Wolloff and Dante (as Joint Trustees in Bankruptcy of Alexander James Dhillon) v Patel* [2019] UKUT 333 (LC)).

Jonathan has acted for intervenors in a number of divorce cases, usually involving trusts and/or proprietary estoppel.

Jonathan has particular experience of cases involving fraudulent dispositions, sham transactions and allegations of dishonesty. He is a seasoned trial advocate and has been involved in a number of cases involving the bona fides of a declaration of trust including *Tigris Industries Inc v Ghassemian* [2016] EWCA Civ 269; *Saranovic v Saranovic* The Times, March 21, 2017; and *Premium Jet AG v Sutton* [2017] EWHC 186 (QB).

Professional Negligence

Jonathan acts in a range of professional negligence disputes, invariably involving solicitors, valuers, surveyors and other property professionals. His extensive knowledge of the underpinning substantive property law and/or valuation principles makes him a natural choice.

Recent work includes a claim against solicitors for failing to register a transaction in circumstances where the vendor subsequently re-sold the property to an innocent third party.

Banking and Financial Services

Jonathan has significant experience in banking and financial services disputes. He has acted in many high value cases about the enforcement of securities in regulated and unregulated lending. He is often instructed to advise and act in securities and receivership cases where enforcement is challenging.

His recent work includes:

- Acting for joint LPA receivers resisting a claim for injunctive relief alleging a failure to comply with the Etridge protocol (ChD)
 - Applying for an urgent injunction restraining receivers from selling a flat valued at £8m at auction
 - Obtaining possession and money judgment for a private bank in a claim involving allegations of fraud and counter-allegations of breach of the loan facility and estoppel by convention
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Partnership and LLP

Jonathan has considerable experience of partnership disputes, often in the context of joint venture development agreements.

His recent work includes:

- *Uthyavel v Raviraj* [2021] EWHC 501 (Ch), a 5-day trial regarding a complex partnership dispute about a business and several properties in London
 - A failed joint venture claim involving a £12m real estate development with allegations of fraud (ChD)
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Group Litigation

Jonathan frequently acts for large groups of investors and leaseholders. Recent examples include:

- *Zaid Alothman Holdings Limited and 75 Others v Better Intelligent Management Limited* [2024] UKUT 253 (LC). Acting for a group of investors.
- *The Canary Riverside Litigation (e.g. Riverside Crem 3 Ltd v Unsdorfer* [2022] UKUT 98 (LC)). Acting for over 100 leaseholders in bitterly contested litigation against the Yianis Group.
- *Leaseholders of Phoenix Place v Better Intelligent Management*. Acting act for a group of investors who own flats in a development comprising studio accommodation in Liverpool. There are parallel proceedings in the FTT and the Business and Property Courts.
- *Chaun-Hui v K Group Holdings Inc* [2021] EWCA Civ 403; [2021] 1 W.L.R. 5981; [2021] 3 WLUK 329; [2022] 1 P. & C.R. 14; [2021] L. & T.R. 12 Acting for a large group of leaseholders in a mansion block on Park Lane, Mayfair.
- *Fairman v (1) Cinnamon (Plantation Wharf) Limited (2) Plantation Wharf Management Limited Cube Real Estate Developments Limited* [2018] UKUT 421 (LC) Acting for as large group of leaseholders in a dispute about the landlord's power to vary the apportionment of service charges.
- *The Optic Freeholders Limited & Others v Francia Properties Limited* [2018] 9 WLUK 451 Tenants' Rights of First Refusal; Enforcement of Purchase Notice 16 years after relevant disposal; validity of purchase notice; delay; whether planning permission a "change in circumstances."
- *Francia Properties Ltd v Aristou & Ors* [2017] L. & T.R. 5 Whether roof development interferes with RTM company's management functions - permission granted for leapfrog appeal to CA.

Jonathan has also acted in many cases for local authorities in borough-wide applications for dispensation with the consultation requirements in relation to electricity contracts, insurance and major works. He has also acted for landlords in similar applications against large groups of leaseholders.

Arbitration

Notable Cases

- *Archer v Archer* [2025] EWHC (Fam) Proprietary estoppel; Beneficial ownership; Intervening in Financial Remedy proceedings
- *Better Intelligent v Alothman Management Ltd* [2025] EWHC 392 (Ch) Inherent defects; disrepair
- *Zaid Alothman Holdings Ltd v Better Intelligent Management Ltd* [2024] UKUT 253 (LC) Costs; unreasonable conduct
- *Octagon Overseas Ltd v Cantlay* [2024] UKUT 72 (LC) Insurance fraud
- *Blackhorse Investments (Borough) Ltd v Southwark LBC* [2024] UKUT 33 (LC) Restrictive covenants; Setting aside final order
- *Lees v Southern Electric Power Distribution Plc* LC-2023-000412. Acting for objector in relation to land adjoining an electricity substation.
- *Riverside Crem 3 Ltd v Unsdorfer* [2022] UKUT 98 (LC); [2022] 4 WLUK 11 Whether management order binding following assignment of landlord's reversion.
- *Eastern Pyramid Group Corporation SA v Spire House RTM Company Limited* [2021] EWCA Civ 1658; [2022] 1 W.L.R. 503; [2021] 11 WLUK 73; [2022] L. & T.R. 8; Times, January 17, 2021 Right to Manage; withdrawal of claim notice; proper construction of s.86(2); consequences of failing to serve notice of withdrawal on qualifying tenants.

- *Chaun-Hui v K Group Holdings Inc* [2021] EWCA Civ 403; [2021] 1 W.L.R. 5981; [2021] 3 WLUK 329; [2022] 1 P. & C.R. 14; [2021] L. & T.R. 12 Whether payments under a management order are “service charges”; recovery of arrears owed to manager following termination of manager’s appointment.
- *Uthyavel v Raviraj* [2021] EWHC 501 (Ch); [2021] 3 WLUK 183 Partnership agreements; Partnership property; Shops.
- *Consensus Business Group (Ground Rents) Ltd v Palgrave Gardens Freehold Co* [2020] EWHC 920 (Ch); [2020] 4 WLUK 236; [2020] 2 P. & C.R. 13; [2020] L. & T.R. 12 Collective enfranchisement; Initial notices; Validity; Permission to amend; meaning of “self-contained building”.
- *Freehold Properties 250 Ltd v Field & Others* [2020] EWHC 792 (Ch); [2020] Ch. 665; [2020] 3 W.L.R. 233; [2020] 4 WLUK 142; [2020] L. & T.R. 15 Meaning of “tenant of a leasehold house” in s.1(1) of 1967 Act; no right to enfranchise an eggshell lease; whether parcels clause void under s.23(1).
- *Martin v Lipton* [2020] UKUT 8 (LC); [2020] 1 WLUK 56; [2020] PLSCS 7 Compensation; Modification; Restrictive covenants; User covenants
- *Woloff and Dante (as Joint Trustees in Bankruptcy of Alexander James Dhillon) v Patel* [2019] UKUT 333 (LC); [2019] 11 WLUK 17; [2020] B.P.I.R. 318; [2020] 1 P. & C.R. DG14; [2020] 4 C.L. 148 Land Registration; Co-ownership; Bankruptcy; Jurisdiction; Constructive and Resulting Trusts
- *CQN RTM Company Limited v Broad Quay North Block Freehold Limited* [2018] UKUT 183 (LC); [2018] 7 WLUK 758; [2019] H.L.R. 9; [2018] L. & T.R. 26 Right to Manage; meaning of “structurally detached”.
- *The Optic Freeholders Limited & Others v Francia Properties Limited* [2018] 9 WLUK 451 Tenants' Rights of First Refusal; Enforcement of Purchase Notice 16 years after relevant disposal; validity of purchase notice; delay; whether planning permission a “change in circumstances.”.
- *Francia Properties Ltd v Aristou & Ors* [2017] L. & T.R. 5 Whether roof development interferes with RTM company's management functions - permission granted for leapfrog appeal to CA.
- *Saranovic v Saranovic* [2017] Co-ownership; beneficial interests; s.1(2)(b) of the Law of Property (Miscellaneous Provisions) Act 1989; unjust enrichment; non est factum; order for sale.
- *Premium Jet AG v Sutton* [2017] EWHC 186 (QB) Enforcement of Foreign Judgments; Final Charging Order; Beneficial Interests; Declaration of Trust; sham transactions; s.423 Insolvency Act 1986; transactions defrauding creditors.
- *Saunders v Al-Himaly* [2017] EWHC 2219 (Ch) Joint venture; proprietary estoppel; unjust enrichment.
- *Tigris Industries Inc v Ghassemian* [2016] EWCA Civ 269 Fraud; beneficial ownership; order for sale; second appeals; abuse of process.
- *Dass v Beggs* [2014] EWHC 164 (Ch) Fraud; security for costs.
- *Ghassemian v Tigris Industries Inc* [2013] EWHC 2170 (Ch); [2013] 7 WLUK Adverse possession; Charged property; Legal charges.
- *Chaudhary v Chaudhary* [2013] EWCA Civ 758; [2013] 5 WLUK 25; [2013] 2 F.L.R. 1526; [2013] Fam. Law 1257 Beneficial interests; Resulting Trusts; Presumption of advancement.
- *Clearwater Properties Ltd, Re* [2013] UKUT 210 (LC); [2013] 3 WLUK 767 Consent; Discharge; Restrictive covenants; User covenants.
- *Daejan Investments Ltd v Benson* [2013] UKSC 14; [2013] 1 W.L.R. 854; [2013] 2 All E.R. 375; [2013] 3 WLUK 107; [2013] H.L.R. 21; [2013] 2 P. & C.R. 2; [2013] L. & T.R. 17; [2013] 2 E.G.L.R. 45; [2013] R.V.R. 164 Service charges; Consultation; Dispensation.

Quotes

"Jonathan is responsive, persuasive and commercial." "He is really clear in his advice, user-friendly and will end up being one of the next big names at the property bar." (Chambers & Partners, 2026)

"Jonathan is an absolute pleasure to work with. He is highly technically impressive and responsive. His advocacy skills are also excellent." "Jonathan has an excellent attention to detail and provides strategic advice." (Chambers & Partners, 2025)

"A silk in waiting. He has an unwavering ability to get to the commercial crux of a matter extremely quickly." (Legal 500, 2025)

"Jonathan Upton is intelligent, reliable and pragmatic in his approach to dealing with matters." (Chambers UK, 2024)

"Jonathan is realistic, which is a valuable skill in commercial settings." "He is just incredibly approachable and helpful. You can just pick up the phone and talk to him." "Jonathan is easy to work with and has a very good understanding of the law." (Chambers UK, 2023)

"The perfect package for complex and hard-fought property litigation, Jonathan is both technically brilliant and a creative advocate." (Legal 500, 2023)

"His written arguments are spot-on and convincing." (Chambers UK, 2022)

"Jonathan is quietly confident and learned, a strong intellect and someone who has really established his own name as a leading practitioner in restrictive covenant and residential law." (Legal 500, 2022)

"He combines a sharp mind, deep knowledge, experience and seasoned advocacy with consummate client-handling skills. Very cerebral, persuasive towards judges, prompt and easy to deal with. A good all-round property barrister with both residential and commercial expertise." (Chambers UK, 2021)

"A good choice for tricky cases, and someone who provides advice efficiently. He is both very commercial and good value for money." (Chambers UK, 2020)

Publications

Co-author, Service Charges & Management, 3rd Edition (Sweet & Maxwell)

Section Editor, [Property Law UK](#)

Managing Editor, [News on the Block](#), The LVT Bulletin

Contributor, Leasehold Life

Contributor, [Flat Living](#)

Memberships

Chancery Bar Association

Property Bar Association

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