



serle court

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Sparsh Garg

Year of Call: 2017

"Sparsh is a outstanding junior. Fearsomely clever and organised, his work is always of a very high standard and he appears destined for great things." "Sparsh is a bright and adept junior."

Legal 500, 2024

SGarg@serlecourt.co.uk



Practice Overview

Sparsh is a chancery and commercial barrister with a particular focus on contentious trusts and estates matters, as well as company disputes.

In line with his core practice, Sparsh is ranked for both Offshore Private Client and Offshore Commercial Work, having regularly been instructed in matters in The Bahamas, Cayman Islands, Gibraltar and Jersey. Sparsh is also called to the BVI Bar and is working on several matters, either as part of a counsel team or as sole counsel, in the BVI.

Sparsh is also regarded as a “rising star” and “up and coming” barrister for traditional chancery and private client work in England. The leading directories describe Sparsh as “*intelligent, hard-working, an innovative thinker....personable and a good team player*”.

Key highlights of Sparsh’s recent work include:

- Acting as sole English counsel in [Re P Trust](#) [2024] JRC 299, Jersey proceedings concerning a claim for the removal of a Jersey trustee and breach of trust in respect of the appointment of trust assets to a beneficiary. The claim has led to the Jersey Court considering a number of issues regarding privacy of trust proceedings, the circumstances in which the parties’ disclosure may be shared with a non-party, and the consequences of the death of a party on trust proceedings.
- Acting (with [Richard Wilson KC](#) and Andrew Holden) in [Dawson-Damer v Grampian Trust Company Ltd](#), an appeal before the Privy Council from The Bahamas to set aside appointments of trust assets in excess of US\$400 million as a breach of the trustee’s duty of adequate deliberation. The appeal considers what constitutes the intentions of a corporate settlor, and in what circumstances a trustee’s deliberation may be regarded as inadequate such as to be a breach of duty.
- Acting (with [Richard Wilson KC](#)) in multiple BVI proceedings concerning a claim for a grant of letters of administration, and a claim for directions by an interim administrator pending the determination of the grant. The proceedings concern complex and novel issues regarding the circumstances in which an interim administrator should recover estate assets distributed to a beneficiary, and when an administration of an estate is regarded as complete.
- Acting (with [Dan McCourt Fritz KC](#)) in derivative proceedings brought by a shareholder before the Supreme Court of Gibraltar regarding alleged breaches of fiduciary duties and unlawful means conspiracy by the company’s alleged de jure and shadow directors. The claim raises a number of complex company law issues, including the circumstances in which the Court should grant permission to a shareholder to bring derivative proceedings, and is estimated to be worth tens of millions of pounds.
- Acting (with Hodge Malek KC and James Potts) in [Morina v Scherbakova](#) [2023] EWHC 3253 (Ch) for the successful claimants in a high-profile claim concerning the estate of the late Russian businessman, Mr Vladimir Scherbakov. The Court accepted the Claimants’ case that Mr Scherbakov’s last Will was valid and had not been revoked prior to Mr Scherbakov’s death, and that Vladimir had acquired an English domicile of choice.

Sparsh was seconded to the dispute resolution team of a leading Gibraltar firm in 2019. While on secondment Sparsh worked on a number of contentious trusts and commercial disputes matters. Following his secondment, Sparsh has continued to work on a number of offshore matters, both as sole counsel and also as part of a larger counsel team. This has included three appeals before the Privy Council, [Chu v Lau](#) [2020] 1 WLR 4656 (a just and equitable winding up on the grounds of deadlock/breakdown in relations between shareholders), [Perry v Lopag](#) [2023] 1 WLR 3494 (the circumstances in which an appeal court should intervene with the trial judge’s findings of foreign law), and [Dawson-Damer v Grampian Trust Company Ltd](#) (a trustee’s duty of adequate deliberation).

Areas of Expertise

Arbitration

Sparsh's recent and current instructions include:

- Acting as sole English counsel in a BVI law unfair prejudice arbitration.
 - Acting (with Tom Montagu-Smith KC) for the respondent in a LCIA arbitration concerning the proper interpretation of a force majeure clause, and rectification of a contract. The arbitral proceedings have involved a consideration of various Middle Eastern banking practices/operations.
 - Acting for the respondent in a LCIA arbitration concerning the lawfulness of a penalty damages clause, and the parties' obligations with respect to the opening of a letter of credit.
 - Advising on a defence to allegations for breach of contract concerning the encashment of guarantees, and counterclaim for failure to deliver goods.
 - Advising on the merits of a LMAA arbitration in a dispute concerning payment for the purchase of a ship, involving conflicts of laws and jurisdiction issues.
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Banking and Financial Services

Sparsh's recent and current instructions include:

- Acting (with Tom Montagu-Smith KC) for the respondent in LCIA arbitral proceedings concerning Middle Eastern banking practices/operations, and a party's entitlement to rely on a contractual force majeure clause.
 - Acting for the respondent in LCIA arbitral proceedings concerning (amongst other issues) the obligations of a buyer and seller with respect to the opening of a letter of credit.
 - Regularly assisting another member of Chambers in FCA proceedings concerning allegations of "knowing concern" in breach of market abuse and listing rules.
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Civil Fraud

Sparsh has a growing civil fraud practice, and has a particular expertise in complex and high-value offshore civil fraud matters encompassing company and trusts matters. His recent matters have included

- Acting (with [Richard Wilson KC](#)) in proceedings across England, the BVI and the Cayman Islands for the trustee of a Cayman law discretionary trust and several BVI companies in response to allegations that the trust is either a "sham", has received assets pursuant to transfers defrauding creditors, or holds assets on resulting trust for the settlor.
- Acting (with [Richard Wilson KC](#)) for defendants in response to a claim before the English High Court concerning allegations of inducing a breach of contract and unlawful means conspiracy in respect of a transfer of land in alleged breach of contractual overage provisions.
- Acting (with [Dan McCourt Fritz KC](#)) in derivative proceedings brought by a shareholder before the Supreme Court of Gibraltar regarding alleged breaches of fiduciary duties and unlawful means conspiracy by the company's alleged de jure and shadow directors.
- Acting (with Hodge Malek KC and James Potts) in a claim for a declaration of beneficial ownership of shares in a valuable BVI company concerning issues such as transfers defrauding creditors, sham trusts and double nominee arrangements.
- Acting as sole English counsel in BVI proceedings in respect of a claim to set aside a transfer of shares in a valuable BVI company on the grounds of undue influence and unlawful means conspiracy.
- Acting as sole English counsel Gibraltar proceedings in respect of a claim to set aside a supposed gift on the

grounds of equitable mistake and undue influence.

- Advising an investor on claims of fraudulent misrepresentation and deceit arising out of false representations states in a prospectus.
 - Acting (with Andrew Holden) on an unfair prejudice petition brought by a minority shareholder against a director of a company and other companies under that director's control for breaches of fiduciary duty, dishonest assistance and knowing receipt.
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Commercial Litigation

Sparsh has a significant multi-jurisdictional commercial practice. He is ranked junior in Legal 500 for Offshore Commercial Disputes where he is described as “*A diligent junior with mastery of the facts*”. His recent work in this field has included:

- Acting as sole counsel in Gibraltar proceedings concerning a claim for damages for breaches of duty of care and contract arising out of an alleged failure to monitor investments in two failing Cayman mutual investment funds.
 - Acting (with Andrew Holden) in [Richards v Kulczyk](#) [2022] EWHC 863 (Ch) for a Guernsey based defendant contesting the English Court's jurisdiction to determine claims in unjust enrichment for provision of services and breach of an alleged oral agreement.
 - Acting as sole counsel in English proceedings concerning a claim for breach of contract and unjust enrichment in respect of a wholesale purchase contract in the construction sector.
 - Acting as sole counsel for the claimant in a claim for breach of various service agreements in respect of money owed thereunder.
 - Successfully defending at trial as sole counsel claims for breach of an implied contract of agency and unjust enrichment for purportedly discharging a liability to a third party.
 - Advising as sole counsel a borrower on a defence to a claim for breach of a loan agreement, which included a defence of promissory estoppel.
 - Advising a major Middle Eastern based contractor on its rights and obligations under various guarantee and share purchase agreements (LCIA rules; DIFC seat).
 - Acting (with Tom Montagu-Smith KC) for the respondent in a LCIA arbitration concerning the proper interpretation of a force majeure clause, and rectification of a contract. The arbitral proceedings have involved a consideration of various Middle Eastern banking practices/operations.
 - Acting for a Middle Eastern respondent in a LCIA arbitration concerning the lawfulness of a penalty damages clause, and the parties' obligations concerning the opening of a letter of credit.
 - Advising a Middle Eastern client on a defence to allegations for breach of contract concerning the encashment of guarantees, and counterclaim for failure to deliver goods.
 - Advising a Middle Eastern client on potential repudiatory breaches of a share purchase agreement.
 - Advising on jurisdiction in respect of claims concerning a failure to deliver a ship docked in Oman.
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Company

Together with his private client work, company litigation forms a core part of Sparsh's practice. He regularly acts in shareholder/director disputes both in England and offshore, either as sole counsel or as part of a counsel team.

Examples of Sparsh's recent work in this field include:

- Acting (with [Dan McCourt Fritz KC](#)) in derivative proceedings brought by a shareholder before the Supreme Court of Gibraltar regarding alleged breaches of fiduciary duties and unlawful means conspiracy by the company's alleged de jure and shadow directors. The claim raises a number of complex company law issues,

including the circumstances in which the Court should grant permission to a shareholder to bring derivative proceedings, and is estimated to be worth tens of millions of pounds.

- Acting (with [Philip Jones KC](#) and Daniel Warents) for the successful appellant before the Privy Council in [Chu v Lau \[2020\] 1 WLR 4656](#), a leading case on just and equitable winding up orders on appeal from the Eastern Caribbean Court of Appeal.
 - Acting as sole English counsel in Gibraltar proceedings concerning a claim for damages in excess of US\$5 million against the claimant companies' alleged de facto or shadow directors for breaches of duty of care and fiduciary duties.
 - Advising (as sole counsel) a shareholder/director on access to the company's accounting records, and winding up the company on the just and equitable ground.
 - Advising (as sole counsel) a minority shareholder on an unfair prejudice petition arising out of exclusion from management, breakdown in relations, breach of contractual agreements, and breach of the governing body's regulatory code of conduct.
 - Acting (with Andrew Holden) on an unfair prejudice petition brought by a minority shareholder against a director of a company and entities under that director's control for breach of fiduciary duty, dishonest assistance and knowing assistance.
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Insolvency

Sparsh is regularly instructed in matters before the High Court and County Court in respect of winding up and bankruptcy petitions.

This has included acting (as sole counsel) for the successful respondent in [Tatishev v Zimmerz Management LP \[2021\] EWHC 2611 \(Ch\)](#), concerning an application to set aside a statutory demand on the grounds of common mistake and misrepresentation. The case involved a consideration of when a compromise agreement may be set aside for mistake, and when a pre-action letter may amount to an actionable misrepresentation.

Sparsh is also advising a group of creditors on their rights in respect of various Cayman mutual funds currently in liquidation.

International and Offshore

In a very short space of time Sparsh has built up considerable experience in the offshore and international field. A rarity for someone of his call, Sparsh is also regularly instructed as sole counsel on offshore matters.

Examples of Sparsh's work in the Caribbean and Gibraltar include:

- Acting (as sole counsel) for a successful trustee in a claim before the Supreme Court of Gibraltar to vary the terms of the trust, and approve a momentous decision.
- Advising (as sole counsel) a successful trustee in a claim before the Supreme Court of Gibraltar on the proper interpretation of a deed of trust, and the meaning of the term "excluded person".
- Acting (as sole counsel) for beneficiaries of a Gibraltar will trust regarding the transfer of assets under the Saunders v Vautier principles and identification of beneficial ownership.
- Acting (with Lewis Baglietto KC and Moshe Levy) on a claim before the Supreme Court of Gibraltar for breach of directors' duties arising out of the directors' failure to monitor and redeem the companies' investments in failing Cayman mutual investment funds. The claim involves (amongst others) the duties of de facto and shadow directors under BVI law.
- Acting (with David Brownbill KC and Daniel Warents) for the appellants in *Perry v Lopag CICA* (Civil) Appeal No.16 of 2020 before the Cayman Court of Appeal. The appeal concerned findings of foreign law and

rescission for equitable mistake.

- Acting (with Lewis Baglietto KC) for the successful trustee in *Church Lane Trustees Limited v Bunyan* [2021] GSC 28 before the Supreme Court of Gibraltar. This was a claim for the Court’s approval of the Trustee’s decision to make a final distribution of the Trust’s assets, and the Trustee’s final accounts. The case also involved the Court’s approach to the interpretation of a settlor’s letter of wishes, and the extent to which a trustee may hold a beneficiary responsible for the costs of historic litigation.
- Acting (with Elspeth Talbot Rice KC) in *O Trustee v Q* Claim No. BVIHCM 2020/0116 before the Eastern Caribbean Supreme Court for the successful applicant in her application to be appointed the “next friend” of the trusts’ minor beneficiaries, and to generally represent the minor beneficiaries in matters concerning the trustees’ proposals. The case involved novel issues such as the circumstances in which a Court may recognise a foreign parentage/guardianship order.
- Acting (with Philip Jones KC and Daniel Warents) for the successful appellant before the Privy Council in [Chu v Lau \[2020\] 1 WLR 4656](#), a leading case on just and equitable winding up orders on appeal from the Eastern Caribbean Court of Appeal.
- Advising (with Andrew Holden) a Guernsey trustee on a successful claim for Beddoe relief.
- Assisting (with Andrew Holden) in a claim to remove a PTC as trustee of two Bahamian trusts.
- Advising (with Andrew Holden) a Gibraltar trustee on a claim for breach of trust by the beneficiaries arising out of foreign tax liabilities.
- Assisting a Gibraltar trustee in a *Public Trustee v Cooper* application in relation to a compromise agreement between the primary beneficiaries.
- Being instructed as part of a large Counsel team on a dispute arising out of investments made through an insurance wrapper.

Sparsh is also regularly instructed on commercial disputes in both the UAE and Oman (see the Commercial Litigation section above for further information).

Partnership and LLP

Sparsh is currently advising the administrators of a deceased estate in respect of the valuation of the deceased’s interest in a limited liability partnership.

Sparsh acted for the successful appellant before the Privy Council in [Chu v Lau \[2020\] 1 WLR 4656](#) (led by Philip Jones KC and Daniel Warents), a leading case on the applicable principles for quasi-partnerships and where a dispute between quasi-partners may lead to a winding up of the quasi-partnership. This case involved a consideration of the applicable principles relating to a “no fault” dissolution of a partnership.

Private Client Trusts and Probate

Sparsh’s practice includes a broad mixture of both domestic and offshore trusts/probate litigation. Examples of Sparsh’s recent work include:

- Acting for the claimants in *Morina & Ors v Scherbakova & Ors*, English High Court proceedings concerning a probate claim and a claim as to the ownership of the shares in a BVI company (led by Elspeth Talbot Rice QC, Ben Faulkner and Jamie Holmes).
- Acting (as sole counsel) for a successful trustee in a claim before the Supreme Court of Gibraltar to vary the terms of the trust, and approve a momentous decision.
- Advising (as sole counsel) a successful trustee in a claim before the Supreme Court of Gibraltar on the proper interpretation of a deed of trust, and the meaning of the term “excluded person”.

- Acting (as sole counsel) for beneficiaries of a Gibraltar will trust regarding the transfer of assets under the Saunders v Vautier principles and identification of beneficial ownership.
- Acting (with Lewis Baglietto KC) for the successful trustee in *Church Lane Trustees Limited v Bunyan* [2021] GSC 28 before the
- Supreme Court of Gibraltar. This was a claim for the Court's approval of the Trustee's decision to make a final distribution of the Trust's assets, and the Trustee's final accounts. The case also involved the Court's approach to the interpretation of a settlor's letter of wishes, and the extent to which a trustee may hold a beneficiary responsible for the costs of historic litigation.
- Acting (with Elspeth Talbot Rice KC) in [O Trustee v Q Claim No. BVIHCM 2020/0116](#) before the Eastern Caribbean Supreme Court for the successful applicant in her application to be appointed the "next friend" of the trusts' minor beneficiaries, and to generally represent the minor beneficiaries in matters concerning the trustees' proposals. The case involved novel issues such as the circumstances in which a Court may recognise a foreign parentage/guardianship order.
- Acting (with Philip Jones KC and Daniel Warents) for the successful appellant before the Privy Council in [Chu v Lau \[2020\] 1 WLR 4656](#), a leading case on just and equitable winding up orders on appeal from the Eastern Caribbean Court of Appeal.
- Advising (with Andrew Holden) a Guernsey trustee on a successful claim for Beddoe
- Assisting (with Andrew Holden) in a claim to remove a PTC as trustee of two Bahamian trusts.
- Advising (with Andrew Holden) a Gibraltar trustee on a claim for breach of trust by the beneficiaries arising out of foreign tax liabilities.
- Assisting a Gibraltar trustee in a *Public Trustee v Cooper* application in relation to a compromise agreement between the primary beneficiaries.
- Acting in a defence to a claim under the Inheritance Act 1975.
- Acting as sole counsel in High Court proceedings concerning a claim under the Inheritance Act 1975 for reasonable financial provision and beneficial ownership of the matrimonial home.

Quotes

"Sparsh is very committed, very diligent, and delightful to deal with. His written submissions are always of the highest standard, and his advocacy is also exceptionally good." Chambers & Partners, 2025

"Sparsh is very knowledgeable but also able to distil that knowledge into practical advice that is easy to understand and implement." Chambers & Partners, 2025

"A very solid junior, who is able to grapple with complex issues of law and facts. He provides clear advice, is very responsive to emails and is just a pleasure to work with." Chambers & Partners, 2025

"Sparsh is very committed, very diligent, and delightful to deal with. His written submissions are always at the highest standard, and his advocacy has also been of an exceptionally high standard." Chambers & Partners High Net Worth, 2024

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Publications

Contributor to [International Trust Laws](#) (Jordans, loose-leaf), chapter on England.

Scholarships and Prizes

Lord Denning Scholarship – Lincoln's Inn

Hardwicke Award – Lincoln's Inn

Excellence Award – BPP University

Buchanan Prize – Lincoln's Inn

Shelford Scholarship – Lincoln's Inn

EFTA Court Scholarship – Lincoln's Inn

Education & Qualifications

LLB Law (First Class) – University College London

LLM Law – New York University School of Law

BPTC (Outstanding) – BPP University

Memberships

The Chancery Bar Association

COMBAR

Advocate (formerly the Bar Pro Bono Unit)

The Society of Asian Lawyers
