



serle court

clerks@serlecourt.co.uk
+44 (0)20 7242 6105

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 practitioner. He has a varied practice with a particular focus on trusts and estates litigation, company law, insolvency and commercial disputes.

Sparsh is regularly instructed as sole counsel, or as part of a larger counsel team, in both English and international litigation/arbitral proceedings. He has acted or advised in relation to disputes before the English High Court, as well as matters in Gibraltar (where he has been called ad hoc), The Bahamas, Bermuda, BVI, Cayman Islands, the DIFC, Guernsey and in LCIA/LMAA arbitrations.

Examples of Sparsh's recent work include:

- 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.
- 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.
- 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.
- 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.

Sparsh has also contributed to the latest chapter on "England" of International Trust Laws loose-leaf (with Bajul Shah and Owen Curry). Sparsh also worked in the Brussels office of a major international law firm, and was seconded to the litigation team of a leading international offshore firm where he worked on multiple complex and high-value contentious trusts matters. Further details of Sparsh's experience are set out below.

Areas of Expertise

Arbitration

Sparsh's recent and current instructions include:

- 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.
-

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.
-

Civil Fraud

Sparsh's recent and current instructions include:

- Advising an investor on claims of fraudulent misrepresentation and deceit arising out false representations stated in a prospectus.
 - Assisting another member of Chambers on jurisdiction issues concerning claims for a constructive trust over secret profits, knowing receipt, dishonest assistance and unjust enrichment.
 - 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 breach of fiduciary duty, dishonest assistance and knowing assistance.
-

Commercial Litigation

Sparsh is building a commercial practice, with a particular focus on clients based in the UAE and Oman. He is fluent in Hindi/Urdu, which has often proved to be useful in conversing with clients of South Asian origin in the region.

Sparsh's recent and current instructions from the GCC region include:

- 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.

In addition, Sparsh's domestic instructions include:

- Acting (with Andrew Holden) for a Guernsey based defendant contesting the English court's jurisdiction to determine claims in unjust enrichment for services provided, and breach of an alleged oral agreement.
- 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.

Company

Sparsh 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 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 (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 Cayman mutual investment funds. The claim involves (amongst others) the duties of de facto and shadow directors under BVI law.
- 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.

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 Beddow 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 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.

Property

Sparsh is happy to accept instructions in all fields of real estate litigation. His current and recent instructions include:

- Acting (as sole counsel) in a dispute between two neighbours concerning allegations of trespass to land and harassment. This included a successful application for relief from sanctions with a costs order against the respondent.
 - Advising (with Helen Galley) on a claim for unlawful interference with economic interests under a tenancy agreement and injunction in support.
 - Acting (as sole counsel) in a claim for beneficial ownership of the matrimonial home.
-

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 Beddow
- 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 a outstanding junior. Fearsomely clever and organised, his work is always of a very high standard and he appears destined for great things." Legal 500, 2024

"Sparsh is a bright and adept junior." Legal 500, 2024

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
