serle court

Sparsh Garg

Call: 2017

Sparsh Garg clearly really loves his work. He is very productive, willing to get stuck in, and produces high-quality work.

CHAMBERS HIGH NET WORTH

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

Sparsh Garg is a chancery and commercial barrister, with a particular focus on contentious trusts and estates matters, as well as company disputes. Over the last few years, he has acted in a number of complex and high-value trusts and company matters.

In line with his core practice, Sparsh is recognised in the directories for both Offshore Private Client and Offshore Commercial Work. He is having regularly been instructed in matters in The Bahamas, Gibraltar and Jersey. He is 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. Clients describe him as "*intelligent, hard-working, an innovative thinker... personable and a good team player*".

Sparsh was seconded to the dispute resolution team of a leading Gibraltar firm in 2019. While on secondment, he worked on several 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 as part of a larger counsel team. This has included three appeals before the Privy Council, *Chu v Lau* [2020] (a just and equitable winding up on the grounds of deadlock / breakdown in relations between shareholders), *Perry v Lopag* [2023] (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).

Expertise

Arbitrators

Contact

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Dan Wheeler: +44 (0)7714 853641

General enquiries

clerks@serlecourt.co.uk

Recent Cases

- 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.

Banking & Financial Services

Recent Cases

- 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 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.

Recent Cases

- 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.

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- 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 nomineeship 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.

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".

Recent Cases

- 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.
- *Richards v Kulczyk* [2022] EWHC 863 (Ch) – Acting (with Andrew Holden) 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.

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- 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.

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.

Recent Cases

- 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.
- *Chu v Lau* [2020] 1 WLR 4656 – Acting (with Philip Jones KC and Daniel Warents) for the successful appellant before the Privy Council, 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.

Insolvency & Restructuring

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

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.

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

Recent Cases

- 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.
- *Church Lane Trustees Limited v Bunyan* [2021] GSC 28 – Acting (with Lewis Baglietto KC) for the successful trustee 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.
- *O Trustee v Q* Claim No. BVIHCM 2020/0116 – Acting (with Elspeth Talbot Rice KC) 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.
- *Chu v Lau* [2020] 1 WLR 4656 – Acting (with Philip Jones KC and Daniel Warents) for the successful appellant before the Privy Council, 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.
- *Public Trustee v Cooper* – Assisting a Gibraltar trustee in a 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.

Partnership

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.

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Recent Cases

- *Chu v Lau* [2020] 1 WLR 4656 – Sparsh acted for the successful appellant before the Privy Council (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.

Trusts & Probate

Sparsh's practice includes a broad mixture of both domestic and offshore trusts / probate litigation.

Recent Cases

- *Morina & Ors v Scherbakova & Ors* – Acting for the claimants in 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 KC, 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.
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- 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.
- *Public Trustee v Cooper* – Assisting a Gibraltar trustee in a 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

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financial provision and beneficial ownership of the matrimonial home.

Testimonials

“Sparsh Garg clearly really loves his work. He is very productive, willing to get stuck in, and produces high-quality work.”

Chambers High Net Worth

“'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

“Sparsh Garg is incredibly clever and a brilliant communicator.”

Chambers & Partners 2026

“Sparsh is very proactive and comes up with ideas. He is very team-focused.”

Chambers & Partners 2026

“Sparsh Garg is incredibly clever and a brilliant communicator.”

Chambers & Partners High Net Worth 2025

“He has been very proactive and comes up with ideas. He is very team-focused.”

Chambers & Partners High Net Worth 2025

“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

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"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

"Sparsh is very knowledgeable but also able to distil that knowledge into practical advice, which was easy to understand and implement."

Chambers & Partners High Net Worth 2024

"He is a very solid junior, who is able to grapple with complex issues of law and facts, and provide clear advice. He is also very responsive to emails and just a pleasure to work with."

Chambers & Partners High Net Worth 2024

"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

Memberships

- The Chancery Bar Association
- COMBAR
- Advocate (formerly the Bar Pro Bono Unit)
- The Society of Asian Lawyers

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Education, Qualifications and Awards

- 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
- BPTC (Outstanding), BPP University
- LLM Law, New York University School of Law
- LLB Law (First Class), University College London

BSB Registration

Sparsh Garg

VAT Number

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