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<b>Soofi Din</b>	3
<b>Overview</b>	3
<b>Expertise</b>	4
Property & Real Estate	4
Commercial Dispute Resolution	4
Insolvency	4
Wills, Probate & Inheritance	4
Professional Negligence	4
<b>Appointments</b>	4
<b>Professional Memberships</b>	4
<b>Education</b>	5
<b>Notable Cases</b>	5

# Soofi Din

**Year of Call:** 1984

**Telephone:** 0115 947 2581



## Overview

Soofi began his practice in London after a pupillage in The Temple and New Square, Lincoln's Inn and a tenancy in New Square.

In 1989 he joined Ropewalk Chambers and has specialised in all areas of chancery work, focused in London, Birmingham and Leeds.

He has special interests in land law, particularly relating to all aspects of trusts and mortgages and other securities affecting land; all aspects of wills, will's trusts, intestacy (excluding taxation) and Inheritance Act claims; and charities, in particular Cy-près applications and schemes.

He is registered with the Bar Council to undertake direct access work and is able to receive instructions directly from lay clients, as well as those on the traditional professional client basis.

# Expertise

## Property & Real Estate

Soofi advises and represents a wide range of clients in all aspects of property and chancery disputes. He is frequently called upon to advise on land registration, boundaries, covenants, easements and trusts.

He deals with claims involving conveyancing and mortgages, particularly undue influence and priorities. He has long experience of landlord and tenant disputes, both commercial and residential.

He undertakes all aspects of property and housing matters, including those with an Equality Act element. He also acts in construction matters, including arbitrations.

## Commercial Dispute Resolution

Soofi advises and represents across a range of commercial contract claims.

He has particular experience of asset recovery and protection. He also deals with all aspects of business arrangement, including partnership disputes.

## Insolvency

Soofi has long experience of all aspects of insolvency, both individual and corporate.

## Wills, Probate & Inheritance

Soofi represents clients in all aspects of wills, will's trusts, intestacy (excluding taxation) and Inheritance Act claims.

## Professional Negligence

Soofi has a particular interest in professional negligence and fees disputes claims, mainly in respect of surveyors, accountants, architects and lawyers.

## Appointments

- Direct Access Qualified

## Professional Memberships

- Chancery Bar Association
- Professional Negligence Bar Association

# Education

- BA (Hons) Philosophy

## Notable Cases

***Ali v Siddique* [2015] EWCA Civ 1258.** An interesting appeal involving a Hedley Byrne v Heller duty of care in a Hawala transaction, such transactions are international money transfers in the Asian community. The Claimant asked the Defendant to transfer a sum of money from his account to an account in Bangladesh, handing him a number of blank cheques for that purpose. No money materialised in Bangladesh and the Claimant sought to recover it from the Defendant. The transfer was to take the form of a Hawala transaction, which in this case involved a third party who was later convicted for fraud. Soofi Din represented the successful defendant in the Court of Appeal.

***Wood v Capital Bridging Finance Ltd* [2015] EWCA Civ 451 [2015] GCCR 13013, [2015].** Mrs Wood was persuaded to enter into a loan and a mortgage for the benefit of her son-in-law. The son-in-law failed to repay the loan and left the jurisdiction, the lender brought a possession claim against Mrs Wood. Although Mrs Wood beat the possession claim the lenders sought a money judgement which you could then enforce by way of a charging order. Mrs Wood would have lost her home. Because the loan was a short term facility the very high interest rate, penalty interest, compound interest and a contractual entitlement to recovery of all costs and expenses a charging order would have left no equity for Mrs Wood. Fortunately for Mrs Wood the lender made no secret about the fact that the loan had been “dressed up” as a commercial loan thereby sidestepping all of the protections of the Consumer Credit Act 1974. Mrs Wood succeeded in the Court of Appeal on the grounds that the trial judge (through no fault of his own) failed to consider the application of the 1974 Act. Following the appeal the matter was remitted to the judge but was settled in a sum that repaid to the lender no more than the sum loaned and simple interest. Soofi Din acted for Mrs Wood.

***The Canwell Estate Co Ltd v Smith Brothers Farm Ltd* [2012] 1 WLR 2626.** This appeal concerned freehold charges on land, that is rent charges and their use to enforce estate service charges.

***Thompson v Foy (Lewison J)* [2010] 1 P. & C.R. 16.** An undue influence contest between the Claimant and secured lender. A number of important points arose. The land registration point concerned “actual occupation” under the LRA 2002. It has been applied by Court of Appeal in *Link Lending Ltd v Hussein* [2010] 2 P. & C.R. DG15.

***Beauchamp Pizza Ltd v Coventry City Council* [2010] EWHC 926 (Ch).** The Claimant was a company which had the benefit of a premises licence to operate a night club in Coventry. The company was struck off the Register and dissolved before the CA 2006 was in force, it was subsequently restored by the new administrative restoration procedure. Coventry City Council contended that the new procedure did not apply but relented on seeing Soofi Din’s Skeleton Argument. HHJ Cooke ruled that the effect of the restoration was to bring the licence back into operation, s 1028 of the Companies Act 2006 providing that the company shall be deemed to have continued in existence as if its name had not been struck off’.

***Derbyshire County Council v (1) Glen Neil Fallon (2) Tracy Jayne Fallon (2007) 25 EG 182 (CS).*** On appeal the Judge decided that the Adjudicator had the power to refuse an alteration that had been won on the law and evidence because the Applicant may be refused an injunction in any action brought to prevent a trespass.

***Archer Structures Ltd v Griffiths* [2003] EWHC 957 (Ch); [2004] B.C.C. 156; [2004] 1 B.C.L.C. 201; [2003] B.P.I.R. 1071.** Where a Defendant director’s new company had a name that suggested a clear association with a liquidated company, the director could not rely on differences in get up to avoid the thrust of the Insolvency Act 1986 s.216. Also the director’s attempt to rely on an insolvency set off failed in the face of the joint and several liability imposed by s.216.

# Ropewalk Chambers

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