

# David Mohyuddin KC

Call 1999

EXCHANGE  
CHAMBERS

## Clerks

 Nick Buckley  
 0161 817 2757

 Ian Spencer  
 0113 203 1971

 Joe Mawson  
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## Appointments

- Recorder (2019)
- Junior Counsel to the Crown (Regional Panel) 2007 – 2016
- Deputy High Court Judge (chancery division)

## Memberships

- Chancery Bar Association
- Northern Chancery Bar Association
- Northern Circuit Commercial Bar Association
- Association of Business Recovery Professionals (R3) (Fellow)
- Insolvency Lawyers' Association
- COMBAR
- Professional Negligence Bar Association

## Education

- Bolton School
- LLB University of Birmingham
- Bar Vocational Course, Inns of Court School of Law

## Commercial Fraud

David has practised commercial litigation since he started at the Bar and continues to do so in Silk. He has extensive experience of civil fraud cases on which his work has a particular focus. He is just as comfortable making or resisting urgent applications for injunctive relief (understanding the strategic importance of the outcome of such applications) as he is dealing with multi-day trials and appeals.

## Commercial Fraud Cases

Recent examples of David's work fraud include:

**2020:** Advising a large group of claimants seeking damages from the professionals who acted for them in their failed investments in off-plan apartments.

***Absolute Living Developments Ltd (in liquidation) v DS7 Ltd & others (2018):*** Acting for the majority of the defendants to a **£14m fraud claim** involving allegations of de facto and shadow directorship and breach of directors' duties; hearings included defending an application to commit for breach of a freezing injunction [2018] EWHC 1717 (Ch) and making an application for security for costs [2018] EWHC 1432 (Ch).

***Terry v BCS Corporate Acceptances Ltd [2018] EWCA Civ 2422:*** Successfully resisting an appeal from a decision dismissing an allegation that an **earlier judgment had been obtained by fraud**; decision confirms the proper procedural approach to such allegations.

***Confidential 2018 case:*** Acting for the respondent to a **£23m freezing injunction** obtained in support of a Dubai arbitration.

**Ongoing 2019 case:** Defending a regulated professional accused of having given false oral evidence at trial and of having fabricated one of the key documents.

**Ongoing 2019 case:** Defending an claim for breach of warranties given on a sale of shares where documentation is alleged to have been fabricated.

**Confidential 2017 case:** Acting for a major utilities provider in bringing proceedings against a sub-contractor and its directors in respect of over-charging involving obtaining a freezing injunction and then going on to achieve a compromise soon after.

Prior to taking Silk, David led in the Court of Appeal for one of the respondents in *Denton v White* [2014] EWCA Civ 906, dealing with the proper approach to be taken on an application for relief from sanction under CPR 3.9.

**Montpellier Estates Limited v Leeds City Council** [2012] EWHC 1343 (QB); [2013] EWHC 166 (QB): Successfully defending a huge deceit claim (valued at in excess of £35million; trial lasted 35 days) brought in the context of the procurement exercise for the Leeds Arena.

**The Sona Group Limited** (2013): Acting on an urgent basis for the insured defendant to a large number of personal injury claims brought in respect of a fire at commercial premises, successfully overturning the grant of a freezing injunction obtained against the defendant.

## Recommendations

### Chambers and Partners UK:

“Extremely approachable, responsive and hands on. Very much a team player. Legal and strategic advice is always clear and robust and advocacy is first rate.”

“David is intelligent, quick to understand the issues yet able to simplify them to assist the client. David is also decisive, and doesn’t look to avoid giving an opinion on difficult questions.”

“David does not shy away from the merits of the cases. He actively takes part in mediations. It is a pleasure to work with David on this matter and solicitors look forward to doing so again – he is an excellent barrister.”

“He works very well in a team, adopting a collaborative approach. He has great attention to detail and is also very effective with clients and their expectations, giving them the necessary robust advice to calm them down. He also adapted quickly to the changes from COVID.”

“David is very commercial and is popular with clients. He is intelligent, outcome-focused and thoughtful.”

“He is a pleasure to work with – always happy to chat through any issues.”

“A strong performer in court.”

“He got to grips with the detail of the case very quickly and quickly won the confidence of the clients.”

“He has an easy presence in court and he gives good commercial advice.”

“A pleasure to work with – he’s quick to respond to queries and is unflappable in court. His written submissions are always succinct, and his cross-examination is thorough and tenacious.” “He’s really bright, a good team player and very approachable.”

“He is really respected by the judges and he has a lot of gravitas.”

“He is very good at analysing a case and getting down to the core essentials.” “He is superb on the law and has a practical approach.” “He is very quick to grasp the issues and to give you a clear and well-rounded view.”

“Very bright and a great team player. He is very personable and gets the right balance between being aggressive but also pragmatic and sensible when needed.” “David is fantastic to work with – on top of being technically excellent he is extremely user-friendly and very quickly builds up a great rapport with clients.” “Technically sound and very aware of the practical and commercial context of his advice.”

“He produces good skeleton arguments.”

“He sets a position out very clearly and his advocacy is excellent in court. He is easy to get on with and takes a very collaborative approach, which is refreshing for a silk.”

“Technically excellent in his advice while providing a commercial focus.” “My go-to: very considered, calm and easy to work with.”

“A relatively young silk who’s highly knowledgeable and a good choice if you need some aggression to be injected into a case.”

“David is fantastic to work with – on top of being technically excellent, he is extremely user-friendly and very quickly builds up a great rapport with clients.” “He is extremely personable, bright and gets to the heart of issues very quickly.”

“He’s very down to earth and happy to take calls at any time.” “He’s very useful as he gets you over any initial hurdles you might have.”

“He’s extremely bright, but at the same time has the ability to engage with clients.” “He’s absolutely fantastic – he’s a real team player.”

“He is clever, authoritative and willing to buy into the case and be part of the team.” “Extremely precise in court.”

“He is very forensic and analytical in his approach and his arguments are very well put together.” “A very personable type and he is good on his feet.”

“He’s very well prepared and his papers are immaculate – he thinks outside the box.” “He’s excellent, very proactive, bright, tactical and frankly very cost-effective.”

“Decisive and thorough, he displays an intricate knowledge of the law and applies it brilliantly.” “An excellent strategist.”

“A renowned insolvency barrister with a strong reputation in the adjacent field of commercial chancery.”

“He has the gift of being able to condense an argument where others would be overly verbose. His skeleton arguments are always spot-on and to the point and he has a very persuasive advocacy style.”

“Proficient senior junior adept in a variety of commercial and insolvency work, including commercial fraud matters. Assists with high-value cases of legal importance, including Court of Appeal briefs.”

“He has in-depth knowledge. He is also very straightforward and very down-to-earth.”

“Really user-friendly. He rolls up his sleeves, gets involved and is prepared to put his neck on the line and back his judgement, which he always comes through on.”

“He is decisive and thorough, he displays intricate legal knowledge and he crafts the perfect legal strategy for the client.”

“He is at the top of our list for instructing.”

“He is always very thorough and well prepared, and he is fantastic on his feet. He is a match for any insolvency barrister on the Northern Circuit.”

“He is superb on his feet, very bright and highly recommended for commercial matters.”

“A real expert in insolvency matters.”

#### The Legal 500:

“David is a pleasure to work with. He quickly gets to the heart of complex issues and provides sound and clear strategic advice. He is also a reassuringly thorough and tenacious advocate.”

“David is a pleasure to work with. He quickly gets to the heart of complex issues and provides sound and clear strategic advice. He is also a reassuringly thorough and tenacious advocate.”

“David is an excellent silk and a pleasure to work with.”

“A silk who gets his hands dirty.”

“A forceful advocate with a great client manner.”

“A star performer.”

“An extremely capable and forceful advocate.”

“Tactically excellent; he is liked and respected by clients.”