

## Mukhtiar Otwal

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Mukhtiar is a highly regarded commercial/chancery practitioner with very wide experience. His practice encompasses specialist advisory work and representation in the following interrelated areas of law:

- Commercial/business
- Contract
- Corporate insolvency/bankruptcy
- Land/property
- Wills/probate

## Commercial/Contract

Over the past few years Mukhtiar has undertaken a number of large and complex commercial disputes where he has represented public bodies, companies, partnerships, sole traders and other individuals.

Mukhtiar's expertise covers a range of commercial matters, from cases involving complex company/shareholder disputes and all aspects of business partnerships, to more straightforward contract disputes. He frequently advises as to the construction of contractual documents running to 100's of pages, disputes involving businesses, and individual consumers.

Many of the cases he works on have been subject to arbitration clauses and arbitration law is an area in which I have considerable experience.

Examples of work:

- Advising a shareholder and director as to his rights arising from his physical exclusion from a company.
- Successfully representing an off-shore company in its capacity as a landlord in defending a noise nuisance and breach

of contract claim by neighbouring tenants.

- Acting on behalf of the Lord Chancellor in recovering sums from a national mortgage lender.
- Arbitration reference on behalf of the Legal Aid Agency involving the termination of its contract with a multi-partner solicitors' practice permitting it to undertake legal aid work.
- Advising a national carrier in a dispute as to the charges and obligations arising under a commercial contract.
- Acting on behalf of a builder in successfully claiming the balance of monies due to him and defending a claim against him for alleged defective building works.
- Representing a family partnership in a claim for losses arising from fraudulent misrepresentations made to it on the purchase of a retail business.

## Land/Property

A wide range of cases involving ownership, trusts, and landlord and tenant disputes. Mukhtiar frequently advises on non-contentious matters.

Examples of work:

- Enforcing a foreign judgment that necessitated establishing beneficial interests in property in the UK.
- Noise nuisance and breach of contract claim between tenants of multi-million pound apartments in Knightsbridge.
- Claim by a former business tenant having given up his right to a new tenancy while acting on alleged misrepresentations by his former landlord regarding his intention to demolish and sell the site on which his property was situated.
- Representing former partners in a multi-party partnership dispute and successfully arguing fraud and misrepresentation, thereby securing declarations of trusts in clients' favour and also recovering their substantial legal costs.
- Acting for clients in adverse possession and boundary disputes.
- Non-contentious matters (e.g. advising on the enforceability of covenants in respect of land upon which it was intended to build a number of properties, advising on rights of way).

## Corporate Insolvency/Bankruptcy

Mukhtiar regularly undertake cases in all areas of corporate insolvency and individual bankruptcy. He acts for liquidators and trustees. He also represents individuals and acts on behalf of businesses of all sizes, including companies and partnerships.

Mukhtiar's expertise covers all areas of insolvency, from cases involving complex issues arising from administrations and the actions of liquidators, to restraining the presentation of winding up petitions based on disputed debts in statutory demands.

#### Examples of work:

- Acting on behalf of a liquidator in a misfeasance claim against a company director.
- Successfully opposing on behalf of a trustee in bankruptcy a claim by a mortgagee bank to an interest over the bankrupt's assets.
- Striking out a winding up petition improperly presented on the basis of a disputed debt.
- Acting on behalf of a trustee in bankruptcy in realising disputed bankruptcy assets, necessitating determination of beneficial interests in commercial properties and tracing.

## Wills/Probate

Mukhtiar undertakes instructions in both contentious and non-contentious wills and probate matters.

#### Examples of work:

- Representing client in a claim in which a copy will was challenged on grounds of forgery and successfully striking out the claim.
- Advising clients on the meaning and effect of clauses in wills.
- Advising solicitor on substantial gift left to him by former client, where family of deceased sought to challenge gift.