



# Gaurang Naik

**Call: 1985**

	<a href="mailto:gnaik@dekachambers.com">gnaik@dekachambers.com</a>
	+44(0)20 7832 0500



Gaurang Naik is vastly experienced in personal injury, professional negligence and commercial cases.

He is now mostly instructed in complex and high value personal injury and professional negligence, including clinical negligence, cases.

He brings a calm and analytical mind dealing with serious cases with sympathy and pragmatism. He has great skill at identifying the important issues in a case and focussing on them.

He is a very good advocate and is able to distil the most complex issues and present them in an easily comprehensible and effortless manner before a County Court or a High Court judge.

Gaurang is an accredited mediator (London School of Mediation). He undertakes mediation in civil and commercial disputes including partnership disputes, co-ownership disputes, professional negligence including clinical negligence and personal injury.

He is on the executive committee of the Professional Negligence Bar Association.

## Areas of Expertise

### Personal Injury

Gaurang deals with all aspects of personal injury cases but his main focus now is on high value fatal and serious injury claims. He has significant practice in fatal injury claims arising out of road traffic and accidents at work, occupational illness and clinical negligence. He deals with occupational illness claims including asbestos related illness, psychiatric injury as a result of stress at work and historic sexual abuse claims. Gaurang has been involved in groundbreaking seminal cases in occupational illness notably *Dickins -v- O2* [2008] EWCA Civ 1144; *Gallagher -v- Bond Pearce* [2001] 2WLUK 272.

Some recent cases below.

### Notable Personal Injury cases

[Das \[PR of the estate of Sampa Das\] -v- Law \[2021\]](#)

Gaurang secured a settlement in a fatal accident claim where a mother of 2 was tragically crushed to death by a truck but liability was disputed.

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Ardi Bushi –v- Exotic stones Limited & Yes Marble Limited [2020]

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Gaurang represented the Claimant, aged 41, who suffered amputation of his right dominant arm and other serious physical and psychiatric injuries as a result of accident in the course of his work. Gaurang argued for 2 functional electric prosthesis that share 2 hands/ terminal device together with a dedicated non-electric sports/gym arm with a selection of interchangeable terminal devices ("bionic arm"). He helped secure a settlement of £2.65mn.

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JW –v- Richard John Hickson [2020]

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Gaurang acted for the Defendant in a claim for substantial damages for historic sexual abuse when the Claimant was between 12 and 14 years of age. The last incident was about 25 years earlier. The claim followed an acquittal in the criminal trial. Gaurang advised on the most cost effective resolution of the case.

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Kirsten Holly Reay –v- DWF LLP [2020]

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This was a claim for damages for psychiatric injury induced by stress at work as a Solicitor due to excessive workload. Complex factual issues relating to workload. Gaurang assisted in bringing the claim to a successful compromise just prior to a 4 day trial.

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Wioletta Wojciechowska –v- Galczynski & UK Insurance [2020]

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Gaurang acted for the Claimant, aged 41, suffered rib fractures and thoraco-lumbar spinal fractures in a road traffic accident. She required surgical fixation of the spinal fractures. She was, however, a stoic woman and concerned about job security so returned to work after 6 months whilst still in pain. As a result Defendants argued that she was not disabled and not at a substantial disadvantage in the labour market and didn't require the amount of care. Gaurang prepared a detailed Schedule of Loss with a significant future loss of earnings and future cost of care claim setting out in detail the basis of the claim. The claim was settled for a 6 figure sum at JSM.

## Clinical Negligence & Healthcare

Gaurang's practice is largely claimant based and ranges from birth defects, negligence arising from surgery and GP's negligence.

### Notable Clinical Negligence & Healthcare cases

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Kokutingilila [PR of the estate of Master Najeeb Katende] -v- London Ambulance Service [2021]

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Gaurang secures substantial settlement for the estate of a young boy Najeeb, aged 15, in this tragic and complex case on causation. Najeeb collapsed in a gym at school and the first paramedic on arrival misinterpreted the initial rhythm as non-shockable at about 10:12am. An advanced paramedic arrived and found shockable rhythm and shocked at about 10:36. Najeeb sadly passed away upon arrival at hospital. There was detailed analysis of the percentage chances of successful resuscitation if the shock had been applied earlier. It was matter of minutes. Gaurang worked with his solicitor, the ambulance expert and cardiologist to evaluate the records to formulate a claim which led to a settlement.

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Mrs Khuan Thye Wong PR of the estate of Mr Senh Cah Van (deceased) –v- Barts Health NHS Trust [Ongoing]

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Gaurang acts for the widow of the deceased who fell off a ladder and was admitted to the D hospital and underwent a large craniotomy. During the surgery there was a large bleeding which the surgeon failed to control leading to his death. This was a difficult claim as it related to criticism of the surgeon during surgery. The deceased also had a very complicated business affairs both in UK and abroad which required careful analysis.

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Mrs Sithy Raheem Beevi Mohammed Faizal as Administrator of the Estate of Master Iman Abdullah Mohammed Faizal (Deceased) –v- North West Anglia NHS Foundation Trust

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This is a claim for damages on behalf of the estate of a minor and his mother in her own right for personal injuries she suffered as a result of the clinical negligence of D when she was in their care during her pregnancy. As a result of various delays during her labour baby Iman was born with Grade 3 hypoxic Ischaemic Encephalopathy and suffered seizures. 11 months later he died.

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Mrs Claire Elizabeth Cann (Wife and PR of the estate of Peter Robert Cann (Deceased) –v- Southend

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Gaurang acts for the C whose husband died due to the failure of D to detect pancreatic malignancy with complicated issues about life expectancy and causation.

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## Inquests & Inquiries

Gaurang has considerable experience in Inquest work. The cases have ranged from asbestos related deaths, health setting to death in prison. His cases in the last 18 months include:

### Notable Inquests & Inquiries cases

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Kenneth Dentith

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Gaurang represented the family in a death arising from a fall in a hospital. The coroner found failing in his care resulting in his death.

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Daljit Bhatti – Derbyshire

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Death by overdose of psychiatric patient on home visit.

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Catherine Robinson – Woking

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A young mother who suffered from depression and anxiety, sadly committed suicide contributed by the neglect of the Surrey & Borders Partnership (Mental Health & LD). Gaurang represented the family where the Coroner made a finding of neglect.

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Cotterill – Stoke-on-Trent

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Death due to undiagnosed duodenal ulcer.

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Addison Marilyn – Stoke-on-Trent

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A neo-natal death where Coroner found failing in the pre-natal care of the mother.

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Jeffrey Nellis – Wiltshire

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A widely publicised case of death by stabbing/fall (ongoing).

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Archie Jesty

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Suicide by a young man aged 18 (ongoing).

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## Commerical

Gaurang's commercial practice spans a large area of professional negligence, particularly claims against solicitors, surveyors, architects, civil fraud cases, director's disqualification, partnership disputes.

He has dealt with long and complex civil fraud cases. He deals with pre-emptive remedies such as freezing injunctions, delivery up and summary judgment and has dealt with long and complicated committal for contempt proceedings.

## Notable Commerical cases

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Liverpool Victoria Insurance Company Limited -v- Khan & Others [2018] EWHC 2581 QB

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Gaurang successfully defended complex committal proceedings lasting 9 days in the High Court

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Peter Pavelec -v- Slater Gordon Solutions Legal Limited [Ongoing]

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Gaurang acts for the C, an award winning body builder who was injured in a road traffic accident. Claim against his solicitors for under compensation at trial due to their negligence. Complex issues relating to loss of a chance of prize money and loss of business.

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Soul -v- Soul

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Gaurang successfully defeated the registration of the lease on the grounds of fraud/validity of the lease. This was a dispute between first cousins as to whether or not a lease of a garden adjacent to the Applicant's property had been granted by a family company. The case also considered the effect of non-registration and whether, if a lease had been granted it was in breach of trust. [2018] UKFTT 721 (PC)

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Tarik Jamous –v- Alexander Mercouris [2020]

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This was claim for professional negligence/negligence against a Barrister who was subsequently struck off but pending appeal This claim was brought a long time after the events.

The claim arose from a very bizarre set of circumstances and threw up a range of issues from summary judgment, procedural wrangles, limitation, permission to appeal out of time, appeals procedure, resisting the appointment of a litigation friend. [2019] EWHC 722 (QB); [2019] EWHC 1746 (QB); [2020] EWHC 2814 (QB).

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## Education

- BSc (Econ) London School of Economics & Political Science
- DipLaw; City University

## Memberships

- Personal Injury Bar Association
- Professional Negligence Bar Association
- London Common Law and Commercial Bar Association

## Appointments

- Accredited Mediator