Maurice Rifat

Call: 1990

E	clerks@dekachambers.com
T	+44(0)20 7832 0500

Maurice Rifat is an experienced litigator with particular expertise in wills & probate, trusts, property law, construction, professional negligence and commercial litigation.

From Maurice you can expect a high-calibre service. He is approachable, efficient and technically excellent. He is known for his direct and aggressive approach in court with an established reputation as a successful and sought-after barrister.

He is the author of "Vexatious Litigants and Civil Restraint Orders: A Practitioner's Guide", published by ***Wildy Hill and Simmonds.***

Areas of Expertise

Wills & Trusts

A specialist in Trusts, Wills and Probate litigation, Maurice has a wide experience of the many types of issues arising in these areas, in particular in ***Beddoe*** applications, the removal of executors and trustees and CPR Part 64 applications concerning the administration of estates and trusts. He is frequently dealing with litigation involving estoppel, constructive trusts, TOLATA applications, competing wills and inheritance act claims.

Commercial & Chancery

Maurice is a Legal 500 ranked property lawyer. His practice spans most arears of property law with particular expertise in land registration, disputes arising from the sale of land, restrictive covenants, easements, boundary disputes, access to neighbouring land and landlord and tenant disputes (both residential and commercial). He recently represented the successful defendant in ***N3 Living Limited -v- Burgess*** [2020] EWHC 1711 which confirmed that the appointment of a second trustee was a proper and conventional way of overreaching and Form A restriction in order to complete a sale.

Professional Negligence

Solicitors' and surveyors' negligence are the mainstays of Maurice's practice in this area. He particularly specialises in property

Deka Chambers
5 Norwich Street
London
EC4A 1DR

T: +44 (0)20 7832 0500
E: clerks@dekachambers.com
DX: LDE 439

related negligence including disputes arising from conveyancing. He represented the successful respondent in in the Supreme Court in ***Stoffel v Grondona*** [2020] UKSC 42 in the which the court upheld her claim for damages for a negligent conveyance despite her former solicitors alleging illegality against her. Maurice has recently settled a claim for over £600k against solicitors who had negligently dealt with a failed property option agreement and the ensuing litigation.

Construction

Maurice's construction practice is made up of adjudications, arbitrations and enforcement of arbitration awards. He also deals with the usual court claims for payment and counterclaims for defects and incomplete works. He represented the successful claimants in various payment claims arising from oral contracts in a large-scale project where the employer gave direct payment assurance to sub-contractors. Recently he represented the successful defendants against a construction firm claiming for unpaid fees for extensive works on a commercial equestrian centre. Maurice has attended on numerous arbitrations mostly involving disputes arising from joint-venture agreements.

Civil Fraud

Maurice specialises in dealing with disputes arising from a broad range of property transactions where there are allegations of fraud, from cases involving mortgages, land registration and conveyancing. He also has a number of ongoing contested probate cases involving allegations of fraud, forgery of wills, duress and undue influence.

Education

- Middlesex Polytechnic LLB Hons

Notable Cases

- ***Clyne -v- Conlon*** **[2021] EWHC 2444 (Ch)** -Administration of Estates. A successful application for a ***Beddoe*** order despite the applicant also being a beneficiary and all the parties being adults, where there was a real risk of injustice of the applicant bearing all the costs.
- ***Kitover -v- Galmarley Ltd (t/a BullionVault.com)*** **[2021] EWHC 609 (Ch.D)** – In a CPR Part 86 Stakeholder Application, the Court was asked to determine whether the Claimant was a true owner of gold bullion held by the Defendant under a false account name that had been opened by the Claimant himself, who wanted to hide his true identity. The issues at large were whether the Claimant could prove he was the true owner despite having used false identity documents to open the account and whether his claim was barred for illegality.
- ***N3 Living Limited v Burgess*** **[2020] EWHC 1711 (Ch.D)** – A case arising from a vendor purchaser summons, where Morgan J confirmed that the appointment of a second trustee was an entirely proper and conventional method of dealing with an application for a Form A restriction against the registered title of a property under the Land Registration Rules 2003, Sch. 4, so as to permit completion of a sale.
- ***Stoffel & Co. v Grondona*** **[2020] UKSC 42 (Supreme Court)** – A solicitor's firm was negligent in failing to register the Claimant's title to a property. The Claimant's claim for damages was defended by the solicitor's insurers raising 'illegality' based on an underlying mortgage fraud between the Claimant and the vendor of the property. The Supreme Court upheld

Deka Chambers
5 Norwich Street
London
EC4A 1DR

T: +44 (0)20 7832 0500
E: clerks@dekachambers.com
DX: LDE 439

the Judgment of the Court of Appeal and applied the guidelines in Patel v Mirza and concluded that disallowing the claim would not be inconsistent and therefore would not be harmful to the integrity of the legal system.

- ***Kalsi v Bello* [2020] EWHC 2241 (QB)** – An extended civil restraint order application was granted and imposed against a litigant. The applicants had obtained a possession order in relation to a property against B and his wife, who were declared trespassers. B maintained that he was a beneficial owner of the property and attempted to appeal the possession order. Permission to appeal was refused twice, and an appeal against the refusal to grant permission was also dismissed. Murray J held that when considering whether to make a restraint order, the court was entitled to take into account any previous claims or applications which it concluded were totally without merit; it was not limited to claims or applications so certified at the time.
- ***Truewood Ltd, Re (Duckworth v Parekh)* [2020] EWHC 2360 (Ch.D)** – Setting aside a debarring order in misfeasance proceedings under s.212 Insolvency Act 1986.
- ***Dhillon v Dhillon* [2019] EWHC 2442 (Ch.D)** – The appropriateness of a *Beddoe* order being made in circumstances of litigation brought by one brother against the other two brothers who were all beneficiaries under the father's will.
- ***Dacy Building Services Ltd v IDM Properties LLP* [2018] EWHC 178 (TCC)** – Enforcement of an adjudication award in circumstances where Fraser J found that an oral contract existed directly between the employer and the sub-contractor.
- ***Grondona v Stoffel & Co.* [2018] P.N.L.R. 36 CA** – The Court of Appeal considered the application of the illegality defence in relation to a claim for negligence and breach of contract against conveyancing solicitors where a mortgage fraud had been alleged.
- ***Dacy Building Services Ltd v IDM Properties LLP* [2017] B.L.R. 114; Con. L.R. 176** – Summary judgment in respect of an adjudication award was refused where the property development company had a realistic prospect of succeeding in its defence that it did not have a contract with the claimant sub-contractor in the context of an oral construction contract.
- ***Roman v Byrne* [2015] Ch.D** – A claim for the removal of a restriction entered at the Land Registry in circumstances of alleged duress and undue influence and a counterclaim for a common intention constructive trust of property allegedly used as a commercial cannabis farm.
- ***Frankel v Kabysh* [2012]** – Access to Neighbouring Land Act 1999 injunctions and nuisance claims in relation to properties in Cadogan Square.
- ***Salim Moloo v Pratap Gill* [2012] CA** – On the issue of compliance with section 2 of the Law of Property (Misc. Provisions) Act 1989.
- ***Bukhari v POW Trust, Peter Sainsbury and John McVicar* [2009] EWHC 19** – Reinstatement of a civil restraint order in circumstances where the Judge who had set the order aside had been misled.
- ***North Herts DC v Carthy* [2003] All ER (D) 93 (Jan) CA** – Possession proceedings based upon false statements made by the tenants.

Deka Chambers
5 Norwich Street
London
EC4A 1DR

T: +44 (0)20 7832 0500
E: clerks@dekachambers.com
DX: LDE 439