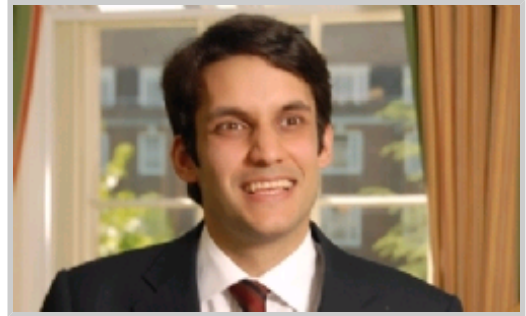


## Imran Benson

**Call year: 2005**

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**Phone:** 020 7643 5000



Imran specialises in professional liability matters (including coverage) with particular experience in claims against lawyers, surveyors/valuers, accountants, auditors, estate agents, architects and builders. He has been instructed in the recent wave of mortgage lenders' claims involving multiple properties and tertiary lenders, suspected frauds and large amounts of disclosure.

He also regularly acts in commercial fights which include freezing injunctions, banking disputes, the insolvency and collapse of partnerships and small companies, general contractual disputes and fights over (the loss of) freight and haulage. He also has a mixed personal injury practice.

## Practice Profile

### Professional Negligence

Imran acts for both claimants and defendants. He has been repeatedly instructed as junior counsel in a team and on his own account. As a junior this has included various disclosure exercises on behalf of City and off-shore firms defending high value professional negligence claims. Having attended a mediation of a multimillion pound claim arising out of a complex property transaction, he was instructed to advise on and draft the settlement agreement. He is also part of a team of lawyers defending a threatened claim involving a negligent failure to spot fraud in a listed company. He was junior to Harvey McGregor in the successful defence of solicitors alleged to have settled a second generation loss of a chance claim without authority (see Further Cases).

On his own, Imran has also been instructed both on behalf of and against, accountants, architects, auditors, builders, solicitors and estate agents. Imran has plenty of experience of liability which arises out of conveyancing transactions (including multiple mortgage frauds), the drafting of wills and tax advice. He is currently advising the indemnity insurers of valuers on a £0.5m lenders claim involving several properties.

### Commercial Litigation

Imran has a broad commercial practice which includes contractual and insolvency matters. Imran is instructed to obtain, support and vary, freezing injunctions, injunctions relating to breach of restrictive covenants by employees and other commercial pre-emptive remedies.

Imran is regularly instructed by a major high street bank in relation to consumer credit agreements, change of position defences and property litigation.

Imran has a broad contractual/commercial practice. Imran is also regularly instructed by a major freight delivery company and he has a good knowledge of the RHA conditions.

Imran also advises, drafts pleadings and appears in court where disputes arise out of the (often acrimonious) collapse of companies, partnerships, agency agreements and joint venture agreements.

In insolvency he acts for individuals, trustees and liquidators. He obtains winding-up, validation and bankruptcy orders and annulments. He is regularly instructed by liquidators at an early stage to advise on the merits of potential claims, an appropriate sum to settle such claims, and to assist in the drafting of correspondence and pleadings. He has also acted on behalf of liquidators seeking to obtain funds taken by former directors.

## Personal Injury

Imran, like many junior barristers, regularly acts for both claimants and defendants in fast-track and multi-track personal injury cases and has given a variety of talks on this topic.

## Further Information

**Year of call:** 2005

**Specialist areas:** professional indemnity, commercial litigation and personal injury

**Education:** Bristol University (LLB); Queen Mother Scholarship; Lady Templeman Indo-Goodwill Scholarship; Chancery Bar Lodge Essay Prize

## Recent cases

*Davidson v Woodbury*. Autumn 2009. Acted, with leader, for former estate trustees in complex claim where £1m sought involving issues of dishonesty, breach of fiduciary duty and equitable causation. Settled on first day of 5 day trial.

*Darleycrest v McCann*. Successfully defended estate agents over a 4 day trial in a claim for £100,000.

*Nicholson v Knox* [2008] PNLR 33: Junior to Harvey McGregor QC for the successful defendant. Alleged wrongful settlement at mediation of a 2nd generation loss of a chance solicitor's negligence case. Underlying facts involved valuing the damages flowing from the wrongful dishonour of multiple cheques.

*Gleeson v Frankona* (2006/7): Junior to Michael Pooles QC and William Flenley in document heavy major insurance litigation. Settled shortly before trial

*F.E. Ltd (in liquidation)* (2007): Acted on behalf of company in action to recover nearly £100,000 from former director. Settled before issue of proceedings

*Re: SamPedro* (2007): Obtained *Engel v Peri* annulment of bankruptcy order, despite opposition of trustee

*Maitland-Hudson v Wooster & Stock* (2007/8): Acts on behalf of estate agent alleged to have induced a breach of an exclusivity agreement between a proposed purchaser and vendor of a residential property.

## Publications and lectures

Mistaken Payments: Law and Practice (October 2008). A talk to the legal team at RBS on the change of position defence.

"Faith Lift", *Solicitors Journal*, October 2007 - An article considering the Law Commission's proposal to reform the doctrine of good faith

Talk to Zurich on Professional negligence and Immigration Law (2007)

Talk to Arriva on tactics in defending claims

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