

David Giles

Call: 1988

Contact David Directly: 020 7353 6802 or



David practices mainly in landlord and tenant, general common law and commercial litigation. Additionally, David has experience in personal Injury and professional Liability. He has extensive experience as an advocate in the county court, the High Court and the Court of Appeal. He is qualified to accept instructions directly from the public.

Practice areas

- Residential and Commercial Landlord & Tenant
- Property
- Commercial litigation
- Professional negligence
- Committals/Contempt of Court

Civil

Notable Cases

A v B: Central Family Court (29 01 24) HHJ Evans-Gordon. David appeared for the successful wife applicant for a declaration of valid marriage under s55 Family Law Act 1986, the disputed marriage having been entered in by a proxy traditional marriage in Ghana and the husband having subsequently died intestate. The trial took place over three days in October 2023 and judgment was handed down on 29 January 2024.

Ullah v Ullah [2023] EWHC 3313 (KB), [2023] WLUK 329 (Cotter J). David represented two respondents in an appeal against the striking out of the claim against them. Permission to appeal against the strike out of the claim against the first respondent was refused on paper. Permission to appeal against the strike out of the claim against the 2nd respondent was granted and the appeal was allowed and the claim remitted to the county court for further case management.

Location

Goldsmith Building Temple
London
EC4Y 7BL

Contact Us

T: +44 (0)20 7353 6802
F: +44 (0)20 7583 5255
E: clerks@goldsmithchambers.com
DX: 376 Chancery Lane

Ogunkoya v Mawson [2022] 12 WLUK 120 (Soole J). David appeared for the appellant in her application to set aside the previous order made on paper without a hearing refusing to extend time for applying for permission to appeal from a decision of the SCCO. David based his submissions on the Denton test for relief from sanction. Soole J set aside the previous order and granted relief from sanction and extended time for filing the appellants notice. Soole J then considered the merits of the application for permission to appeal. The appeal was grounded on the submission that the detailed assessment proceedings in the SCCO were an abuse of process. Though impressed by the quality of David's submissions, Soole J found that there was no abuse of process and permission to appeal was refused.

Ullah-v-Ullah (2022). Represented the Defendant in multi-track proceedings concerning allegations of breach of trust. Successfully opposed application to amend to add new claim of dishonest assistance, and succeeded in striking out the entire claim on summary judgment.

Johnston -v- Wackett [2022] EWHC 129 (Ch). Appeared for the Claimant in Part 8 proceedings which decided that the Claimant's award under the Inheritance (Provision for Family and Dependents) Act 1975 in previous proceedings between the parties – [2019] EWHC 3353 (Ch) – was payable without deduction or net off. The proceedings involved consideration of the rule in *Cherry v Boulton* (1839) 4 My & C 442 in the context of an award under the Inheritance (Provision for Family and Dependents) Act 1975. The question raised by the proceedings was the deceased's estate's alleged entitlement, under the rule in *Cherry v Boulton*, to net off against the 1975 Act award money owed by the Claimant under a costs order made in earlier proceedings.

Gidden -v- Ogonyadeka (2022). Represented the Claimant in multi-track proceedings relating to a property and partnership dispute.

ULA Solicitors Ltd -v- Shresta (2021) – Represented the Claimant in multi-track proceedings arising out of cancelling a CFA on grounds that the client deliberately misled the solicitors, claim for the solicitors' fees and disbursements and counterclaim by former client for damages.

Bokhari -v- Seabird Ltd (2020) – Represented the Defendant in multi-track proceedings relating to tenant's application for a new business tenancy opposed by the landlord on grounds 30(1)(a) and (b) Landlord and Tenant Act 1954

Santhiramoulesan -v- Shah Law Chambers (2020/2021) – Represented the Defendant firm of solicitors in multi-track proceedings involving complex legal and factual issues relating to interpretation of the solicitor client contract, Consumer Rights Act 2015 and cross allegations of fraud and forgery.

Cheddie -v- Rowe (2020) – Represented the Defendant in resisting an application to bring a new claim arising out of the same or substantially the same facts as a discontinued claim under CPR 38.7.

Cheddie -v- Rowe and Calloway (2020) – Represented both Defendants in multi-track proceedings involving claims under the Protection From Harassment Act 1997, and allegations of nuisance, trespass and assault.

Johnston v Wackett [2019] EWHC 3353 (Ch) – David was instructed for the Claimant in his successful claim for reasonable financial provision under the Inheritance (Provision for Family and Dependents) Act 1975 against his late father's estate. The claimant was 77 years old. He had become estranged from his parents and his only sibling in 1991 and had no direct contact with them thereafter. His mother died in 2013 and his father in 2017. His father's will left his entire estate valued at £2.4m gross to his granddaughter whose father, the claimant's sibling, had died in 2016. The claim for a lump sum award was successfully advanced on the ground that the claimant's financial circumstances were modest and fragile, so he was vulnerable should his financial circumstances worsen, and that his father had an undischarged moral obligation towards the claimant based on promises of inheritance made during his lifetime.

Suffolk Coastal District Council v Simpson (7th May 2019) QBD, *McGowan J* – Appeared for the respondent in the committal application for non-compliance with two mandatory injunctions requiring compliance with planning

Location

Goldsmith Building Temple
London
EC4Y 7BL

Contact Us

T: +44 (0)20 7353 6802
F: +44 (0)20 7583 5255
E: clerks@goldsmithchambers.com
DX: 376 Chancery Lane

enforcement orders. An interesting aspect of the proceedings was the involvement Mr Stuart Hardwicke Carruthers who, for a number of years, acted as the respondent's planning agent. On 26th April 2016, the Attorney General secured a Civil Proceedings Order under section 42 Senior Courts Act 1981 against Mr Carruthers. However, notwithstanding Mr Carruthers being subject to a Civil Proceedings Order, which also prevents him from acting as a McKenzie Friend, he was free to continue acting as a planning agent and, in that capacity, advised and represented the respondent in his planning disputes with the applicants.

Wells v Devani [2019] UKSC 4. – Successful appeal to the Supreme Court from the Court of Appeal on the issue of whether Mr Devani, an estate agent, and Mr Wells, a vendor, had reached a complete and enforceable agreement despite there being no express identification of the event which would trigger the obligation to pay the commission. The second issue, raised by Mr Wells, on his cross appeal, was whether, by reason of Mr Devani's failure to comply with the requirements imposed by section 18 of the Estate Agents Act 1979, the trial judge ought to have dismissed the claim or discharged Mr Wells' liability to pay the commission.

In unanimously allowing Mr Devani's appeal and dismissing Mr Wells' cross-appeal, the Supreme Court decided that, when assessed objectively, the parties had, by word and conduct, entered into an agreement the natural meaning of which was that Mr Wells agreed to pay Mr Devani a commission of 2% plus VAT on the sale price if Mr Devani found a purchaser for the flats which Mr Wells was wanting to sell. Mr Devani found a purchaser who completed the purchase and thus earned his commission. On the second issue, the trial judge had correctly approached the question of whether to permit Mr Devani to enforce the agreement and, notwithstanding some criticisms by the Court of Appeal as to the weight attached to various factors, the Court of Appeal had been correct not to interfere with the evaluative judgment of the trial judge to permit enforcement subject to a deduction to reflect the degree of prejudice suffered by Mr Wells.

David Giles was counsel in the Court of Appeal. Mr Devani engaged David as sole counsel to apply to the Supreme Court for permission to appeal and a continued stay on the Court of Appeal's Order. David identified the points of law of general public importance, prepared the Notice of Appeal and drafted Grounds of Appeal. David advised Mr Devani on and oversaw his compliance with the Supreme Court's rules. David was instructed to contest Mr Wells' Notice of Objection and application for security for costs. On 6 November 2017, the Supreme Court granted Mr Devani unconditional permission to appeal.

Andrew Warnock QC was retained as leading counsel in early 2018. David worked with Andrew to prepare the Statement of Facts and Issues, the Chronology and the Appellant's Case. David supervised the preparation of the bundles for the Supreme Court including the Appendix and electronic bundle. Andrew Warnock QC appeared as leading counsel at the hearing of the appeal with David as first junior and Laura Giachardi second junior.

Latify v Alumyar [2017] EWHC 3053 (Ch) – The High Court refused to remove charity trustees who were managing a Mosque and Afghan cultural centre in Willesden, north London which was run as an unincorporated association with charitable objects and was a registered charity.

Imran Garrib v Palwontee and Bank of Scotland (2017) PROPERTY CHAMBER, LAND REGISTRATION, FIRST-TIER TRIBUNAL, CASE NUMBER /2016/0515 – The case concerned rectification of the proprietorship register due to an allegedly fraudulent transfer of a house and whether a charge in favour of the bank should also be removed as a consequence of the original mistake. The case raised issues concerning the equitable remedy of subrogation and the scope of the Tribunal's powers to correct the consequences of a mistake.

Kovarska v Otkritie International Investment Management Ltd & Ors [2017] EWCA Civ 1485 – The Court of Appeal set aside an extension of time for appealing. The order had been granted without a hearing. It was held that the Court had power to set aside an order made in these circumstances. On the facts of this case there was no doubt that it was appropriate for the order to be set aside.

Accident Exchange Ltd v Broom & Others [2017] EWHC 1530 (Admin) – Administration of justice; Insurance; Civil

Location

Goldsmith Building Temple
London
EC4Y 7BL

Contact Us

T: +44 (0)20 7353 6802
F: +44 (0)20 7583 5255
E: clerks@goldsmithchambers.com
DX: 376 Chancery Lane

evidence; Sentencing

Accident Exchange Ltd v Broom & Others [2017] EWHC 1096 (Admin) – Administration of justice; Insurance; Road traffic; Civil evidence

Onuegbu v Okeke [2016] EWHC 3500 (QB) – Civil procedure; Applications; Fraud; Jurisdiction; Setting aside; Stay of proceedings

Newmafruit Farms Limited v Pither [2016] EWHC 2205 (QB) – Loans; Regulated agreements; Summary judgments

Nextam Partners Ltd v Mughal; Queen's Bench Division, 07 March 2016 – Sentencing; Administration of justice, Breach of injunction; Committal for contempt; Contempt of court

Nextam Partners Ltd v Mughal [2016] EWHC 367 (QB) – Breach of injunction; Committal for contempt; Contempt of court; Disclosure

Accident Exchange Ltd v George-Broom (Divisional Court) [2015] EWHC 2205 (Admin) – Admissibility; Contempt of court; Delay; Dishonesty; Expert evidence; Public interest; Striking out

Edwards v Kumarasamy – (23rd September 2013) HHJ May QC, County Court at Central London – Common parts; Disrepair; Flats; Footpaths; Notice; Repair covenants; Shorthold tenancies; Sub-tenancies

Potts v Densely [2011] EWHC 1144 (QB) – Deposits; Landlords' duties; Shorthold tenancies; Tenancy deposit schemes; Time limits

Horth v Thompson [2010] EWHC 1674 (QB) – Conditional fee agreements; Costs; Costs between parties; Personal injury claims

Floyd v S [2010] EWHC 906 (QB) – Civil procedure; Legal advice and funding; Administration of justice

S v Floyd [2008] EWCA Civ 201 – Disability discrimination; Disabled persons; Mental capacity; Possession claims; Rent arrears

Lancecrest v Asiwaju [2005] EWCA Civ 117 – Business tenancies; Interpretation; Notices; Rent reviews; Time limits; Time of the essence; Validity of notice

Other notable cases include:

Khokhar v Health Professions Council [2006] EWHC 2484 (Admin) – Competence; Fitness to practise; Health Professions Council; Professional performance

Addo v The Law Society CA (2004) – Appeal to Master of the Rolls against solicitors' disciplinary proceedings decision

IBS Technologies v APM Technologies – (Chancery Division) 07 April 2003 – Intellectual property, Computer industry; Infringement; Interim injunctions

Royal Pharmaceutical Society v Hassan (2002) – Disciplinary proceedings against pharmacists for illegal sale of prescription only drugs

Watchtower v Payne [2001] EWCA Civ 1159 – Civil procedure; Real property; Consumer law; Arrears; Consumer credit agreements; Credit; Mortgages

Chaagan Lal Dattani v Trio Supermarkets Ltd [1998] I.C.R. 872 – Employment; Industrial tribunals; Res judicata;

Location

Goldsmith Building Temple
London
EC4Y 7BL

Contact Us

T: +44 (0)20 7353 6802
F: +44 (0)20 7583 5255
E: clerks@goldsmithchambers.com
DX: 376 Chancery Lane

Settlement

Awards

Publications

Vexatious Litigants and Civil Restraint Orders: Wildy Simmons & Hill (2013)

Location

Goldsmith Building Temple
London
EC4Y 7BL

Contact Us

T: +44 (0)20 7353 6802
F: +44 (0)20 7583 5255
E: clerks@goldsmithchambers.com
DX: 376 Chancery Lane