

# Makhsudul Islam

**Year of Call:** 2013

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## Commercial

### Commercial

Makhsudul has a proven track record in complex and high value disputes, particularly in the areas of company and partnership disputes, breach of contract claims, debt enforcement, guarantee enforcement, indemnity and warranty claims, insurance disputes and professional negligence.

His experience spans advisory work, drafting, and advocacy before the High Court and County Court. He has acted for a diverse client base, including multi-national technology companies, sports clubs, financial institutions, universities, insurers, luxury car manufacturers, energy providers, hospitality chains, private schools and local government.

Examples of recent work include:

- Advised a group of engineering and design companies on their prospects of pursuing their insurance brokers for professional negligence and breach of contract, following an outbreak of fire at their premises and refusal by the insurers to cover the losses.
- Advised a large local government authority on the prospects of bringing a £6m claim against the parent companies of a negligent subsidiary company.
- Advised on the prospects of success on appeal, after a judge did a U-turn by granting permission to appeal in their written judgment, on grounds that were not submitted by way of oral application at the trial.
- Advised on the prospects of success of a prominent Cryptocurrency influencer who fell victim to a serious data breach, and was extorted out of a substantial sum by a customer service agent of a well-known international bank.
- Drafted Particulars of Claim on a share purchase agreement dispute, which was agreed orally by the founding investors of an Italian restaurant in the UK.
- Advised the owner of a luxury yacht moored in Italy on the prospects of establishing professional negligence against a British broker, following damage caused to the yacht by the broker's foreign agent.
- Advised a leading "science-tech" company on limitation and its prospects of success in establishing negligence against a haulage company, after its invention caught fire during transportation.
- Advised a private healthcare provider and its director on a high value dispute arising out of a condition precedent clause in a share purchase agreement.
- Drafted Part 8 proceedings for the restoration of a company to the Company Register, in order for a multi-national telecommunications company to pursue proceedings in the UK.
- Advised the largest builders' merchant in the UK on its transfer of assets and assignment of debts following its merger and

acquisition with another large builders' merchant.

- Advised a consultancy of construction experts on its prospects of recovering outstanding expert's fees from an international law firm and a project management company, in circumstances where the expert failed to comply with court deadlines.
- Advised and attended a trial (successfully) on behalf of structural engineers against an excavation company, who had caused injury to the land and extensive damage to a construction site, due to negligence.
- Advised and drafted a Particulars of Claim against a well-renowned German luxury car brand, arising out of a breach of warranty.
- Advised and drafted Defences on behalf of a company and one of its directors who were being pursued by a motivated ex-employee.
- Advised and attended a trial (successfully) for one of the largest builders' merchants in the UK, in a dispute arising out of a personal guarantee against a director, who refused that the agreement bore their signature and pleaded fraud.
- Advised and drafted a Reply to Defence and Counterclaim for an estate agent on a dispute regarding an oral variation to the terms and conditions, and its entitlement to commission on the sale of a portfolio of properties.

## Insolvency

Makhsudul frequently appears before the High Court and County Court in winding-up and bankruptcy hearings, representing creditors, debtors and insolvency practitioners. Aside from substantive hearings, he has experience of making applications, such as:

- Application to contest jurisdiction
- Application to set aside a statutory demand
- Application for an injunction to restrain the presentation or advertisement of a winding-up petition
- Application to amend a petition
- Application to refer to/adjourn to a higher level judge
- Application for alternative service
- Application to contest annulment
- Application for costs in favour of a supporting creditor
- Application relevant to transactions at an undervalue
- Application for liquidator's remuneration
- Section 216 application

Makhsudul is adept at drafting opinions on complex, high value winding-up and bankruptcy proceedings. He is experienced at drafting Insolvency Act applications on technical and intricate insolvency disputes.

Examples of recent work include:

- Advised and successfully attended a bankruptcy hearing for a debt of £323m, following lengthy fraud proceedings against a director of a UK-based company.
- Successfully made an application for the costs of a supporting creditor (previously the petitioner), after strategically advising it to take up a supporting creditor role to secure a winding-up order against an elusive debtor.
- Successfully obtained a winding-up order against a property developer after it and its solicitors had managed to obtain adjournments on technical grounds for 5 months.
- Drafted an opinion on the prospects of success of a property developer obtaining a winding-up order against a sister company, on an intra-company loan debt of £136,000.00, and defending a cross-claim of £20m.
- Successfully obtained a bankruptcy order for a financial institution in the UAE, against an evasive foreign national residing

in the UK, on a debt of £631,000.00.

- Successfully obtained a bankruptcy order on behalf of a portfolio landlord against an elusive debtor, who dishonestly evaded service and was a vexatious litigant for the 1 year duration of the bankruptcy proceedings.

## Articles

[View Article](#)

3PB's specialist commercial barrister [Makhsudul Islam](#) explores company directors' duties towards stakeholders and creditors in the event of company insolvency.

[View Article](#)

## Recommendations

"We were really pleased with Makhsudul, he was practical, proactive and a very safe pair of hands. We will certainly keep him in mind for future instructions."

### **Associate, Mishcon de Reya LLP**

"Makhsudul regularly represents our clients in court, and the feedback is always outstanding. His thorough preparation, tenacity in the courtroom, and kind, considerate approach are particularly appreciated, especially during trials. Makhsudul is a fierce advocate who is prepared to go all the way when advocating for our clients."

### **Solicitor and Director, Lancers Solicitors**

"Makhsudul was very attentive and proactive ensuring he had a conference in good time. His approach was to seek to find solutions to issues identified rather than just advising on issues identified. His hearing etiquette is smart, firm and he presents legal arguments in a concise direct manner. Makhsudul is also not afraid to challenge the opposition/judge should the need arise to ensure he meets the objectives of his clients."

### **Associate, Farleys Solicitors LLP**

"Makhsudul's knowledge on the area of insolvency is extensive, and he has the ability to break down complex issues, and explain them in a way that solicitors and clients may readily understand."

### **Solicitor, Realty Law**

"Makhsudul was excellent from the outset, and his knowledge and expertise was a great help. He was able to present a robust case, which successfully got the Defendant's application dismissed. Further to this, Makhsudul was able to obtain an award of costs on an indemnity basis together with a civil restraint order against the Defendant. This was a great result for our client. We look forward to continuing to work with Makhsudul going forward."

### **Solicitor, Crawford & Co**

"I wanted to say how impressed we are with the result you have obtained.

This was quite a complicated multi track claim. Thank you for making the articulate submissions that you did."

### **Solicitor, Irwin Mitchell**

"There were various points on this case that had not been picked up on by AXA during the negotiation period and post proceedings. We were at risk of incurring substantial further losses on this claim that were unnecessary and your thorough review of the case and pro-active action has stopped this from happening. Thank you for your diligence on this case and for making yourself so easily available so we could contact you to discuss the case further. We hope to see your name on future AXA cases."

### **Litigation Claims Handler, AXA Insurance**

"Thank you for everything you achieved today and for your very detailed attendance note. It was an excellent outcome and the insurer client will be delighted.

Many thanks for the time and thorough preparation involved which led to a successful outcome."

### **Associate Solicitor, Keoghs**

"Makhsudul attended a trial for us and obtained a 100% award on a complex multi-track matter.

The team is impressed with how Makhsudul deals with complex cases and his hands-on approach in the lead up to trials."

### **Head of Commercial Litigation, Silverback Law**

"When I instructed Makhsudul on a complex commercial dispute, his understanding of the case far exceeded his call as a barrister. Since then, Makhsudul has become my go-to Counsel for all cases. A rising star at the Bar!"

### **Associate at Knights Plc**

"Makhsudul always embraces a challenge, has a keen eye for detail and provides strategic advice, resulting in a number of significant positive results which my lay clients have been delighted with. Makhsudul acts with experience far beyond his call."

### **Associate at Horwich Farrelly LLP**

"Makhsudul is a very knowledgeable, quick-thinking barrister, extremely polite and helpful. I have been impressed with the level of skill he has applied to my matters and his willingness to help in the lead up to hearings."

### **Solicitor at DAC Beachcroft LLP**

## **Academic qualifications**

- LL.M, University of Law
- Bar Professional Training Course, University of Law
- Bioethics, University of Oxford
- LL.B Hons, University of Birmingham

## **Scholarships**

- BPTC Scholarship, Jomati Foundation
- Birmingham Excellence Scholarship, University of Birmingham
- Chamberlain Award, University of Birmingham

## **Professional bodies**

- The Honourable Society of Middle Temple
- Midlands Chancery and Commercial Bar Association

## **Direct Access**

Makhsudul Islam is qualified to accept instructions directly from members of the public and professional clients under the

Direct Public Access scheme.