

# Makhsudul Islam

**Year of Call:** 2013

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## Commercial

Makhsudul accepts instructions on a wide range of commercial disputes including contractual breaches, breach of manufacturer warranty, loss of chance/opportunity claims, debt recovery, supply of goods and services and enforcement of personal guarantees.

He regularly represents some of the leading insurers, technology giants, banks, energy providers, shopping complexes, private schools and builders' merchants in the UK.

Makhsudul's recent experience includes defending a luxury German and Japanese vehicle manufacturer against professional negligence and breach of manufacturer warranty claim.

Aside from attending hearings and trials, Makhsudul is very well-versed in drafting opinions and pleadings in commercial matters. He is well-known for turning around opinions and pleadings very quickly and well in advance of any set deadlines.

## Some of his recent work includes:

- Advising and drafting the Particulars of Claim for a leading energy provider on its prospects of recovering outstanding payments from a well-renowned hotel chain.
- Advising a private school on its prospect of recovering outstanding school fees.
- Advising and drafting a skeleton argument in a dispute between an ex-husband and wife arising out of the breach of an oral agreement.
- Advising and drafting a Reply to Defence and Counterclaim, for an estate agent on an alleged oral variation to the terms and conditions and its entitlement to commission on the sale of a portfolio of properties.
- Advising one of the largest builders' merchants in the UK on their prospects of enforcing a personal guarantee against a director.
- Advising and drafting Defences on behalf of a company and one of its directors who were being pursued by a consultant.
- Advising a leading hotel chain on its contractual liability to contractors in the event of an Act of God (i.e. the COVID-19 pandemic).
- Advising a consumer and drafting the Particulars of Claim in a claim against a well-renowned German luxury car brand for breach of contract.
- Advising and drafting the Particulars of Claim for a property developer in recovering outstanding commercial rent arrears.
- Advising and attending a trial on behalf of structural engineers for payment of outstanding invoices concerning desktop designs for an excavation that had gone wrong.
- Advising a consultancy of construction experts on its prospects of recovering outstanding fees from an international law

firm and a project management company.

- Advising a renowned Japanese vehicle manufacturer on the prospects of success of obtaining a strike out and summary judgment on a professional negligence and breach of warranty claim.
- Advising one of the largest builders' merchants in the UK on its transfer of assets and assignment of debts following its merger and acquisition with another large builders' merchant.

As an extension of Makhsudul's commercial practice, he can also attend the following hearings if required:

- Returns of goods
- Possession (relating to section 8 and section 21 notices)
- Application to suspend warrant of eviction
- Trespass
- Forfeiture
- Appeals

In addition to the above, Makhsudul has experience of drafting forfeiture proceedings both for non-payment of rent and "other" breaches. He regularly advises commercial landlords and legal expenses insurers on breaches of lease agreements, interpretation of clauses and the prospects of obtaining an order for forfeiture.

## Enforcement

As a result of Makhsudul's commercial practice and in particular his specialism of debt recovery, clients regularly instruct him to attend enforcement hearings. He is able to attend the following hearings:

- Charging order
- Orders for sale
- Third party debt order
- Attachments of earnings order
- Determination

## Costs

Makhsudul is very well-versed in costs law and has substantial experience in attending Costs and Case Management Conferences (CCMCs), costs applications, summary and detailed assessment hearings.

Aside from advising and attending hearings, he is able to draft costs budgets (Precedent H), budget discussion reports (Precedent R), points of dispute, costs applications and skeleton arguments.

## Articles

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

[View Article](#)

## Recommendations

"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."

### **Chartered Legal Executive, Farleys Solicitors LLP**

"I have been regularly instructing Makhsudul to assist us on commercial litigation and commercial property matters, and have asked for his assistance on insolvency matters that flow from them. Makhsudul's knowledge on the area of insolvency is extensive and has the ability to break down complex issues relating to insolvency regulations and explain them in a way that solicitors and clients may readily understand. Makhsudul also very kindly came into our office and gave us training on corporate insolvency which has greatly benefited the team. I would highly recommend Makhsudul if you require specialist advice in this area."

### **Insolvency solicitor, Realty Law**

"Makhsudul's direct and commercial approach was both impressive and fundamental to achieving an excellent result. Makhsudul was instructed to attend a preliminary hearing but also had to deal with an application that was filed very late by the opposition. Makhsudul's hearing strategy was flawless and ultimately led to the Defendant's application being dismissed, Defence struck out and summary judgment with wasted costs.

Makhsudul continues to thrive in commercial litigation and consistently delivers superb results."

### **Commercial Litigation Paralegal, Silverback Commercial Law Services Limited**

"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, which prevents the Defendant from making any future applications unless a circuit judge has granted permission for the same. This was a great result for our client. We look forward to continuing to work with Makhsudul going forward."

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

"Thank you very much for attending trial for us today – the client was very happy with the outcome!"

### **Solicitor, Shoosmiths**

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

This was quite a complicated multi track claim, so we were surprised that you managed to persuade the court to have it allocated to the fast track. Not only that, the knocking out of the opposing party's expert evidence was the cherry on top! Thank you for making the articulate submissions that you did. The client will be incredibly happy!"

### **Solicitor, Irwin Mitchell**

"I have instructed Makhsudul on a number of my cases. Makhsudul deals with every case in a clear, concise, professional and practical manner. Makhsudul's client care, helpful and thorough approach to each case is exceptional.

Further, I am equally impressed by Makhsudul's attention to detail, technical knowledge and the ability to grasp the main issue at hand which leads to successful conclusion of matters."

### **Commercial Litigation Solicitor, Silverback Commercial Law Services Limited**

"Many thanks for your detailed attendance note – and for achieving the outcome that you did! It is appreciated."

### **Senior Paralegal, Lyons Davidson**

"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 (you will probably regret this as we have quite a few!)."

**Litigation Claims Handler, AXA Insurance**

"This was the first time that I had used Makhsudul so thank you for the recommendation! I will be instructing again."

**Solicitor, Keoghs**

"Makhsudul is very quick at turning around opinions, advices, pleadings and costs budgets. I wanted two cost budgets back in 14 days, he's managed to turn it around in 2 days.

Really appreciate that he gets on to things quickly and I never have to worry about pressing deadlines."

**Solicitor, Realty Law**

"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 was fantastic and someone we can add to our list of Counsel going forward."

**Associate, Horwich Farrelly**

"Thank you so much for the work you did on this case, and I'm sure the client will be very grateful for the savings you made for them."

**Litigation Executive, Horwich Farrelly**

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

I just want to say, the team is impressed with how Makhsudul deals with complex cases and his hands-on approach in the lead up to hearings."

**Head of Commercial Litigation, Silverback Law**

"When I instructed Makhsudul on a complex matter, his experience from being at leading law firms shone through and 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!"

**Solicitor 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."

**Solicitor 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.

His greatest quality is to assist his instructing party with expertise so as to present a case in its strongest form, by applying his technical knowledge and fantastic attention to detail. He has become my go-to barrister since his qualification and will continue to be."

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

"The business and I were highly impressed with the quality of Makhsudul's advice and the managing director reflected on how the quality of his written advice as a junior was greater than that of more seasoned barristers".

#### **In-house legal at Cavendish Sinels**

## **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
- Midland Circuit

## **Direct Access**

Makhsudul Islam is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.