

Vinesh Mistry

Called: 2017
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PROFILE

Vinesh is a specialist commercial (including company and insolvency) and property litigation barrister, recognised for his exemplary service, attention to detail and pragmatic advice.

In his areas of practice, Vinesh has successfully represented clients (from private individuals through to large multi-national organisations) in the High Court, the County Court and at appeal level. Vinesh enjoys a paper and court practice of equal strength and has been praised for his robust oral advocacy.

Vinesh had an unorthodox journey to the Bar, which has given him a unique insight into law, business and policy. As a result, Vinesh fuels his case analysis and strategy with analytical rigour but tempers his approach with common sense and an understanding of the real world.

Having completed several multi-disciplinary sporting events, Vinesh enjoys cycling and running. His next challenge is to complete a triathlon. Vinesh is also a fan of classical literature, and his favourite book is the Count of Monte Cristo by Alexandre Dumas.

EXPERTISE

Commercial

Vinesh is regularly instructed in cases beyond his Year of Call. He has been exposed to a breadth of commercial matters including: international arbitration (ICC and others), economic torts, market loss claims and claims for guarantee / indemnity. His career to date (both in and outside of the legal profession) has given Vinesh a solid understanding of accounting practices, corporate structures and commercial reality. Vinesh also has an international focus to his practice. He has represented foreign clients either as sole counsel or as

part of a team. Vinesh is familiar with the ASEAN nations, the Middle East, parts of Africa and the ICC and AIAC arbitration centres.

Recent work includes:

- instructed as sole counsel in a claim for passing off (claimed at £1.5 million);
- advised and settled pleadings in a claim for breach of contract (involving complex issues of governing law and jurisdiction) for a corporate client based in Nigeria (valued in excess of £150,000);
- settled pleadings in a claim for breach of contract and conversion brought by a well-known film production company (claimed in excess of £1 million);
- successfully struck out claims brought under consumer protection regulations;
- junior counsel in an ICC arbitration concerning the generation of electricity;
- junior counsel in an ICC arbitration regarding the construction of systems in oil refineries (claim exceeding USD \$1 million);
- settled pleadings in a claim for losses following a major food produce recall (valued over £200,000); and
- advised in a claim for unjust enrichment following substantial work done to a plot of land.

Company and Insolvency

Company and insolvency matters are a prominent part of Vinesh's practice. In addition to conducting a wealth of wind-up and bankruptcy hearings, Vinesh has advised clients in niche / technical areas of debt recovery and enforcement.

Recent work includes:

- conducted bankruptcy and wind-up hearings (including interim applications);
- successfully applied to annul a bankruptcy order;
- advised on the recovery of a historic debt owed by a recently discharged bankrupt;
- advised on breach of directors' duties and the associated minority shareholder claim;
- drafted pleadings for and conducted hearings in the application to amend the Companies Register; and
- successfully obtained charging orders and orders for sale.

Property Litigation

A mainstay of his practice, Vinesh has extensive experience of property litigation (including landlord and tenant claims).

He has been instructed to bring and defend claims involving damage caused by flood, fire, impact and natural nuisances (invasive plants). Vinesh has a special interest in Japanese knotweed. He has advised large quasi-public bodies in such matters, and his experience has enabled him to write about the topic. Vinesh's practice also extends to real property. He has experience of service charge claims, mortgage possessions, party wall disputes and adverse possession. He is developing his practice before the First Tier Tribunal. Vinesh has also conducted a wealth of landlord and tenant hearings (sections 8 and 21 notices).

Recent work includes:

- successfully dismissed the appeal of a possession order where novel issues under CPR 55.8 had been raised;
- represented a local authority resisting an application for adverse possession;
- settled appeal documents and other pleadings in a £2 million mortgage possession claim;
- advised on the ownership of land following the collapse of a building;
- settled pleadings in and conducted the mediation of a claim resulting from a landslide near a railway embankment;
- conducted the mediation of a Japanese Knotweed claim;
- settled pleadings in Japanese Knotweed claims; and
- represented clients in commercial lease claims (including forfeiture and lease renewals).

FURTHER INFO

Education/Qualification

- BPP University, BPTC (VC)
- University of Warwick, LL.B. Hons (2.1)

Scholarships/Prizes

- Inner Temple BPTC Exhibition Award (2016)
- Warwick Scholarship (2013)
- Warwick Scholarship (2011)

Languages

Gujarati

Publications

Vinesh Mistry and Felix Gibson, "The Nuisance of Knotweed: Davies v Bridgend County Borough Council [2023] EWCA Civ 80"

Memberships

- COMBAR
- R3