

Sunny Virk

General Information

EXPERT CREDIT HIRE AND PERSONAL INJURY FRAUD BARRISTER ACTING FOR INSURERS

Sunny has a highly successful practice specialising in credit hire litigation, personal injury/fraud and professional negligence. Head of Credit Hire & PI Fraud (Defendant Insurance Group) within Clerksroom Chambers, Sunny is often requested by insurers.

With an extensive academic and technical understanding of the law, Sunny delivers intricate preparation, confident and tenacious representation and an unwavering commitment to every case. He provides high-quality appellant and trial advocacy along with professional advice. Sunny regularly advises on cases involving applications for committal for contempt, following a finding of fundamental dishonesty/fraud in RTA claims. Flexible in his approach, he undertakes hearings and trials in person and online, delivering results and prioritising his client's best interests.

Sunny is instructed by large and small insurance companies and law firms in complex and challenging matters concerning:

- Credit Hire - including multi-track claims of sums over £150,000
- Personal Injury arising from Road Traffic Accidents – getting cases dismissed as well as successfully defending claims for personal injury valued over £15,000
- Fraud and Fundamental Dishonesty – using forensic cross-examination to ensure claims are dismissed, in cases with total claim and costs expected to exceed £50,000
- Causation and LVI (Low Velocity Impact)
- Professional Negligence - especially against legal professionals acting in Personal Injury claims

Testimonials

"Sunny has always been easy to reach and took a sensible commercial approach. He has a winning way in negotiations and unquestionable charm. He is unmatched in his cross-examination" - A solicitor client

"I was very impressed by his eloquence, meticulous attention to detail and general handling of the case." - An insurer client

"I was very glad to have such a brilliant barrister on my side!" - An insurer client

"He is truly a star!" - Hebble Law

Professional Qualifications & Memberships

- Recently elected to the 2022 Bar Council (Self-Employed Over 7 Years Category) for a three-year term commencing 1st January 2022
- Member of the Honourable Society of Grays Inn
- Postgraduate Degree In Professional and Legal Skills
- Bar Vocational Course - Inns of Court School of Law, London
- Bachelor of Laws - LLB (Hons)

NOTABLE RECENT CASES

Credit Hire

- **L v M** (Bristol County Court) [Sept 2020] | unreported

Acting for insurers, Sunny defended a multi-track claim in the sum of circa £176,000, of which £156,000 was made up of credit hire charges. Following his cross-examination, the claimant solicitors agreed to settle the whole of the claim for £60,000. £116,000 was returned to insurance reserves.

- **H v CI** (Lancaster County Court) [Dec 2020] | unreported

Sunny successfully defeated the claimant's application to rely on fresh witness evidence supporting a claim for circa £12,000 of credit hire charges, circa 4 weeks prior to trial.

- **U v C** (Canterbury County Court) [Oct 2020] | unreported

Acting for insurers, Sunny argued against quantum in a fast track reducing the credit hire charges claim at £13,767.60 to £956.

- **BB v QB** (Canterbury County Court) [Jul 2020] | unreported

Sunny successfully reduced circa £23,000 claimed in credit hire charges down to circa £5,000.

Fraud | Fundamental Dishonesty | s.57 | Causation

- **P v B** (Birmingham County Court) [Dec 2020] | unreported

Acting for insurers, Sunny successfully defended a claim for personal injury and various special damages. He demonstrated that the nature of the accident could be nothing short of contrived. Sunny successfully also argued, applying *Kennedy v Cordia Services LLP* [2016] UKSC 6, that the expert evidence was "bare ipse dixit" and carried little or no weight. In addition the court found the Claimant inflated his claim for special damages. Finding fundamental dishonesty the court dismissed the Claimant's claim. Qualified One Way Costs Shifting was dis-applied.

- **U & ANO v M** (Clerkenwell & Shoreditch County Court) [2020] | unreported

Sunny's forensic cross-examination both claimants resulted in the claims being dismissed. He was able to demonstrate that there was no contact and no movement of the

claimant's vehicle that could have caused the claimants' claimed injuries. The total claim and costs were expected to exceed £50,000, there being 3 claimants in total.

• **S v T (Preston County Court) [2019] | Before HHJ Evans | unreported**

In defending a claim for personal injury, the pre-accident value of his vehicle, CBT treatment, physiotherapy charges and storage & recovery charges, the defendant insurers had admitted liability and made various interim payments, however, some elements of quantum remained in dispute. On Sunny's advice the insurers did not concede storage charges. Following cross-examination Her Honour Judge Evans found the claimant had been fundamentally dishonest in claiming those storage charges and applied 57% of the Criminal Justice and Courts Act 2015 effectively dis-applying Qualified One Way Costs shifting.

• **H v CI (Bristol County Court) [2019] | Before HHJ Ambrose | unreported**

Appearing before HHJ Ambrose, Sunny successfully defended a claim for personal injury valued over £15,000, reducing the sum claimed to only £500, despite the defendant witness failing to attend.

Road Traffic Accident | Personal Injury

• **A v S (Luton County Court) [2020] | Before HHJ Bloom | unreported**

Appearing before HHJ Bloom, Sunny successfully demonstrated that the claimant was 65% liable for the accident that took place on a complex roundabout in Milton Keynes. The defendant contended that the lane the claimant used to enter the roundabout did not permit him to take any other exit save for the first exit and therefore the claimant caused the accident by taking the second exit. The claimant contended that he was permitted to take the second exit, and the defendant broke lane discipline on the roundabout by cutting in front of him. The learned judge accepted Sunny's argument that the claimant primarily caused the accident. The defendant accordingly recovered 65% of his counterclaim whilst only paying out 35% of the claimant's claim.

• **B v K (Dudley County Court) [2020] | unreported**

Acting for insurers, Sunny showed through forensic analysis and cross-examination that a scuff that had been caused as a result of the accident evolved into a scratch and then gash over the course of some 20 days that could not have resulted from the index accident. The claimant's claim was dismissed.

• **M v A (Huntingdon County Court) [2019] | unreported**

Sunny successfully defended the claim and avoiding a major payment out by his insurer clients. Following his cross-examination, the Claimant discontinued his claim.

Road Traffic Accident | HGV & Large Vehicles

• **S v ELBCC (Clerkenwell & Shoreditch County Court) [2018] | Before Judge Lenon QC | unreported**

Appearing before Judge Lenon QC, Sunny successfully persuaded the claimant to discontinue his claim following cross-examination.

• **M v Z (St Helen's County Court) [2019] | unreported**

Acting for the defendant who insured Volvo HGV that had allegedly reversed into a vehicle, the case turned on the understanding of blind spots. Sunny was able to demonstrate that there were no relevant blind spots on the HGV in question as it was fitted with 7 mirrors split over 3 parts, covering all relevant angles. In cross-examination, he also established that the claimant was excited to go shopping and thus, on balance, more likely to have caused the accident. The claim was dismissed.

Costs | QOCS

• **T-B v D (Stockport County Court) [2020] | unreported**

Sunny successfully made the argument that the claimant solicitors' failure to give appropriate notice to the defendant had led to the matter exiting the portal in accordance with rule 7.30 of the Pre-action Protocol. This in turn restricted the claimant to fixed portal costs within Table 6 of CPR rule 45.18.

• **R & ANO v CI (Romford County Court) [2019] | unreported**

Sunny acted for insurers in defending two claims following an RTA where the claimants were seeking to recover damages for personal injury and fixed costs. The two claims had fallen out of the portal and continued under CPR Part 7. Liability was admitted pre-issue and the real issue centred on whether part 7 fixed costs could be awarded or portal costs. Sunny successfully argued that the claims should have remained in the portal pursuant to paragraph 7.35 of the protocols. It was agreed that the costs would be restricted, in the circumstances to £1,940 for both Claimants as opposed to those that were claimed being over £10,300.

• **G v EU (Bromley County Court) [2019] | unreported**

Acting for the insurers who were defending a claim, Sunny won the matter on liability. In addition to having the claim dismissed, Sunny obtained an order by which he recovered the defendant's witness expenses in the sum of £500; and costs in the sum of £4,500 both to be paid by the claimant. Sunny also recovered circa £2,500 in wasted costs against the central court funds office.

• **J v LV (Walsall County Court) [2019] | unreported**

Sunny succeeded in defending a claim for thousand of pounds for his insurer clients. The claimant was forced to discontinue. Sunny proceeded to push on the counterclaim recovering the full value, plus costs and the lay client's loss of earnings and witness expenses (including flight, hotel, translator and travel costs).

• **B v ES (Walsall County Court) [2019] | unreported**

Appearing before HHJ Rawlings on behalf of insurers in a quantum only dispute, Sunny succeeded in beating the defendant's part 36 offer and successfully argued for a set off on costs. The residue of the Defendant's costs were taken from the Claimant's damages pursuant to CPR 44.14.1. In total Sunny assisted the insurer to avoid a claim and costs valued over £22,000.

• **R v ES & ANO (Walsall County Court) [2019] | unreported**

Appearing before HHJ Platts on behalf of insurers, Sunny succeeded in beating the defendant's part 36 offer resulting in the claimant's claim and costs being wiped out.

Outside the office

Sunny enjoys travelling. He has raised money for several charities and good causes, including running the London Marathon for Save the Rhino and summiting Mount Kilimanjaro for Zoë's Place Baby Hospice.

To book Sunny for a HEARING please contact him on 01823 247 247 | 07969 678397 | singh@clerkroom.com

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