

Mrs Tina Kumar-Jacob (2002)

General Information

Tina has extensive advocacy experience and has appeared as sole counsel in the Court of Appeal (recent case of *Khandanpour v Chambers* [2019] EWCA Civ 570), High Court and County Court. She has also appeared in the First-tier Tribunal (Property Chamber) in both the Residential Property and Land Registration divisions.

Tina's practice has always been in Civil Litigation, with a current emphasis on Property and Landlord & Tenant (both residential and commercial). In addition, she continues to be instructed on Partnership, Company Law, Contract, Costs and Defamation matters.

Tina is a qualified, accredited Mediator in Civil and Commercial matters. She is also an Associate Member of the Chartered Institute of Arbitrators (CI Arb).

Tina also accepts instructions on a Direct Access basis.

Real Property & Mortgages

Tina is regularly instructed on various types of real property cases, which include:

- Trusts of land and co-ownership
- Alteration and rectification of the Land Register
- Restrictive Covenants and Easements
- Boundary disputes
- Adverse possession
- Mortgage possession matters instructed on behalf of banks, private lenders/borrowers and receivers.

Notable cases and recent examples:

- *Speedkarting Limited v Beddall & Lloyd, Court of Appeal, (Appeal ref A3/2014/2912) (unreported)*: Acting for the Appellant in successfully appealing against a decision relating to rights of way on a trading estate by way of a roadway. Issues relating to the interpretation of the previous transfer of covenants on the land.
- *The Queen, on the application of Mrs Wiseman v Secretary of State for Environment, Food and Rural Affairs, Court of Appeal, (Appeal ref C1/2016/0655) (unreported)*: The Application for permission to appeal a decision to refuse permission to claim for judicial review on the basis of inter-alia procedural irregularity. Issues as to Appellant losing the privacy and security of her family home and her having lost the enjoyment of her land.
- 2 day trial of contested application to alter/rectify a unilateral notice on the charges register under the Land Registration Act 2002: First-tier Tribunal (Property Chamber), Land Registration Division (2019)
- 3 day multi-track trial representing successful Claimant seeking a Declaration and claiming an entitlement to an interest in a property by way of a lifetime tenancy under a Constructive Trust or proprietary estoppel in the alternative.

Landlord & Tenant (Residential & Commercial)

Tina is regularly instructed to advise and appear in Court and/or the First-tier Tribunal (Property Chamber) (FTT) on the following matters:

- All aspects of residential claims ranging from possession, disrepair, tenancy deposits
- Advising on Lease renewals and enfranchisement
- Possession claims against trespassers (private and LPA Receivers)
- Orders for Sale (including applications under TLATA and pursuant to charging orders)

- Commercial leases relating to all contractual issues, break clauses, renewal of business tenancies, forfeiture
- Service charge related claims and Right to Manage applications
- Applications under the Leasehold Reform, Housing and Urban Development Act 1993 (LRHUDA)

Recent example of work:

- Recently reported case of *Khandanpour v Chambers* [2019] EWCA Civ 570. Matter before the Court of Appeal related to issues of appropriation and relief from sanctions, however, originally a case arising from unlawful eviction.
- 1 day fast-track trial representing the successful Claimant claiming damages for negligence/nuisance following disrepair to neighbouring property (2019).
- Advising, drafting and representing successful Claimant at Court on an application pursuant to s.49(1) LRHUDA (2019).
- Advising and drafting in relation to an application to the FTT by a Company to exercise the Right to Manage under section 84(3) of the Commonhold and Leasehold Reform Act 2002 (2019).
- Advising and drafting on a s.25 Landlord and Tenant Act 1954 application not to renew lease by London Underground in relation to business premises at South Kensington Station (2018).
- Regularly appearing at the FTT on service charges related matters.

Company law and Contractual matters

Tina continues to be instructed on various matters relating to Company Law and contractual matters. Recent examples of her work are as follows:

- Advising, drafting and representing defendant company in relation to damages following breach of duty and an application pursuant to the Companies Act 2006 for permission to continue a derivatives claim (case ongoing).
- Advising, drafting and representing 8 Defendant companies in a matter relating to breach of duties under the Companies Act 2006, contact/shareholder agreements, fiduciary duty and with remedies being sought as to injunctive, specific performance and equitable compensation (case ongoing).
- *Tamiz v Khandanpour*, 3 day trial, High Court. Issues relating to enforcement of a Tomlin order which settled substantial payment from the transactions of various residential properties.
- *Tilney Group Ltd v Thomas*, High Court. Application for interim injunction against Respondent where terms agreed but issue as to the appropriate order for costs. Successfully argued the appropriate order for the Respondent. Case involved enforcement of restrictive covenant in a contract.

Defamation

Tina has been instructed on various matters, some which have been reported as follows:

- **Rai v Bholowasia & Pardes Weekly (UK) Ltd [2015] All ER (D) 214 (Feb)**. Sole counsel successfully representing the Claimant in a 7 day High Court trial.
- **Abbas v Shah [2014] EWHC 4493 (QB)**. Representing Defendant on all interim applications and preparing for High Court trial that settled before hearing.

Costs

Tina has been instructed on various types of interim applications relating to costs issues in the County Court. She is also instructed on Detailed Assessments both in County Courts and the Senior Court Costs Office (SCCO).

She has been instructed by the NHS Litigation Authority (NHSLA) on all such costs matters.

Mediation & ADR

Tina regularly accepts instructions on all Civil and Commercial mediations in the capacity of a Barrister and also as a Mediator.

Tina is also a faculty member with the London School of Mediation and tutors on the courses and had recently tutored at the Special Tribunal for Lebanon at The Hague.

She sat as a Judge on the UK Student Mediation Competition 2019 in Bristol.

Her experience in Arbitration extends to acting for the Forestry Commission in relation to Farm/Woodland Grant Schemes in

relation to an Arbitration clause within the contract.

Education

2001: LL.B (Hons) (Lond.)

2002: Bar Vocational Course

2006: LL.M (Merit) (Queen Mary, University of London)

2014: International Human Rights Law (short course) (University of Oxford)

Memberships

Property Bar Association (PBA)

Chartered Institute of Arbitrators (CI Arb)

Advocate

RCJ Advice Bureau for Court of Appeal cases (COAS)

In her early years of practice, Tina was instructed by the Treasury Solicitor to undertake work under the baby barrister scheme on the Commercial/Construction.

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