

Sunny Virk (2004)

General Information

A Barrister for Insurance Companies to Defend Credit Hire & Personal Injury claims from RTAs

Sunny is a barrister with a highly successful practice specialising in credit hire litigation, personal injury/fraud and professional negligence. He is Head of Credit Hire (Defendant Insurance Group) within Clerksroom Chambers.

- "He is truly a star!" | Hebble Law

PROFILE

Called to the Bar for over 16 years, Sunny has made credit hire the focus of his practice. He is instructed by large and small insurance companies and law firms in complex and challenging matters concerning credit hire, personal injury and causation. Sunny's practice encompasses:

- Credit Hire
- Personal Injury arising from Road Traffic Accidents
- Fraud and Fundamental Dishonesty
- Causation and LVI (Low Velocity Impact)
- Professional Negligence (especially against legal professionals acting in Personal Injury claims)

Sunny is reputed amongst firms who litigate on behalf of insurance companies in defending multi and fast track credit hire claims, and is often requested by insurers to deal with cases involving causation, fraud and fundamental dishonesty.

He delivers high-quality appellant and trial advocacy along with professional advice. He will regularly advise on cases involving applications for committal for contempt, following a finding of fundamental dishonest/fraud in RTA claims.

WHAT CAN YOU EXPECT FROM SUNNY?

- Clients can expect him to take a highly effective, robust and commercially minded approach to their case, deliver results and to always prioritise their best interests.
- He provides an extensive academic and technical understanding of the law, intricate preparation, confident and tenacious representation and an unwavering commitment to your case.
- He can undertake hearings and trials online via Zoom and other media with ease.
- He is on a number of insurance panels and also instructed off panel by some insurers and professional clients in the most complicated credit hire cases.

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 glad to have such a brilliant barrister on my side!" DH (A insurer client)

- “[He]...was out of this world. He dismantled the claimant's arguments piece by piece. He was a professional. JP (A insurer client)”
- “I was very impressed by his eloquence, meticulous attention to detail and general handling of the case.” DH (A insurer client)
- “Prior to going into the court room when the other party offered to split 50/ 50...you gave me all the options...and you were confident that we could win 100% which indeed was the outcome” JF (A insurer client)
- “I was very impressed by his robust cross-examining of the claimant and manner in which he exposed the inconsistency of his statements.” DH (A insurer client)

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 disputes. 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.

APPOINTMENTS & MEMBERSHIP

Member of the Honourable Society of Grays Inn

Bar Council Elected Representative (7 years' call) – 2013 to 2016

INTERESTS

Sunny is married and spends his leisure time travelling. He enjoys spending time with his friends discussing philosophy and politics. In the past, he has raised money for various charities and good causes. In 2013 Sunny ran the London Marathon for Save the Rhino and in 2016 he summited Mount Kilimanjaro for Zoë's Place Baby Hospice.

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