

ENGLAND AND WALES / JUDGMENT

Hitendrakumar Patel v Michael Parker & Ors

BEFORE
MR JUSTICE RAJAH

Source: caselaw.nationalarchives.gov.uk · Research copy typeset by Esheria. Not court-issued or certified.

Source record

Neutral Citation Number:	[2025] EWHC 2931 (Ch) IN THE HIGH COURT OF JUSTICE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES CHANCERY DIVISION
Case No:	BL-2023-000067 Royal Courts of Justice, Rolls Building Fetter Lane, London, EC4A 1NL
Date:	7 November 2025
Before:	MR JUSTICE RAJAH -----
Between:	Mr Hitendrakumar Patel - and - Mr Michael Parker & Others ----- ----- Claimant Defendants Paul Mitchel KC and Chris Greenwood (instructed by Layton Solicitors LLP) for the Claimant Graeme Halkerston (instructed by Bartons Solicitors) for the First Defendant Gavin McLeod (instructed by Bartons Solicitors) for the Second and Third Defendants Hearing dates: 7th November 2025 -----

RULING

MR JUSTICE RAJAH Friday, 7 November 2025

1. Today is Day 3, if you count the reading day, of this trial. I have an application, by application notice dated 4 November from the first defendant, Mr Parker, seeking orders for disclosure. One may think that is a surprising application to be making on Day 3 of the trial. Disclosure is a process which is normally completed long before the trial commences. No application was made for disclosure at the pre trial review on 8 October 2025.
2. Mr Halkerston initially sought disclosure of four categories of documents as set out in Appendix A to the draft order accompanying the Application Notice. During the course of the hearing of the application he has trimmed down his requests. Appendix A, paragraph 3, has been dropped. In relation to appendix A, paragraph 2, a proposal has been made by Mr Mitchell that he will produce an audit trail report in relation to two nominal codes, 1120 and 1123, which Mr Halkerston says will satisfy him. But let us be clear that the original requests which were being made for disclosure were wide- ranging and would have required a considerable amount of work to comply with them. 3. It was eventually teased out of Mr Halkerston that the application in relation to paragraph 1 of appendix A relates to a challenge to the authenticity of three confirmation letters which were signed by Mr Patel and which were used for the purposes of Smartway's accounts and tax return. Mr Mitchell says they were prepared for Mr Patel by his accountants and any documentation in relation to them reside there with the accountants and, further, that a request has been made for the original electronic file creating these confirmation letters and that if it is available, it will be provided. But Mr Halkerston's application goes much further and seeks documents relating to the creation, drafting and delivery of those letters.
4. Mr Parker also challenges Mr Patel's case that there was a running account between him and his wife and Smartway and, to challenge the authenticity of that, he wishes to interrogate a ledger which has been produced. In the core bundle at page 353, there is a screenshot of a Sage 50 page showing nominal codes. That shows, according to Mr Mitchell, a series of codes relating to investments or projects which were related to Mr Patel personally and where his monies were used. This is supposed to evidence the supposed running account. The codes run from 1108 to 1133. Paragraph 2 of Appendix A (as amended orally by Mr Halkerston) sought disclosure of the entries relating to each of those nominal codes and audit trail reports in respect of those entries.
5. On the Sage spreadsheet most of them have been redacted save for the two which are said to relate to the project which this case is concerned with. Those two nominal codes are 1120 and 1123. Mr Mitchell has proposed that he will provide an audit trail report in relation to those which will verify whether or not the entries relating to those nominal codes are genuine. 6. In relation to these two categories (paragraphs 1 and 2 of Appendix A) the first point to make is the lateness of this application. The confirmation letters were produced in

July and have been available to Mr Halkerston and his client since then. The Sage 50 screenshot was produced as long ago as October 2024 as part of ordinary disclosure.

7. The starting point has got to be to ask why an application in relation to these documents not been made before now. This is not the sort of application which should be being made on Day 3 of the trial. This should have been made months before the trial and before even the PTR. If it was still outstanding as at the date of the PTR, it should have been mopped up at the PTR so the parties and the Court could have a clean start to the trial, without getting bogged down in procedural applications like this one.
8. Once a trial has started the Court has to be wary of attempts by one party to get another party to go away and do some significant exercise such as disclosure which soaks up their resources and their time and their ability to concentrate on the trial. A level playing field usually requires applications like this to have been dealt with long before trial so that the parties can focus and concentrate on the trial.
9. So for that reason alone I am going to refuse the application in relation to paragraphs 1 and 2 of appendix A. This application is simply too late.
10. I will also say in relation to paragraph 1 I think it is an application for more than is necessary in relation to the confirmation letters and in relation to the nominal codes (paragraph 2), I again think that is too wide. It is a slightly oppressive application for disclosure because it is seeking information which is private information of Mr Patel in relation to his own personal business affairs which have been redacted from the Sage 50 screenshot as irrelevant to these proceedings. Those are matters which are of no legitimate interest to Mr Parker. Mr Halkerston says that he wants that information to test the authenticity of the so called running account between the Patels and Smartway. However, the only matters really needed to be produced so as to be able to verify whether there is an authentic running account are to establish whether the entries in 1120 and 1123 are indeed authentic and were recorded contemporaneously with the events that they record.
11. The remaining item is paragraph 4 of Appendix A. On 29 October 2025, in response to requests on the part of Mr Parker for information, Mr Patel's solicitors produced further documentation which is now in bundle X at tabs 29 and 30. That documentation includes many pages of bank statements which appears to show monies moving backwards and forwards between Mr and Mrs Patel on the one hand and Smartway on the other. These have been reduced into schedules at the end of Mr Halkerston's skeleton argument. Mr Halkerston says that he could not have asked for these before because they only arrived on 29 October.

12. Mr Halkerston says that in respect of every entry showing a payment in one direction or the other as between the Patels and Smartway, his clients should have full disclosure of all correspondence relating to the payment, transfer and use of each of those fund transfers, even though we can all be confident that almost all of those have nothing whatsoever to do with this case.
13. All of this really comes down to the question of whether or not there is an authentic debit and credit running account between the Patels and Smartway which as I have observed, we really only need to know in relation to 1120 and 1123. It is over the top and unnecessary to have a disclosure exercise conducted in relation to every entry of these bank statements particularly after the start of trial.
14. I dismiss the application for disclosure.

5

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE	https://caselaw.nationalarchives.gov.uk/ewhc/ch/2025/2931
CASE PAGE	https://chat.esheria.ai/case-law/england-and-wales/Disclosure-court-unknown--6a3ea4f63b1caa91297fd56b

Prepared on 27 October 2026 · Esheria