

ENGLAND AND WALES / JUDGMENT

Hamza Lakhany v Danyaal Hasan

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Neutral Citation Number: [2025] EWHC 3369 (KB) IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION Case No: KB-2024-003604 Royal Courts of Justice Strand, London, WC2A 2LL Date: 22 December 2025 Before : HHJ KAREN WALDEN-SMITH sitting as a Judge of the High Court

- ----- Between : HAMZA LAKHANY
- and - DANYAAL HASAN
- -----
- ----- Claimant Defendant Robert Parkin (instructed by Connaught Law) for the Claimant Mark Baldock (instructed by Simply Law) for the Defendant Hearing date: 28 November 2025
- ----- Approved Judgment This judgment was handed down remotely at 2pm on Monday 22nd December 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives. HHJ KAREN WALDEN-SMITH HHJ KAREN WALDEN-SMITH Approved Judgment Lakhany v Hasan HHJ KAREN WALDEN-SMITH sitting as a Judge of the High Court: 1. 2. These are the full written reasons for my determination, made at the hearing on 28 November 2025, that the world-wide freezing injunction granted on 2 July 2025 in the absence of the defendant be discharged. The application to discharge raised important issues with respect to the granting of a world-wide freezing injunction and the duty of full and frank disclosure. I was greatly assisted by the written and oral submissions of both counsel for the claimant and the defendant, but ultimately the determination to discharge the injunction as a consequence of the lack of full and frank disclosure does mean there is criticism of what was presented to the Judge hearing the application on 2 July 2025.

Background

3. 4. 5. 6. 7. The claimant, Mr Lakhany, applied for a world-wide freezing injunction against the defendant, Mr Hasan, on 3 June 2025 (“the Injunction Application”). The Injunction Application came before Calver J. on 27 June 2025 on an ex parte basis. At the hearing on 27 June 2025, Calver J directed that the Injunction Application be served upon Mr Hasan and that the hearing be adjourned to 2 July 2025. As a consequence of the hearing on 27 June 2025 being a Friday, and the adjourned date of 2 July 2025 being a Wednesday, that

adjournment did not give a clear three days' notice as required by the provisions of CPR 23.7(1)(b). CPR 2.8 requires a time period of less than five days to be calculated by not counting Saturdays and Sundays. As the 2 July 2025 hearing was on short notice, the claimant recognised that it was under a duty of full and frank disclosure. Despite this, the claimant did not serve a note of the hearing on the defendant. The defendant, who was located in Pakistan, wrote to the court office late afternoon on 30 June 2025 to explain that he was not able to attend and sent a written explanation by way of an email on 1 July 2025 briefly setting out his position with respect to the application. The hearing came before HHJ Simon, sitting as a judge of the High Court, on 2 July

2025. He considered the email from the defendant and heard submissions from Mr Parkin, Counsel for the claimant who also appeared before me. I have had the opportunity of seeing the transcript of the hearing before HHJ Simon. HHJ Simon granted the Injunction Application, making a world-wide freezing order providing (amongst other things) that the defendant, whether by himself or by instructing, causing or encouraging any other person, entity or third party, is forbidden from:
- (1) Selling, transferring, charging, leasing, disposing of or otherwise dealing in any manner whatsoever with the property known as 124 Old Park Ridings, London N21 2EP (title number MX147899) or any part of it;
 - (2) Causing or permitting Old Park Ridings Limited (Company No. 11154255) or any other person or corporate entity under his direction or control to sell, lease, transfer, charge or otherwise deal with the Property or any part of it; HHJ KAREN WALDEN-SMITH Approved Judgment Lakhany v Hasan
 - (3) Disposing of, transferring, dissipating, or in any way dealing with any proceeds of sale (in whole or in part) of the Property, or any part thereof, if a sale or partial sale has already occurred;
 - (4) Removing transferring, disposing of, diminishing or otherwise dealing with any money, assets or property (up to the value of £850,000) held in any bank account or financial institution in the name of the Defendant, whether solely or jointly. The order made is not in the model form of a world wide freezing order, as is set out on the justice.uk website. That fact it is not in the model form does create difficulties as the order failed to contain any provision for a return date and failed to provide any exception for living expenses or for legal expenses. 124 Old Park Ridings, London N21 2EP ("124 Old Park Ridings") is a property owned by the company called Old Park Ridings Limited ("OPR") of which the defendant is a director and the majority shareholder. The defendant is not the sole owner of OPR. Since 11 August 2020, 124 Old Park Ridings has been under the control of LPA receivers and so neither the defendant nor OPR have (or had at the relevant time) control over 124 Old Park Ridings. The claimant failed to provide to the defendant a transcript of the hearing before Calver J on 27 June 2025, or the hearing before HHJ Simon on 2 July 2025, or the judgment of HHJ Simon on 2 July 2025 until 17 November 2025. This is of particular importance as the

defendant, who had not been provided with adequate notice of the hearing on 2 July 2025, was not informed of the basis upon which the decision to make the worldwide freezing order of 2 July 2025 had been made for a period of over 18 weeks. It appears from paragraph 5 of the transcript of the judgment and the hearing on 2 July 2025 that the court was proceeding on the basis that the claimant was seeking a freezing order prohibiting any activity involving the property at 124 Old Park Ridings, and not a worldwide freezing order. At the same time, somewhat confusingly, it is noted that the property is not under the control of the defendant. 8. 9. 10. 11. "It is now clear, it seems, at least as far as the defendant's case is in relation to the particular property, that is Old Park Ridings in London, N21, which the freezing order seeks to secure for the purposes of the payment of any award made by the court in due course on the claimant is no longer under the control of the defendant. This is due to financial difficulties, and it has been taken over by a company which, doubtless, had a charge because of lending large sums of money against its value, and the company intends to sell it." 12. The defendant contends that the Judge was not intending to grant a worldwide freezing injunction of the breadth that he did and that he only intended to grant an injunction to restrain the defendant from dealing with the proceeds of the sale of the property owned by OPR. The injunction (in subparagraphs (3) and (4) set out above) goes far wider in its terms and additionally ordered the defendant to give extensive disclosure in the following terms: HHJ KAREN WALDEN-SMITH Approved Judgment Lakhany v Hasan

- (1) Full details of any contracts, deeds, offers, agreements, or arrangements entered into in relation to the proposed or actual sale, lease, transfer, charge or other disposition of the Property;
- (2) Full particulars of any intended or prospective dealing with the Property;
- (3) A list of all bank accounts (whether in the UK or abroad) held by the Defendant solely or jointly, and the current balances thereof;
- (4) Full details and location of any proceeds already received from the sale or part- sale of the Property, or confirmation that no such sale has occurred. Given the fact that 124 Old Park Ridings is not owned by the defendant and LPA receivers have been appointed so that OPR does not have control over the sale or management of 124 Old Park Ridings, it is difficult to understand the basis upon which the defendant would have been in a position to give such disclosure. With respect to his bank accounts (joint or sole) it is difficult to understand why he would have been obliged to give such disclosure in light of his lack of control over 124 Old Park Ridings and the disclosure ordered was onerous and potentially oppressive. The witness statement of Saima Yasin dated 24 November 2025 in support of this application set out that the claimant's counsel submitted to HHJ Bever, sitting as a judge of the High Court when dealing with this application on 8 October 2025, that the order was only to restrain the defendant from dealing with any proceeds of sale from any assets owned by OPR. That position changed and claimant's counsel was instructed that the intention had been to obtain a worldwide freezing order. When the transcripts of the hearing and judgment of

HHJ Simon were made available on 17 November 2025, the solicitors for the defendant pointed out that the judgment did not support the granting of a worldwide freezing order. The response of the claimant's solicitors was that they read the transcript in a different way and that, as the Judge had approved the order, that must be what he intended. 13. 14. 15. The order was approved by the Judge and the parties cannot go behind that order, regardless of the defendant's interpretation of the transcript of the hearing and the

judgment.

The Underlying Claim 16. 17. 18. The claimant issued proceedings against the defendant on 21 October 2024, alleging that there were sums owing pursuant to contractual arrangements between the claimant and the defendant. The Particulars of Claim allege that, as at 28 August 2024, the claimant was entitled to damages in the sum of £304,300 together with interest at £657.53 per day so that the total outstanding (then) was £1,101,840.74. The defendant served a defence on 18 December 2024, denying the claims brought against him. The defendant accepts, for the purpose of obtaining a freezing injunction, there is a good arguable case. The defendant moved to Pakistan on or about 18 December 2024 and provided his address in Islamabad to the solicitors acting for the claimant. While, therefore, he HHJ KAREN WALDEN-SMITH Approved Judgment Lakhany v Hasan moved to Pakistan at about the same time as the litigation commenced, there is nothing to suggest that the defendant was seeking to avoid the claim. The Injunction Application 19. 20. 21. 22. 23. The solicitors acting for the claimant received notice of activity from HM Land Registry on 2 May 2024 with respect to 124 Old Park Ridings, being a search to protect a pending purchase. On 13 May 2025, a second notice of activity from HM Land Registry was sent, being a lodgement of an application in respect of 124 Old Park Ridings. The injunction application was made against the defendant on 3 June 2025, four weeks after the notification of activity with the property had been received by the claimant's solicitors. The application of 3 June 2025 was listed before Calver J on 27 June 2025 on an ex parte basis. No attempt was made on behalf of the claimant to bring that hearing forward and no explanation was given for the delay between the notification of activity from HM Land Registry in early May and mid-May and the application being made in early June 2025. The skeleton argument in support of the application made first at the hearing before Calver J on 27 June 2025 was that the "risk of dissipation is compelling". The claimant had commissioned a pre-sue asset trace report which identified the property at 124 Old Park Ridings held by OPR and that the defendant was a 95% shareholder. It was contended by the claimant that 124 Old Park Ridings had been divided into 3 properties, one of which had already been sold for £850,000 in 2022 so that the two remaining properties held by OPR were likely to be worth in the order of £1.7 million so that the defendant had the benefit of shares in OPR and therefore had a valuable asset in the jurisdiction of England and Wales (the only other identifiable asset being a flat in Scotland). The claimant further contended that "by 21 March 2025 at the latest" the defendant had moved to Pakistan and therefore left the jurisdiction. It was contended on behalf of the claimant that was suspicious "of and by itself" and that having received notice of activity over the property at 124 Old Park Ridings "the natural inference appears entirely obvious" as the defendant "immediately moved abroad

and took steps to liquidate his only asset within the jurisdiction.” That statement was wrong in two fundamental respects: first, the defendant had moved to Pakistan and informed the claimant of the same months before on 18 December 2024; second, the property 124 Old Park Ridings was not “his [the defendant’s] only asset within the jurisdiction.” It was not his asset and not under his control. The claimant further compounded the misleading nature of the submission by stating that “even that could in principle have an innocent explanation, but the Defendant has not been forthcoming. There is a conspicuous lack of any explanation, or reassurance, whatsoever from the Defendant in response to this application. The court is left with no conclusion available other than that there is a risk of dissipation.” It appears that Counsel was not aware at the time of drafting the skeleton argument of the fact that the application had not been served on the defendant because it is obvious that the defendant could not comment upon the application as it had not been served on him. In any event, it is not for a defendant HHJ KAREN WALDEN-SMITH Approved Judgment Lakhany v Hasan to establish why the order should not be made but for the claimant/applicant to establish why it should be made on the basis of solid evidence. 24. Calver J at the hearing on 27 June 2025 expressed his concern that there was no solid evidence of a real risk of dissipation and noted that there was an unexplained delay in bring the worldwide freezing order. He decided not to grant the freezing injunction on 27 June 2025 (“not least because of the delay in the run-up to the application”) but to bring it back early next week “but on notice.” Calver J did not abridge time for service and it appears that there may have been a miscalculation of the days as, by putting the matter back into the list on the following Wednesday he had only given 2 days clear notice although he did refer to the hearing being expedited. The order (mis-dated 26 June 2025) provided that the defendant be given the opportunity to explain the property alert notifications, indicating activity with the sale of one or more of the properties at 124 Old Park Ridings. The Hearing on 2 July 2025 25. 26. 27. 28. I am satisfied that the relisting of the application for the freezing order to 2 July 2025, the following Wednesday, was not sufficient to give notice to the defendant in accordance with the rules. An application notice must be served at least three days before the court is to deal with the application, pursuant to the provisions of CPR r.23.7(1)(b). The period of notice was not shortened by order of Calver J. The three days is to be calculated as not including Saturday or Sunday (given that it was less than five days – see CPR 2.8(4)) and the days must be “clear” days (CPR 2.8(2)). Consequently, in adjourning the hearing for notice to be given the application needed to be listed no sooner than Thursday 3 July 2025. As a consequence, the claimant was under the same full and frank disclosure obligations which apply to without notice applications: “... the duty of full and frank disclosure is one that applies not only to applications made without notice, but also to those which are made on short (or inadequate) notice to the respondent. This is because the provision in the CPR which stipulates that at least 3 days’ notice should be given of any “with notice” application for relief reflects the minimum period allowed, with a view to ensuring the respondent is given a proper opportunity to marshal his evidence and legal submissions and deploy before the court” (para 27-060 Civil Fraud: Law, Practice & Procedure (1st Ed.) General Editors Grant and Mumford) That is particularly pertinent in this case as the defendant was residing out of the jurisdiction and acting in person without legal advice or support. The defendant wrote to the court on Monday 30 June 2025 to inform the court that he would not be able to attend on Wednesday 2 July 2025 but would provide a written

response on 1 July 2025, which he did by email. In his email, he set out a history to the setting up of OPR as a single- purpose vehicle and that while he was a 95% shareholder of OPR it had been in Receivership since August 2020 and that, since then, he had no control over OPR. He set out the history HHJ KAREN WALDEN-SMITH Approved Judgment Lakhany v Hasan of OPR that in December 2018 two loan facilities had been agreed with West One Development Finance Limited (Lender 1) and Naresh Lohano (Lender 2) and that Lender 1 had a first legal charge and a priority 1 debenture, with Lender 2 having a second legal charge and priority 2 debenture. Lender 1 also had a personal guarantee from the defendant for the entire loan. The development did not succeed, it is said by the defendant at least partly due to the impact of Covid-19, and Lender 1 appointed LPA Receivers on 11 August 2020. The defendant set out that it was agreed that Lender 1 would take over OPR and the redevelopment project so that it could complete, sell the properties and recover its loan. On that basis there was a consent order in March 2020 and Lender 1 took over the development and sale of the properties, and the defendant confirmed that “none of the proceeds of any of these sales have come to me and none will be coming to me in the future. These transactions are entirely controlled by Lender 1 and the LPA that is still operating on the Company.” The documentation supporting the defendant’s account was attached to his email and was available publicly at Companies House. The documentation was not attached to either Affidavit of Asfandiyar Khan dated 26 June 2025 in support of the application or his witness statement dated 29 May 2025. The Judge did not have sight of the claimant’s first skeleton argument, and only had the supplementary skeleton argument which updated the claimant’s position in light of the defendant’s 1 July 2025 email. The basis of the application for a freezing injunction was said to be that the defendant had moved to Pakistan shortly after the issue of proceedings and a land registry entry dated 16 May 2025 suggesting that steps were being taken to liquidate assets belonging to the defendant. Specifically, reference was made to the property at 124 Old Park Ridings as being a property held by a company he controlled. The claimant contended that the information provided by the defendant reinforced the need for a freezing injunction, contending (in reliance on *Taylor v Van Dutch Marine Holding Limited & Ors* [2017] EWHC 636 (Ch)) that the freezing order would not interfere with the Receivership as the receivers could still deal with 124 Old Park Ridings, but that if any proceeds of sale were available to the defendant then those proceeds would be captured by the freezing order. It is striking that the claimant was presenting a position that the order being sought would have limited or no impact on the defendant. That was in marked contrast to the impact of the actual worldwide freezing order obtained by the claimant. 29. 30. 31. 32. The defendant was not sent a note of the hearing or of the judgment on 2 July 2025 but simply a copy of the freezing order and so the defendant was unaware of the basis upon which the order was sought and obtained. The Order 33. 34. As I have set out above, the order is not in the model form of order published on the justice.gov website. There is no explanation as to why that is the case. The model form is helpful as it contains those details that should be included within the order, such as a return date. While this order was not made without notice it was made at a hearing on short notice at which the defendant was not present. CPR25.9 HHJ KAREN WALDEN-SMITH Approved Judgment Lakhany v Hasan sets out the form of an interlocutory order, including that a note of the hearing must be served on the defendant and a return date must be given. I am satisfied that notice of the hearing

was given but, in light of the short notice and the inability of the defendant to attend given that short notice and his being out of the jurisdiction in Pakistan, there needed to be a return date in order to enable the defendant to put forward his case. CPR 25.9 (3) provides that in a without notice application the order must contain the following. “(b)if made without notice to any other party, an undertaking by the applicant to the court to serve on the respondent the application notice, evidence in support, note of the hearing and any order made as soon as practicable; (c)if made without notice to any other party, a return date for a further hearing at which the other party can be present.” 35. 36. 37. As notice had been given, I do not find that the order made was contrary to the provisions of CPR 25.9 (3). However, in circumstances where the notice given was short and the defendant was unable to attend the hearing, despite his engagement with the proceedings, there ought to have been a return date and the claimant ought to have served the application, evidence in support, a note of the hearing and the order as soon as was practicable. Further, the order failed to include a provision for the freezing order to be discontinued in the event of the moneys being secured in another way, or if part of the money were secured. It also provided that the defendant was to pay the costs of the application despite the fact that this was a short notice application which was effectively treated as a without notice application. Contrary to the terms of the model freezing order, the order failed to provide any undertaking with respect to the use of the disclosure that was ordered, failed to include an undertaking with respect to the service of the transcript of the hearing, and failed to include an undertaking as to the enforcement of the freezing order outside England and Wales. Challenge to the Order 38. 39. The claimant sought to commit the defendant for contempt for an alleged failure to comply with the disclosure obligations set out in the order of 2 July 2025. That application came before HHJ Bever, sitting as a Judge of the High Court, on 8 October 2025 and he ordered that any arguments about the continuation of the freezing order be listed to be heard with the defendant’s application to discharge. If, as here, the hearing takes place earlier than it should pursuant to the rules (that is three clear days between notice and hearing), it is the duty of the legal representative to make a note of the hearing and serve that note on the defendant (see CPR 25.8(1))

- (d) In *Interoute Telecommunications (UK) Limited v Fashion Group Limited and Ors*. Nov 10, 199 *The Times*, Lightman J held that it was the duty of counsel and solicitor, when making an ex parte application for relief, particularly in connection with freezing injunctions, to make in the course of the hearing a full note of the hearing either at the time or soon after, and to provide copy of the note with all HHJ KAREN WALDEN-SMITH Approved Judgment *Lakhany v Hasan* expedition to any party affected by the grant of relief. He found that was essential in order that the respondent knew exactly what had occurred including the basis and material on which the order had been made, thereby allowing for an informed application for discharge. As is set out in the White Book, para 25.8.7, the reason for that duty is that: “the preparation and provision of such notes are important, not only to inform anyone notified of the order of what evidence was put before the court... but also to inform them of any points or queries that have been raised by the Judge.” In my judgment, this obligation to provide a note applies equally to the short notice situation. The non-attending respondent is entitled to know the basis upon which the decision is made to grant an

injunction. 40. The duty of full and frank disclosure and fair presentation of material facts was summarised by the Court of Appeal most recently in *Mex Group Worldwide Limited v Ford* [2024] EWCA Civ 959, which concerned a without notice application for a freezing injunction, in which Coulson LJ approved the summary provided by Carr J (as she then was) in *Tugushev v Orlov* [2019] EWHC 2031 (Comm), the relevant passages being set out here: “The law is non-contentious. The following general principles can be distilled from the relevant authorities as follows: (i) The duty of an applicant for a without notice injunction is to make full and accurate disclosure of all material facts and to draw the court’s attention to significant factual, legal and procedural aspects of the case; (ii) It is a high duty and of the first importance to ensure the integrity of the court’s process. It is the necessary corollary of the court being prepared to depart from the principle that it will hear both sides before reaching a decision, a basic principle of fairness. Derogation from that principle is an exceptional course adopted in cases of extreme urgency or the need for secrecy. The court must be able to rely on the party who appears alone to present the argument in a way which is not merely designed to promote its own interests but in a fair and even-handed manner, drawing attention to evidence and arguments which it can reasonably anticipate the absent party would wish to make; (iii) Full disclosure must be linked with fair presentation. The judge must be able to have complete confidence in the thoroughness and objectivity of those presenting the case for the applicant. Thus, for example, it is not sufficient merely to exhibit numerous documents; (iv) An applicant must make proper enquiries before making the application. He must investigate the cause of action asserted and the facts relied on before identifying and addressing any likely defences. The duty to disclose extends to matters of which the applicant would have been aware had HHJ KAREN WALDEN-SMITH Approved Judgment *Lakhany v Hasan* reasonable enquiries been made. The urgency of a particular case may make it necessary for evidence to be in a less tidy or complete form than is desirable. But no amount of urgency or practical difficulty can justify a failure to identify the relevant cause of action and principal facts to be relied on.

- (v) Material facts are those which it is material for the judge to know in dealing with the application as made. The duty requires an applicant to make the court aware of the issues likely to arise and the possible difficulties in the claim, but need not extend to a detailed analysis of every possible point which may arise. It extends to matters of intention and for example to disclosure of related proceedings in another jurisdiction (vi) ... (vii) ... (viii) ... (ix) ...
- (x) ... (xi) ... (xii) ... (xiii) ...” 41. 42. 43. The transcript of the hearing before HHJ Simon establishes that the claimant acknowledged that, in the circumstances of this matter when short notice had been given of the hearing, the duty of full and frank disclosure fell upon the claimant. Despite this acknowledgment, the claimant did not comply with that duty. The Judge was entitled to have complete confidence in the thoroughness of the presentation and that he had all the necessary evidence before him. Unfortunately he did not have all the necessary evidence before him. It is troubling that the final order appears to be far wider than the injunction the Judge appears from his judgment been intending to make. A

worldwide freezing order was in fact granted when the judgement indicates that the order was limited in that it would only impact upon the defendant to the extent that any proceeds of the sale from the property at 124 Old Park Ridings might trickle down to the defendant. The claimant has an obligation to establish to the court that “there is a real risk that a judgment or award will go unsatisfied, in the sense of a real risk that, unless restrained by injunction, the defendant will dissipate or dispose of his assets other than in the ordinary course of business” (see *Flaux J in The “Nicholas M”* [2008] 2 Lloyd’s Reports 605). The purpose of the injunction is not to give a party a security for their claim, potentially putting themselves above other creditors, and general suspicion of dissipation will not suffice. Calver J had expressed concern on 27 June 2025 that there was not the solid evidence required to establish a real risk of HHJ KAREN WALDEN-SMITH Approved Judgment *Lakhany v Hasan* dissipation. In *JSC Mezhdunarodniv Promyshlenniy Bank v Pugachev* [2014] EWHC 4336 (Ch), Mann J set out the following: “What one has to do is to acknowledge the seriousness of the consequences of a freezing order; and the invasion of liberty that it involves (especially bearing in mind it is usually sought in a without notice application) and to reflect that in requiring proof to an appropriately high standard. Orders are not to be lightly sought and will not be granted on flimsy evidence. The requirement to demonstrate a risk of dissipation is a lot more than formal.” 44. 45. 46. 47. 48. In this case the height of the claimant’s case is that there was some activity about the sale of a property at 124 Old Park Ridings in May 2025 (leading to an application being made more than 4 weeks later and not coming before the court until approximately 8 weeks later) which property was not in the control of the defendant in any way, together with the fact that he had moved to Pakistan – having informed the claimant of his move in December 2024. There was no evidence that the defendant was dealing with the property at 124 Old Park Ridings and there was no evidence that the defendant was dealing with his own assets. Significantly, the information with respect to the property at 124 Old Park Ridings not being in the control of the defendant – either in his own name or as majority shareholder of OPR – was available publicly at Companies House. That was not brought to the Judge’s attention by the claimant. The defendant was not able to dissipate assets as LPA receivers had been appointed and the property itself was owned by OPR and not the defendant. The distinct legal personalities of OPR and the defendant appear to have been overlooked. This should all have been highlighted in the application before the Judge. Representations were made to the Judge on behalf of the claimant which suggested that there should be concern that the defendant had left for Pakistan in or around March 2025 and that this had been “discovered”. That was not correct and could easily have created a false impression or suspicion that the defendant was in some way seeking to avoid the consequences of any adverse judgment. Indeed, it was suggested in the skeleton argument presented to Calver J for the hearing on 27 June 2025 (a skeleton argument not seen by HHJ Simon) that the conduct was “suspicious”. The defendant relocated to Pakistan in or about December 2024, when the proceedings had already commenced, but he was entirely transparent about that move and his motivation. This ought to have been brought to the Judge’s attention. The lengthy delay between the first alert on 2 May 2025 about activity relating to 124 Old Park Ridings and the application for an

injunction on 3 June 2025 had concerned Calver J at the hearing on 27 June 2025. The fact of that 8-week delay was not drawn to the attention of the Court on 2 July 2025, despite the concerns expressed by Calver J. That delay was significant because it indicated that there was no real risk of dissipation: “delay in making the application may be relevant to the risk of dissipation” (per Mellor J in *Crypto Open Patent Alliance v Wright* [2024] EWHC 743 (Ch)). While delay is evidence that the claimant did not genuinely believe that there was a risk of dissipation – as it would HHJ KAREN WALDEN-SMITH Approved Judgment Lakhany v Hasan otherwise have acted sooner – it is not a determinative factor. However, the Court ought to have been alerted to the issue in order for it to be considered. 49. The three issues raised on behalf of the claimant as establishing a risk of dissipation do not withstand any scrutiny. The activity with the property at 124 Old Park Ridings was entirely outside the defendant’s control; the defendant had not been secretive about his move to Pakistan and his reasons and there was nothing “suspicious” as alleged by the claimant; and the delay of 8 weeks between activity and the hearing could not be explained by Counsel for the claimant. It is, in my judgment, a clear indication that the claimant did not have real concerns about dissipation but rather he wanted to place himself in a more favourable position should he recover monies in his claim. 50. In *Holyoake v Candy* [2017] 3 WLR 1131, Gloster LJ approved the determination of Neuberger J (as he then was) in *Flightwise Travel Service Ltd v Gill* [2003] EWHC 3082 where he said: “... it really should go without saying that it is for the applicant to make out his case to support a freezing order, namely an appropriately strong case against the respondent concerned, and that there is a real risk of dissipation by the respondent. It is not for the respondent to show that a freezing order ought not [to] be granted.” 51. In this case, it does appear that the order was made because of the suspicions raised by the claimant rather than there being strong evidence to establish dissipation. The order itself, which I have already dealt with above, extended a long way beyond that which had been dealt with in the judgment. 52. In all the circumstances, I had no hesitation in discharging the order made. Costs 53. The defendant seeks his costs on an indemnity basis. Given the timing of this judgment at the end of term, I propose that the claimant responds to that request by 4pm on 12 January 2026 and the defendant responds by 19 January 2026 by sending submissions to my email address and I will make the costs order at that time. The order discharging the injunction was made at the time of the hearing.

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