

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)

Claim No: HC-2017-000905

The Honourable Mr. Justice Marcus Smith

7 December 2017

B E T W E E N:

YASHWANT DAHYABHAI PATEL

Claimant

-and-

(1) **GIRISH DAHYABHAI PATEL**
(2) **JAYSHREE PATEL**
(3) **RANJANBALA PATEL**
(4) **NIRJA JAIN**

Defendants

1. On 7 December 2017, this Court committed the following named person to prison:

GIRISH DAHYABHAI PATEL

Mr. Patel was the First Defendant in these proceedings.

2. Suspended sentences were made in respect of the Second, Third and Fourth Defendants, namely:

JAYSHREE PATEL
RANJANBALA PATEL
NIRJA JAIN

3. The committal application arose out of Chancery Division proceedings (under Claim No. HC-2015-002485). By his Particulars of Claim in these proceedings, the First Defendant claimed that his mother had executed a will dated 23 June 2005, in which the First Defendant was named as sole executor and sole beneficiary of his mother's estate. The First Defendant, in these proceedings, contended that an earlier will of his mother (naming the Claimant as sole executor and sole beneficiary), in respect of which probate had been granted, was thereby revoked.
4. During the course of the Chancery Division proceedings, the First Defendant, together with the Second, Third and Fourth Defendants, gave a detailed factual account (by way of pleadings, witness statements, affidavit and oral evidence at trial) of the purported circumstances in which the 2005 will have been prepared and executed.
5. The trial judge, at the conclusion of the proceedings, dismissed the First Defendant's claim with indemnity costs, finding the 2005 will to be a forgery.
6. The Defendants later admitted that the evidence given by them in the Chancery Division proceedings was false and known by each of them to have been false at the time that it was given.
7. The Court found that, following admissions made, the Defendants were in contempt of court in the following respects and it imposed the following sentences for those breaches:

Ground of Contempt (as referenced in the Grounds appended to the Claim Form and the Order of the Court)	Brief description of the contempt	Reference in Grounds setting out the particulars in respect of the contempt	Sentence
As against the First Defendant			
Grounds 1 to 5	The First Defendant signed a statement of truth in relation to Particulars of Claim dated 18 June 2015 containing statements that were false and were known by the First Defendant to be false	Paragraphs 11-12 of Schedule 1	12 months imprisonment for each contempt to run concurrently with the sentences for all the other contempts
Ground 6	The First Defendant's first witness statement dated 18 June 2015 contained a statement that was false and was known by the First Defendant to be false	Paragraphs 13-14 of Schedule 1	12 months imprisonment for each contempt to run concurrently with the sentences for all the other contempts
Grounds 7 to 12	The First Defendant's second witness statement dated 18 June 2015 contained statements that were false and were known by the First Defendant to be false	Paragraphs 15-24 of Schedule 1	12 months imprisonment for each contempt to run concurrently with the sentences for all the other contempts
Ground 13	The First Defendant's third witness statement dated 28 July 2015 contained a statement that was false and was known by the First Defendant to be false	Paragraphs 25-27 of Schedule 1	12 months imprisonment for each contempt to run concurrently with the sentences for all the other contempts
Ground 15 to 17 (excluding Ground 16 in respect of which no finding of contempt is made)	The First Defendant's eighth witness statement dated 28 July 2016 contained statements that were false and were known by the First Defendant to be false	Paragraphs 28-33 of Schedule 1	12 months imprisonment for each contempt to run concurrently with the sentences for all the other contempts
Grounds 18 to 27	During the course of sworn oral evidence the First Defendant made false statements that were known by him to be false	Paragraphs 34-38 of Schedule 1	12 months imprisonment for each contempt to run concurrently with the sentences for all the other contempts
As against the Second Defendant			
Grounds 1 to 5	The Second Defendant swore an affidavit dated 28 May 2015 containing statements which were made without an honest belief in their truth	Paragraphs 11-21 of Schedule 2	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Second Defendant does not commit any further contempt of court during the period of

			suspension. This sentence to run concurrently with the sentences for all the other contempts
Ground 6 and 7	The Second Defendant's witness statement dated 27 July 2016 contained statements that were false and were known by the Second Defendant to be false	Paragraphs 22-25 of Schedule 2	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Second Defendant does not commit any further contempt of court during the period of suspension. This sentence to run concurrently with the sentences for all the other contempts
Grounds 8 to 12	During the course of sworn oral evidence the Second Defendant made false statements that were known by the Second Defendant to be false	Paragraphs 26-33 of Schedule 2	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Second Defendant does not commit any further contempt of court during the period of suspension. This sentence to run concurrently with the sentences for all the other contempts
As against the Third Defendant			
Grounds 1 to 5	The Third Defendant swore an affidavit dated 1 June 2015 containing statements which were made without an honest belief in their truth	Paragraphs 11-21 of Schedule 3	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Third Defendant does not commit any further contempt of court during the period of suspension. This sentence to run concurrently with the sentences for all the other contempts
Grounds 6 to 8	The Third Defendant's witness statement dated 27 July 2016 contained statements that were false and were known by the Third Defendant to be false	Paragraphs 22-27 of Schedule 3	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Third Defendant does not commit any further contempt of court during the period of suspension. This sentence to run

			concurrently with the sentences for all the other contempts
Grounds 9 to 12	During the course of sworn oral evidence the Third Defendant made false statements that were known by the Third Defendant to be false	Paragraphs 28-32 of Schedule 3	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Third Defendant does not commit any further contempt of court during the period of suspension. This sentence to run concurrently with the sentences for all the other contempts
As against the Fourth Defendant			
Grounds 1 to 5	The Fourth Defendant swore an affidavit dated 13 July 2015 containing statements which were made without an honest belief in their truth	Paragraphs 11-21 of Schedule 4	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Fourth Defendant does not commit any further contempt of court during the period of suspension. This sentence to run concurrently with the sentences for all the other contempts
Ground 6	The Fourth Defendant's witness statement dated 27 July 2016 contained statements that were false and were known by the Third Defendant to be false	Paragraphs 22-23 of Schedule 4	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Fourth Defendant does not commit any further contempt of court during the period of suspension. This sentence to run concurrently with the sentences for all the other contempts
Grounds 7 to 12	During the course of sworn oral evidence the Fourth Defendant made false statements that were known by the Fourth Defendant to be false	Paragraphs 24-25 of Schedule 4	3 months imprisonment for each contempt to be suspended for 12 months on terms that the Fourth Defendant does not commit any further contempt of court during the period of suspension. This sentence to run concurrently with the sentences for all the other contempts

8. Accordingly, it was ordered that the First Defendant be committed for contempt to Her Majesty's Pentonville Prison for a total period of 12 months or until lawfully discharged if sooner, and that a warrant of arrest and committal be issued forthwith.
9. The other Defendants, as stated, received suspended sentences.

The Honourable Mr. Justice Marcus Smith

7 December 2017

Note: This form is to be sent to the national media, via the CopyDirect service, and to the Judicial Office, at <mailto:judicialwebupdates@judiciary.gsi.gov.uk> for publication on the website of the Judiciary of England and Wales.