



CLAIM NUMBER:BR-2018-001849

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

BR-2018-001849

IN THE MATTER OF KARNAIL SINGH TUMBER (IN BANKRUPTCY)
AND IN THE MATTER OF THE CIVIL PROCEDURE RULES AND THE INSOLVENCY
ACT 1986

MRS JUSTICE FALK
18 OCTOBER 2019

BETWEEN:

SUKHVINDER KAUR BAINS AND THOMAS GUTHRIE AS JOINT TRUSTEES IN
BANKRUPTCY OF KARNAIL SINGH TUMBER

Applicants

AND

- (1) HAMRAN LIMITED (CRN 08658137)
- (2) KINGSLEY HAMILTON ESTATES LIMITED (CRN 09414040)
- (3) KARNAIL SINGH TUMBER

Respondents

FREEZING INJUNCTION

PENAL NOTICE

IF YOU HAMRAN LIMITED, KINGSLEY HAMILTON ESTATES LIMITED, KARNAIL SINGH TUMBER DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

THIS ORDER

- 1 This is a Freezing Injunction made against Hamran Limited, Kingsley Hamilton Estates Limited, and Karnail Singh Tumber ("**the Respondent**") on 18 October 2019 by Mrs Justice Falk on the application of Sukhvinder Kaur Bains and Thomas Guthrie as joint trustees in bankruptcy of Karnail Singh Tumber ("**the Applicants**"). The Judge read the Affidavit listed in Schedule A and accepted the undertakings set out in Schedule B at the end of this Order.
- 2 This order was made at a hearing without notice to the Respondent. The Respondent has a right to apply to the court to vary or discharge the order – see paragraph 11 below.
- 3 There will be a further hearing in respect of this order at 10.30am on 1st November 2019 ("**the Return Date**").
- 4 If there is more than one Respondent:
 - 4.1 unless otherwise stated, references in this order to 'the Respondent' mean both or all of them; and
 - 4.2 this order is effective against any Respondent on whom it is served or who is given notice of it.

FREEZING INJUNCTION

- 5 Until the Return Date or further order of the court:
 - 5.1 the First and Second Respondents ("**the Corporate Respondents**") shall not, and the Third Respondent in his capacity as director of the Corporate Respondents shall not, cause or allow the Corporate Respondents to deal with, dispose of or in any way diminish the value of the credit balance on any bank or other financial institution account/s in the name of the Corporate Respondents, whether solely or jointly with others, up to a limit of £5,400,000 (five million four hundred thousand pounds); and/or
 - 5.2 **the Corporate Respondents** shall not, and the Third Respondent in his capacity as director of the Corporate Respondents shall not, cause or allow the Corporate Respondents to deal with, dispose of or in any way diminish the value of any assets purchased or otherwise procured with:

5.2.1 the funds from the sale of the property located at number 22928 Duquesa Village, number 78 of building number 20, Manilva, Malaga, Spain (“**the Spanish Property**”) up to a limit of £5,400,000 (five million four hundred thousand pounds); and/or

5.2.2 funds received from or on behalf of the Third Respondent which would otherwise be payable to the bankruptcy estate of the Third Respondent up to a limit of £5,400,000 (five million four hundred thousand pounds);

whether they are in or outside the jurisdiction.

PROVISION OF INFORMATION

6 Unless paragraph 7 applies, the Corporate Respondents must, and the Third Respondent in his capacity as director of the Corporate Respondents must, by 4.30pm on the day seven (7) working days after service of this order provide to the Applicants copies of statements for all bank or other financial institution account/s in the name of the Corporate Respondents, whether solely or jointly with others, for the period 12 September 2018 to the date of this order notwithstanding that any of those accounts may now be closed.

7 If the provision of any of this information is likely to incriminate the Respondent, he may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of court and may render the Respondent liable to be imprisoned, fined or have his assets seized.

8 Within seven (7) working days after being served with this order, the Third Respondent must swear and serve on the Applicant's solicitors an affidavit setting out the above information.

EXCEPTIONS TO THIS ORDER

9 This order does not prohibit the Second Respondent from dealing with or disposing of any of its assets in the ordinary and proper course of business.

COSTS

10 The costs of this application are reserved to the judge hearing the application on the Return Date.

VARIATION OR DISCHARGE OF THIS ORDER

- 11 Anyone served with or notified of this order may apply to the court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicants' solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicants' solicitors in advance.

INTERPRETATION OF THIS ORDER

- 12 A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- 13 A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANT AND RESPONDENT

Effect of this order

- 14 It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

Set off by banks

- 15 This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Respondent before it was notified of this order.

Withdrawals by the Respondent

- 16 No bank need enquire as to the application or proposed application of any money withdrawn by the Respondent if the withdrawal appears to be permitted by this order.

Persons outside England and Wales

- 17 Except as provided in paragraph 18 below, the terms of this order do not affect or concern anyone outside the jurisdiction of this court.
- 18 The terms of this order will affect the following persons in a country or state outside the jurisdiction of this court:
- 18.1 the Respondent or his officer or agent appointed by power of attorney;
- 18.2 any person who:
- 18.2.1 is subject to the jurisdiction of this court;
- 18.2.2 has been given written notice of this order at his residence or place of business within the jurisdiction of this court; and
- 18.2.3 is able to prevent acts or omissions outside the jurisdiction of this court which constitute or assist in a breach of the terms of this order; and
- 18.3 any other person, only to the extent that this order is declared enforceable by or is enforced by a court in that country or state.

Assets located outside England and Wales

- 19 Nothing in this order shall, in respect of assets located outside England and Wales, prevent any third party from complying with:
- 19.1 what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the Respondent; and
- 19.2 any orders of the courts of that country or state, provided that reasonable notice of any application for such an order is given to the Applicants' solicitors.

COMMUNICATIONS WITH THE COURT

All communications to the court about this order should be sent:

Chancery Associates, Ground Floor, The Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL quoting the case number. The telephone number is 020 7947 6733.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

SCHEDULE A

AFFIDAVITS

The Applicants relied on First Affidavit of Thomas Guthrie, sworn on [xxx] October 2019 with Exhibit TG1 filed on behalf of the Applicants.

SCHEDULE B

UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- 1 If the court later finds that this order has caused loss to the Respondents, or any of them, which has occurred after 5.00pm on 18th October 2019 and decides that the Respondent(s) should be compensated for that loss, the Applicants will comply with any order the court may make, save that this undertaking shall be limited to the amount of moneys and the net realisable value of the unpledged assets within the Bankruptcy estate taken into custody or under the control of the Applicants in the course of the bankruptcy less the costs, expenses, other disbursements, and any interim or final distributions properly made in the course of the bankruptcy.
- 2 As soon as practicable the Applicants will issue and serve a claim form claiming the appropriate relief.
- 3 The Applicants will serve upon the Respondent together with this order as soon as practicable:
 - 3.1 the application notice seeking the relief granted herein
 - 3.2 copies of the affidavit and exhibit containing the evidence relied upon by the Applicants, and any other documents provided to the court on the making of the application;
 - 3.3 a note of the hearing; and
 - 3.4 an application notice for continuation of the order.
- 4 Anyone notified of this order will be given a copy of it by the Applicants' legal representatives.
- 5 The Applicants will pay the reasonable costs of anyone other than the Respondent which have been incurred as a result of this order including the costs of finding out whether that person holds any of the Respondent's assets and if the court later finds that this order has caused such person loss, which has occurred after 5.00pm on 18th October 2019, and decides that such person should be compensated for that loss, the Applicants will comply with any order the court may make, save that this undertaking shall be limited to the amount of moneys and the net realisable value of the unpledged assets within the Bankruptcy estate taken into custody or under the control of the

Applicants in the course of the bankruptcy less the costs, expenses, other disbursements, and any interim or final distributions properly made in the course of the bankruptcy.

- 6 If this order ceases to have effect (for example, if the Respondent provides security in the sum of £5,750,000 (five million seven hundred and fifty thousand pounds)) the Applicants will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- 7 The Applicants will not without the permission of the court use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in England and Wales or in any other jurisdiction, other than this claim.
- 8 The Applicants will not without the permission of the court seek to enforce this order in any country outside England and Wales or seek an order of a similar nature including orders conferring a charge or other security against the Respondent or the Respondent's assets.

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicants' legal representatives are -

Howes Percival LLP
19 Spring Gardens
Manchester
M2 1FB

Ref: KXC/CXM/106304.0051

Tel: 0161 259 0400 Fax: 0161 839 9952