

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

PROPERTY, TRUSTS AND PROBATE LIST

IN THE MATTER OF 28 THE WOODFIELDS, SOUTH CROYDON, CR2 0HE

AND IN THE MATTER OF A CHARGING ORDER

BETWEEN:-

(1) SNEHAL DATTANI

(2) JITESH PATEL

Claimants/Applicants

and

(1) SHAZAAD FAZIL RASHEED

(2) AZEEMA RASHID

Defendants/Respondents

NOTE OF COMMITTAL HEARING

1. This was the hearing of a committal application. The committal application was made by the Claimants against the First Defendant, Shazaad Fazil Rasheed.
2. The application was heard over two separate hearings, on 21<sup>st</sup> October 2021 and 10<sup>th</sup> November 2021. The Claimants were represented by counsel at both hearings.
3. The First Defendant did not attend the first hearing, on 21<sup>st</sup> October 2021. For the reasons set out in a judgment delivered at that hearing, the Court decided to proceed with the hearing of the committal application, in the absence of the First Defendant.
4. At the first hearing the Court then proceeded to consider whether the First Defendant was in contempt of court. For the reasons set out in a second judgment, delivered at the first hearing, the Court found that the First Defendant was in contempt of court.
5. For the reasons set out in a third judgment at the first hearing, the Court declined to proceed with sentencing, in the absence of the Defendant, but adjourned sentencing to the hearing on 10<sup>th</sup> November 2021.

6. At the first hearing the finding of the Court was that the First Defendant had failed to comply with paragraph 2 of an order of Morgan J made on 31<sup>st</sup> March 2021, which required the First Defendant to provide certain information to the Claimants' solicitors within specified periods of time.
7. The specific findings of contempt of court made by the Court were as follows:
  - (1) The First Defendant had failed to provide to the Claimants' solicitors all the information in his possession as to the amount of one half of the net proceeds of sale of a property, being the amount of "half the net proceeds" as that expression was defined in paragraph 1(i) of the order of Morgan J, and
  - (2) The First Defendant had failed to provide to the Claimants' solicitors details of what had happened to one half of the said sale proceeds (meaning one half of the net proceeds as defined above) and where they were now located, and
  - (3) The First Defendant had failed to provide an affidavit or witness statement to the Claimants' solicitors setting out the above information,in each of the above cases as required by paragraph 2 of the said order
8. At the second hearing on 10<sup>th</sup> November 2021 the First Defendant was present, but was not represented. After hearing from the First Defendant and the Claimants' counsel and after considering all the relevant circumstances of the case, the Court delivered a judgment setting out its decision on the appropriate penalty to impose on the First Defendant for his contempt of court.
9. For the reasons set out in the judgment, the Court imposed the following penalty on the First Defendant:
  - (1) A sentence of imprisonment for two months.
  - (2) The sentence to be suspended for a period of one month, conditional upon compliance by the First Defendant, within this period of one month, with his obligations under paragraph 2 of the order of Morgan J.
  - (3) Provided that the First Defendant did comply with his obligations under paragraph 2 of the order of Morgan J within the period of one month, so that the sentence remained suspended, the sentence would remain suspended for a further period of 11 months, conditional upon compliance by the First

Defendant, during that period of 11 months, with any orders of the Court made in the proceedings between the Claimant and the First Defendant.

- (4) Provided that the sentence remained suspended, and was not activated during the period of 12 months from 10<sup>th</sup> November 2021, the sentence would be discharged at the end of the period of 12 months.
  
10. The First Defendant was also ordered to pay the Claimants' costs of the two hearings, summarily assessed in the sums determined by the Court.
  
11. The First Defendant was also advised by the Court of his rights of appeal against the Court's order.