Neutral Citation Number: [2025] EWHC 3174 (Ch)

Case No: BL-2024-001468

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 02/12/2025

Before :

MR JUSTICE ADAM JOHNSON

- -

Between :

(1) JUJHAR SINGH SAHOTA
(2) PRABHOT KAUR SAHOTA **Claimants**

- and -

DOROTA KAZIMIERA NEWMAN **Defendant**

- -
- -

Mr Pepin Aslett (instructed by **Ali Legal Ltd**) for the **Claimants**
The **Defendant** did not appear and was not represented

Hearing dates: 2 December 2025

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Approved Judgment

This judgment was handed down in court at 3pm on Tuesday 2 December 2025 and released to the National Archives.

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Mr Justice Adam Johnson:

Introduction

1. This is an application for the committal of Dorota Kazimiera Newman for contempt of Court. The contempt alleged is a failure to comply with two paragraphs of a freezing Order, granted originally by Miles J on 21 March 2025, which required Ms Newman to provide information as to her assets in England & Wales having a value of over £1,000.

2. The broader background concerns non-payment of monies following the sale of a solicitors' firm by the First Claimant under a Share Purchase Agreement dated 3 January 2022. After a default in payment by Ms Newman, there was a mediation and a settlement agreement was entered into on 31 August 2023. This required Ms Newman to make payments totalling £300,000 and to take other steps in relation to the sale of the firm. There were continuing defaults, however, and by 15 April 2024 the sum of £190,000 was still outstanding. Proceedings were commenced in October 2024. There was no engagement by Ms Newman, and judgment in default was entered on 12 November 2024 for an overall sum to be assessed. That has now happened: on 24 November 2025, Master Pester entered judgment in the sum of £415,270 plus costs totalling £83,075.

3. In the meantime, the Claimants applied for a freezing order in March 2025. The matter was first listed before Miles J on 19 March 2025. He adjourned the hearing until 21 March in order to give Ms Newman the opportunity to attend, but she did not do so, and so in her absence an Order was made on 21 March. It is that Order - I will call it "*the Freezing Order*" - which is the basis of the present committal application. I will set out the relevant terms below. The Freezing Order was later continued by Marcus Smith J on 3 April 2025.

4. There was a continued lack of engagement by the Defendant following the hearing on 3 April. Consequently, on 16 May 2025, Michael Green J gave directions in relation to service of documents. I will come back to that. The present Contempt Application was then issued on 15 July 2025. It is supported by an Affidavit of Ms Ayah Mohamed, also dated 15 July. Ms Mohamed's evidence is that Ms Newman has failed to comply with those aspects of the Freezing Order requiring provision of information about her assets.

5. I should say there has been a continued lack of engagement by Ms Newman with these proceedings. In fact, she has not engaged at all, and did not appear at the hearing of this Contempt Application. I will need to comment further on this below.

Service and Notice

6. I should deal first of all with the question of service of the Freezing Order and of the present Application. I need to be satisfied that Ms Newman has been duly served and has been given appropriate notice.

7. Turning first of all to the Freezing Order of Miles J, evidence as to service is set out in a Second Witness Statement of Mr Ali dated 31 March 2025. That evidence is to the following effect:

i) The Freezing Order was sent to Ms Newman by email on 24 March 2025.

ii) On the same day, as directed by the Court, a further copy of the Freezing Order was sent by WhatsApp message. The message set out a summary of the terms of the Freezing Order, including the terms requiring provision of information. Mr Ali's evidence is that the WhatsApp message was successfully delivered, although he goes on to note that shortly afterwards, Ms Newman left the relevant WhatsApp group chat. She had done the same following attempts to effect service prior to the hearing before Miles J on 21 March.

iii) There were then further attempts to serve not only the Freezing Order but also certain further documents, including a note of the hearing before Miles J. Together, Mr Ali refers to these as the "*Additional Documents*". Process servers were instructed on 25 March, but their attempts at personal service at a number of addresses were unsuccessful. Mr Ali explains however that the Additional Documents were also sent by email and WhatsApp on 26 March. On the same day, the same materials were sent by post to two addresses in London and Exeter. Mr Ali explains that a check on the Royal Mail tracking website confirmed them having been delivered.

8. At the hearing on 3 April 2025, Marcus Smith J was satisfied that Ms Newman had been duly served with the Freezing Order and that she had been given notice of the hearing on 3 April.

9. There had been no personal service, however, and that is normally a prerequisite to bringing a contempt application, although the requirement can be waived. Accordingly, the Claimants applied for appropriate directions. Michael Green J made an Order on 16 May 2025, dispensing with the requirement for personal service of both the Freezing Order and of the present Contempt Application. He directed that service of the Contempt Application be permitted by email and by WhatsApp message. In his reasons, Michael Green J referred to the fact that attempts at personal service had been unsuccessful, and noted Ms Newman's practice of blocking the Claimants' solicitors WhatsApp messages. He commented: "*It seems that the respondent is deliberately seeking to evade service*". Michael Green J was thus satisfied that an Order dispensing with personal service was justified.

10. In accordance with those directions, Ms Newman was sent the Contempt Application, supporting Affidavit and draft Order by both email message and WhatsApp on 15 July 2025. This is confirmed by two certificates of service provided by Ms Mohamed.

11. On 18 August 2025, the Claimants' solicitors emailed a Hearing Notice to Ms Newman. This explained that the hearing of the Contempt Application was listed for a 3-day window from 25 November 2025. This was also sent by post to an address in Fulham.

12. On 20 November 2025, a copy of the hearing bundle for the Contempt Application was sent to Ms Newman by email. That is confirmed by a Certificate of Service dated 24 November. A further copy was then sent by WhatsApp message on 25 November, together with the Claimants' Skeleton Argument, Statement of Costs, Authorities Bundle and draft Order. The WhatsApp message confirmed that the hearing would take place the following day, 26 November. The WhatsApp message contains a "*Read*" receipt, but shortly after the sender's number was again blocked by the recipient.

13. The above summary leaves me in no doubt that Ms Newman was duly served with the Contempt Application, and was aware of the hearing on 26 November.

Hearing on 26 November 2025 and Later Events

14. Nonetheless, Ms Newman did not attend the hearing on 26 November. The Claimants' counsel, Mr Aslett, suggested that I should continue in Ms Newman's absence. I was unpersuaded by that given the importance to the Defendant and to the Court of the Defendant being present at any hearing. Having regard to the guidance given in Edward Hanson & Ors v. Nicholas Carlino & Anor [2019] EWHC 1366 (Ch) and AG v. Branch [2021] EWHC 1735 (Admin), I determined instead to adjourn for a short period and in the meantime to make an Order directing Ms Newman to attend Court and to issue a Bench Warrant to compel her attendance.

15. The matter was adjourned until today, 2 December 2025. Although notified, Ms Newman did not attend. Neither could she be located, although the tipstaff caused visits to be made to a number of premises.

Should the Hearing Continue in Ms Newman's Absence?

16. The first question to address is therefore whether to continue in the absence of Ms Newman. I determined at the start of the hearing this morning to do so. My reasons are as follows.

17. Mr Aslett drew attention to guidance on the point given by Warren J in Taylor v. Van Dutch Marine Holding Limited & Ors [2016] EWHC (Ch) at [54]. This is in the form of a list of relevant factors for consideration (I note that Cobb J, as he then was, had identified the same list of factors in an earlier case: Sanchez v. Oboz [2015] EWHC 235 (Fam) at [5]).

18. Consideration of the factors leaves me in no doubt that the correct approach was to continue with the present hearing:

    i) The first factor is whether the Defendant has been served with the relevant documents including the notice of hearing. Here, I am satisfied that Ms Newman has been properly served, for the reasons set out in detail above.

    ii) The second factor is whether the Defendant has had sufficient notice to be able to prepare for the hearing. Again, I am satisfied that is the case here. Ms Newman has had the Contempt Application and supporting evidence since mid-July. Moreover, the allegations of contempt are limited and straightforward to understand.

    iii) The third factor is whether any reason has been given for the Defendant's non-attendance. Here, no reason has been suggested.

    iv) The fourth factor is whether there is anything to suggest that the Defendant has waived their right to be present – i.e. is it reasonable to conclude that the Defendant knows of, and is indifferent to, the consequences of the Court proceeding in their absence. That seems to be apt to describe this case. The complete lack of engagement with the proceedings from their inception,

including at the stage when the Freezing Order was made by Miles J, indicates very strongly that Ms Newman is resigned to the Court proceeding without her attendance or input.

v) The fifth factor is whether an adjournment would facilitate attendance. I think not. The matter has been adjourned once, and extensive efforts made to locate Ms Newman's whereabouts, which have come to nothing. There is nothing to suggest her attitude is likely to change, and the entire history of the proceedings suggests it will not.

vi) The sixth factor is the extent of the disadvantage to the Defendant in not being able to present their account of events. In this case in my opinion, the disadvantage is limited. The allegations of contempt are straightforward. The Court is well able to deal with them. There is some disadvantage in the Defendant not being able to make points in mitigation or being able to offer to purge any contempt, but those seem to me to be matters of limited weight given they have come about through Ms Newman's own choices.

vii) The seventh factor is whether undue prejudice would be caused to the Claimants by any delay. Here, I think there would be prejudice. The Freezing Order was granted in March as an aid to enforcement. The Claimants now have a final judgment for £415,270 which they are entitled to enforce. Failure by Ms Newman to provide the required information about her assets inhibits enforcement. The Claimants' position has been prejudiced for many months. The prejudice continues and if anything is more acute now that final judgment has been entered.

viii) The eighth factor is whether undue prejudice would be caused to the forensic process if the application were to continue in the absence of the Defendant. In the circumstances, I think not. The matter can fairly be dealt with. Any prejudice to the forensic process comes about as a result of the Defendant's own deliberate lack of engagement.

ix) The final factor is the effect of the overriding objective. In my opinion, given the extensive efforts made to serve the Defendant and to engage with her and treat her fairly, the overriding objective is best served by continuing with the application. To do otherwise would be unfair to the Claimants.

Should the Court make a Finding of Contempt?

19. The relevant test is well-known. I think I need only refer to Miles J in Mortgage Finance 4 plc and others v Rizwan Hussain [2022] 4 All E.R. 170, at [39]. The party alleging contempt must show that the alleged contemnor:

i) knew of the relevant order;

ii) acted (or failed to act) in a manner which involved a breach of the order; and

iii) knew of the facts which made their conduct a breach.

20. The burden is on the party alleging contempt to prove those three requirements beyond reasonable doubt (*ibid*., at [40]).

21. On the present facts, I find that each of the elements is established beyond a reasonable doubt.

Knowledge of the Order

22. I think this is clear beyond any doubt for the reasons already given above: Apart from anything else, Ms Newman was notified of the Order both by email and WhatsApp message on 24 March 2025. The WhatsApp message shows delivery to Ms Newman at 14.41.

Acted/Failed to Act in a Manner Involving a Breach

23. Paragraphs 8 and 9 of the Freezing Order, under the heading "*Provision of Information*", stated as follows:

> "*8(1). Unless paragraph (2) applies, the Respondent must immediately (within 48 hours) of service of this order and to the best of her ability inform the Applicant's solicitors of all her assets held in England and Wales exceeding £1,000 in value whether in her own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.*
>
> *8(2). If the provision of any of this information is likely to incriminate the Respondent, she 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 its, her or his assets seized*
>
> *9. Within ten (10) working days after being served with this order, the Respondent must swear and serve on the Applicant's solicitors an affidavit setting out the above information*."

24. The core obligations were therefore (i) to provide details about assets within England & Wales with a value exceeding £1,000 within 48 hours of service, and (ii) to provide confirmation on Affidavit within 10 working days of service. According to Ms Mohamed's evidence, nothing had been provided by Ms Newman as at the date of her Affidavit, namely 15 July 2025, and in Court this morning Mr Aslett has confirmed that neither has anything been provided since.

Knowledge of Facts Making Conduct a Breach

25. In light of the conclusions already expressed above, I am satisfied on this point also, beyond a reasonable doubt: Ms Newman knew she was required to make disclosure of her assets under the Freezing Order and to provide a confirmatory Affidavit, and knew of her own failure to do so.

What Sanction should be imposed?

26. I will consider the question of sanction by reference to the matters identified by the Supreme Court in Attorney General v. Crosland [2021] UKSC 15 at [44].

27. Seriousness: I regard the contempt here as a serious one. The Claimants have been and continue to be prejudiced by the failure to provide information: without it, they are hampered in their attempts to enforce the Judgment they have now obtained. The whole purpose of the Freezing Order was to try and prevent that happening. There is nothing to suggest that Ms Newman has been acting under pressure from others: her conduct is the product of her own free will. Her failure to take any part in the proceedings sets the context, and indicates that the breach is the result of a deliberate policy of non-engagement. The degree of culpability is therefore high. Ms Newman must appreciate the seriousness of her actions: as I have explained, the background to the Contempt Application was her acquisition of a solicitors' firm. Although I understand she is not a solicitor, this suggests a degree of intelligence and commercial awareness fully consistent with the idea that she must appreciate what she is doing and its consequences. Finally, there has been no apology or excuse, or indeed any explanation at all. In argument, Mr Aslett drew my attention to certain comments of the Court of Appeal in JSC BTA Bank v. Solodchenko and others (No 2) [2011] EWCA Civ. 1241; [2012] 1 W.L.R. 350 (and approved in Templeton Insurance Ltd v. Thomas & Another [2013] EWCA Civ. 35) . At para. [55] of Solodchenko the Court said, in the context of discussing freezing orders in particular: "*Where there is a continuing failure to disclose relevant information, the court should consider imposing a long sentence, possibly even the maximum of two years, in order to encourage future co-operation by the contemnor*". That emphasises the point that failure to comply with disclosure provisions in a freezing order is generally regarded as a serious matter.

28. Fine or Imprisonment? In light of the seriousness of the breach, I do not consider that a fine would be an appropriate punishment.

29. What period of imprisonment? For the reasons already given, in my opinion Ms Newman's conduct must be regarded as serious. The breach was deliberate and has obviously had the effect of depriving the Claimants of the valuable information they are entitled to. There has been no attempt at compliance or co-operation. There has been a complete failure to comply.

30. In the circumstances, I would impose a custodial sentence of 12 months' imprisonment. In my view that represents the shortest period of imprisonment I can impose, having regard to the seriousness of Ms Newman's contempt.

31. Mitigation: There has been no apology, explanation, expression of remorse or indication of a willingness to make amends. Thus, I do not detect any mitigating factors of any weight, sufficient to displace my view that a 12 month period of imprisonment is appropriate.

32. Impact of committal on other persons: There is no evidence before the Court to suggest any impact on other persons, such as children or vulnerable adults.

33. Early Admission: There has been no admission of contempt or acceptance of responsibility.

34. Suspension/Punishment versus Incentive to Comply: Finally, I have considered whether the sentence I propose should be suspended, to allow a further, short period for compliance, as was done for example in Johnson v. Argent [2016] EWHC 2978 (Ch). I think not, however. The seriousness of the contempt requires action to be taken now, in part as a deterrent to others. So I will not suspend the sentence. What I will do, however, is to say that a period of six months of the overall sentence of twelve months is intended to reflect punishment for the breaches to date, and a further period of six months is intended to seek compliance with the Freezing Order in the future. Ms Newman can still apply to purge her contempt if she wishes to do so. If, even now, she complies with the Freezing Order in full, she will be able to seek an order for release and discharge. The Judge dealing with any such application will be able to take into account the indications I have given, as to that part of the sentence which is referable to future conduct.

Conclusion

35. I will make an Order reflecting these findings and will also issue a warrant of committal. I impose a term of imprisonment of 12 months. Subject to any application for early release made on purging her contempt, Ms Newman will be entitled to release as soon as she has served one-half of that sentence. Finally, I remind Ms Newman that she is entitled to appeal against the findings of contempt I have made and against sentence as of right and without permission.