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

Case No. BL-2024-MAN-000088

Courtroom No. 47

1 Bridge Street West
Manchester
M60 9DJ

Wednesday, 4th February 2026

Before:
HIS HONOUR JUDGE PEARCE

B E T W E E N:

P GILL LTD
& ORS

and

KHILJI
& ANOR

MR G BLAKER KC (instructed by EMW Law) appeared on behalf of the Claimants
MR J SCOTT appeared on behalf of the Defendants

JUDGMENT ONE
(Approved)

HHJ PEARCE:

1. This is my judgment on the claimants' application to commit the defendants for contempt of court. It deals only with the issue of whether the defendants are in contempt of court. Any question of penalty for approving contempt would need to be dealt with subsequently.
2. Since it is necessary to publish any finding on an allegation of contempt, I direct that a transcript of this hearing be prepared at public expense.
3. The application was made by notice dated 22 November 2024. The first listed date for the hearing of the claimants' application for committal was vacated pending the hearing of their application for summary judgment. HHJ Cadwallader granted that application on 19 February 2025 and, thereafter, HHJ Hodge KC made an order on 8 May, listing the contempt application for hearing. That date, however, was vacated, and after extensions of time for the defendants to serve evidence, the hearing was listed on 5 September. By then, the defendants were in receipt of legal aid, and they had instructed Walkers Solicitors.
4. An application was made to adjourn the hearing on 5 September, because of the recent instruction of solicitors, and the application was relisted on 13 November 2025 before me. The defendants did not attend that hearing, and, having heard submissions on their behalf, it appeared at least arguable that they had not been properly notified of this hearing date. That, in fact, is relevant to an issue of costs as between the claimants and the defendants' former solicitors, Walkers, and a notice to show cause has been issued in that respect.
5. The question of whether the defendants were properly notified in respect of that hearing and/or whether they were, as they asserted in Dubai at the time of that hearing, does not arise for determination today. Whilst it is true that the assertion that has been made that the defendants did not tell the truth in respect of their whereabouts at the hearing on 13 November is at least arguably relevant to issues of credibility, it is undesirable to determine issues relating to this committal application by looking at credibility on what might be termed "a satellite issue", in particular, where credibility on that issue might, itself, affect a separate issue, that of costs as between the claimants' and the defendants' former solicitors and where those former solicitors are not before the Court on the present application.
6. Accordingly, for the purpose of this application, I assume that the defendants were telling the truth when they said that they were in Dubai at the time of the hearing in November, though I repeat that issue remains at large insofar as it may be relevant to costs as between the claimants' and the defendants' former solicitors.
7. Given that the notice of hearing was no better than informal, and given the argument that the defendants could not have attended because they were in Dubai, I adjourned the hearing on 13 November and relisted it on 19 January. At that stage, the order I made both gave permission for the defendants to file further witness evidence in respect of the committal application, and it also set out a timetable for an application to amend the notice for committal. That application was intimated at the hearing in November 2025, and I deal with it later in this judgment.
8. It should be noted that, whilst there is a strong suggestion that the defendants had not engaged closely with these proceedings prior to the hearing in November, they had, by then, instructed counsel, were clearly communicating with solicitors, and the opportunity for them to file further witness evidence was, it seems to me, an important procedural safeguard to ensure that if those advising the defendants considered that further evidence should appropriately be filed, the defendants had an opportunity to do so.
9. Fairly shortly after the adjournment, legal aid was transferred from Walkers Solicitors to Janes Solicitors and, shortly thereafter, the defendants made application to adjourn the hearing

on 19 January. I refused that application on 12 January for reasons given at the time. I shall not revisit that issue further today.

10. The matter then came before me on 19 January. Again, the defendants did not attend the hearing, and the suggestion or indication was that they were in Dubai, and there was evidence to suggest that leaving Dubai might be problematic for them. Again, it is not the case that the claimants necessarily accept the truth of what the defendants were saying, but again, for the purposes of this application, I assume that they were telling the truth, and draw no adverse inference from their absence from court. It should, however, be noted that no meaningful further evidence had been filed on many issues other than the provision of some documentation. There was no application to adjourn on 19 January, and I determined to proceed in the absence of the defendants for reasons given at the time.

11. I turn to the application notice. In its original terms, the application to commit was put as follows: that the defendants were in contempt of court in respect, pleaded in two paragraphs:

> "(1) Pursuant to paragraphs (10) and (12) of the order of 9 May 2024, and (2) of the order of 16 May 2024, the defendants were required to provide the full names and contact details of those the first defendant contends were involved in a transaction said by him to have taken place in Bahrain in around August 2021 and to provide disclosure of documents that showed the payment of the money said to be the subject of the transaction, to whom and when the money was paid, and the basis for it. The defendants have failed to comply with these orders, and their non-compliance is continuing.
>
> (2) Pursuant to paragraphs (10) and (12) of the order of 9 May 2024, as varied by the order of 16 May 2024, and paragraph (5) of the order of 18 January 2024, the defendants were required to provide details of their assets valued in excess of £5,000 and/or to provide copies of bank statements into which monies paid by the claimants had been transferred. The defendants have failed to disclose in accordance with those paragraphs as more particularly set out at paragraphs (32) to (36), and Dr Radhika Ram's third affidavit, served herewith, which breaches are continuing".

12. The orders referred to in both of those paragraphs are, first of all, the order of 9 May 2024, made by Sir Anthony Mann. That was a freezing injunction, and, insofar as relevant, at paragraphs (10) and (12):

> "(10) Unless paragraph (11) applies, by 4pm, three working days after service of this order, the respondents shall, to the best of their ability provide the following to the applicants' solicitors:
>
> (1) Each respondent shall provide details of all his or her assets worldwide exceeding £5,000 in value, whether in his or her own name or not, and whether solely or jointly owned, giving the value and location and details of all such assets
>
> (2) The second respondent shall, for each of the payments set out in Schedule C to this order, received by her providing the following information:
>
> (2.1) The purpose to which each of the payments to her was put.

(2.2) Where that money is now.

(2.3) To the extent that any one or more of the payments paid to her or any part of them has been paid away:

(i) Details of the person or persons to whom each payment has been made.

(ii) Details of the bank accounts into which each payment was transferred, including the name of the account, the bank with whom the account is held, account number and sort code.

(2.4) To the extent that any one or more of the payments paid to her or any part of them has been used to acquire an asset, details of the asset acquired, including its location, value, and the identity and contact details of the holder of it.

(3) The first respondent shall, for each of the payments set out in Schedule C to this order that was paid to him or to the [inaudible] direction, provide the following information:

(3.1) The purpose to which each payment was put.

(3.2) Where that money is now.

(3.3) To the extent that any one or more of the payments subject to this paragraph or any part of them has been paid away:

(i) Details of the person or persons to whom each payment has been made.

(ii) Details of the bank accounts into which each payment was transferred, including the name of the account, the bank with whom the account is held, account number and sort code.

(4) To the extent that any one or more payments set out in Schedule C or any part of them have been used to acquire an asset, details of the asset acquired including its location, value and the identity and contact details of the holder of it.

(5) Details of any asset or investment (if any) in which the respondent contends the applicant or each of them has an interest, including the identity and contact details of the leading owner of the asset and the nature and value of the applicant's interest in it.

(6) Details of the username and passwords for Companies House of the first applicant and [inaudible] Homes Ltd.

(7) That information required pursuant to paragraph (28) below".

13. That concluded paragraph (10). Paragraph 11 contains the usual right to invoke the privilege against self-incrimination, and paragraph (12) was a disclosure order requiring the

respondents to swear and serve affidavits setting out the information required by paragraph (10), and to provide copies of bank statements as referred to in that paragraph.

14. The second order to which reference is made in the notice to commit is the order of Rajah J, which was made on 16 May 2024. That has two significant recitals for present purposes. Firstly, it recites that, "Upon hearing Mr Edward Bennion-Pedley of counsel for the applicants and Mr Kamar Uddin of counsel for the respondents" (more of what counsel had to say in that hearing in due course) and the fourth recital:

> "And upon the first respondent contending that the sums paid by the applicants to the respondents as set out in Schedule C to the order constituting repayment of a debt created by a transaction that took place on the applicants' behalf in Bahrain in around August 2021, whereby the first respondent procured the sum of £1.8 million, paid by a Mr Rafeeq Jama to a Mr Ravi, the latter gentleman being said to have been the applicants' agent".

15. That transaction is defined as "the transaction". For the remainder of this judgment, and including, I note in the application to commit itself, the phrase "the transaction" is a reference to that alleged transaction. At paragraph (2) of the substantive order made on 16 May 2024, Rajah J provides that the previous order made by Sir Anthony Mann was varied first, to extend time for compliance with paragraphs (10) and (12) and then, to state:

> "(2.2) The information required pursuant to paragraphs (10.2.1) and/or (10.3.1) shall include the full names and contact details of those the first respondent contends were involved in the transaction.
>
> (2.3) The documents that the respondents are required to produce at paragraph (12) of the order shall include any documents in the respondents' possession or control which show the payment of the monies said to be the subject of the transaction, to whom and when the money was paid and the basis for it".

16. The third order to which reference is made in the application to commit is the order of Smith J, made in June 2024, specifically, paragraph (5) of that order:

> "(5) The defendants shall, by 4pm on 21 June 2024, provide copies of bank statements that are set out in Schedule A to this order and provide written authorisation to their respective banks to release statements direct to the claimants' solicitors".

17. To pause at this point, then, the claimants were saying that they had been defrauded by the defendants of a significant sum of money. The order made by Sir Anthony Mann was a relatively standard form freezing injunction, including the provision of information, and specifically, dealing through Schedule C, with the provision of information relating to payments that the applicants had made to the defendants. The order of Rajah J, in circumstances to which I shall turn later in this judgment, reflected the case then being advanced, seemingly, before him, that the payments made by the claimants to the defendants were, in fact, payments pursuant to what is termed the transaction, and he varied the disclosure provisions so as to specifically include reference to documents relating to the transaction. Smith J slightly varied the obligation as to the provision of bank statements.

18. It is the claimants' case, however, that the transaction, as defined in the recital to Rajah J's order, is a dishonest invention of the defendants, intended to explain why it was that the claimants transferred money to the defendants and intended to defeat the claimants' own case that that money was defrauded out of them.

19. At the hearing in November 2025, when the claimants' application to commit was adjourned in the circumstances to which I have made reference already, I pointed out that if the transaction was fictitious, and that is the claimants' primary case, it was difficult to see how the defendants could be in culpable breach of the order of Rajah J in the manner set out in paragraph (1) of the application notice, since compliance with the order was impossible. Mr Blaker KC made the good point on behalf of the claimants, that if compliance with the order was impossible, the defendants had, themselves, created the situation in which they had been placed by asserting that the transaction was a true arrangement. Nevertheless, the claimants recognised the problem that, as formulated in the original application notice, the application to commit might involve the assertion that the defendants had failed to do something that was, in truth, impossible, namely, the provision of information relating to a transaction that had never taken place.

20. The claimants sought a timetable for an application to amend the application for committal, anticipating that it was important that the amendment be dealt with in good time before the adjourned hearing in January 2026. I set out a timetable for the provision of an application to amend, which included the fact that I would deal with the application to amend and any submissions from the defendants in respect of it, in good time before the relisted hearing.

21. In the event, two things intervened. First of all, the defendants did not make submissions in response to the application to amend. The consequence of that was unfortunate in that, in an administrative error, the application to amend was not referred to me because the court office was awaiting submissions which, in fact, were not filed. That is no fault of either of the parties. There is no obligation on the defendants to file submissions. However, secondly, and in any event, the defendants' application to adjourn was made, and it became apparent that that would need a hearing, which took place on 12 January 2026.

22. The claimants' application to amend involved the addition of a new paragraph (2) as an alternative to paragraph (1) in these terms:

> "Alternatively, there was no transaction, and the order was incapable of being fulfilled, then, in the alternative. The defendants are in contempt, on the basis of having provided information to the Court that was untrue, namely:
>
> (a) telling Rajah J about the transaction, as defined in the order dated 16 May 2024, and it forming the basis of the order made on that date for the provision of names and documents in relation to the transaction; and
>
> (b) each of them signing a statement of truth to the defence, which also referred to the investment in a medical and pharmaceutical business in Bahrain. Because there was no transaction and the memorandum of understanding dated 24 July 2021 and letter dated 10 September 2021, both of which were attached to the defence, were fabricated documents, as held by HHJ Cadwallader on 19 February 2025".

23. For the sake of clarity, that reference to the holding by HHJ Cadwallader is a reference to the judge's findings on the summary judgment application. I shall deal with that later. The proposed amended notice renumbered the former paragraph (2) as paragraph (3) and, hereafter, I shall refer to the paragraphs in the amended notice by that system of three numbers; paragraphs (1) and (2) being the two alternative cases in respect of the transaction, and paragraph (3) being the more general disclosure and bank statements aspect of the claim.

24. I granted the application to amend on 12 January 2026. However, it was rightly pointed out to me that a question of permission to bring the amended application arose. That is because of the terms of CPR 81.3(5). That provides:

> "Permission to make a contempt application is required where the application is made in relation to:
> (a) interference with the due administration of justice, except in relation to existing High Court or County Court proceedings;
> (b) an allegation of knowingly making a false statement in any affidavit, affirmation or other document verified by a statement of truth or in a disclosure statement".

25. Of these, (a) does not arise because any interference with the due administration of justice is said, here, to be in existing High Court proceedings. But the issue in (b) clearly does apply in respect of the allegation relating to the defence, since that is a document verified by a statement of truth. At the beginning of the hearing in January, I granted permission for the claimants to make a contempt application insofar as it related to the allegation that the assertion in the defence was untrue and was a contempt of court.
26. I also ruled that permission was not required insofar as the application related to information allegedly supplied to the Court as recorded in the recital to Rajah J's order, since that was not a statement made in a document verified by a statement of truth. My reasons were given at the time.
27. However, in later submissions, Mr Scott argued for the defendants that the very fact that 81.3(5) provided for the need for permission to bring a contempt application relating to an allegation of falsely making a statement in a document verified by a statement of truth, supposed that one could not bring an application by way of contempt proceedings in respect of a knowingly false statement made in a document which was not verified by a statement of truth.
28. One might think that the making of a false statement in a document verified by a statement of truth is more serious than making a false statement in a document not verified by a statement of truth, and there is a natural logic in saying that if permission is required for the more serious allegation, one might expect permission to be required for the less serious allegation. However, there is nothing in the Civil Procedure Rules that prevents such an application being brought.
29. At the conclusion of oral submissions, and having considered this issue in exchanges with counsel for the claimants and the defendants, I allowed the defendants the opportunity to make written submissions on the issue, in particular, if there were legal authority that has not been cited before me, and that might be relevant to it. In the event, the defendants have not made submissions, and it has not been necessary for the claimants to reply to any such submissions. I, nevertheless, rule on the issue as to whether it is possible to bring contempt proceedings in respect of the statement made to Rajah J or allegedly made to Rajah J, even though it was not verified by a statement of truth.
30. In my judgment, there is no procedural or fundamental restriction on bringing contempt proceedings in those circumstances. I say so for two reasons: first of all, if the authors of the Civil Procedure Rules had intended to create such a bar, they could have expressly said so. In fact, the rules are silent and, on my repeated rereading of 81.3, and specifically subrule (5), I can see nothing to imply that the reason for the silence was an intention to create a bar or was a reflection of the fact that there exists a bar in respect of bringing contempt proceedings for a statement not made in a document verified by a statement of truth.
31. Second, it would be an affront to the process of court and the administration of justice if, as is alleged to be the case here, the statement which was known to be untrue made to a High Court

judge for the purpose of that judge enabling the case being advanced by a party, was not potentially subject to the discipline that contempt proceedings can bring. That said, I can see that it is right that the Court should have a natural caution about hearing contempt proceedings in respect of a statement alleged to be untrue where it is not verified by a statement of truth. I repeat the point I made a short while back that it is natural to think that that which is verified by a statement of truth is more solemnly and formally made than that which is not. It does seem a little strange if, as I have ruled already, permission is not required for this application to be made, and if, in the event that permission had been required, the Court would have refused such permission.

32. In my judgment, the Court's general power to control its process, in particular, in respect of committal applications with their serious consequences, enables the Court, where appropriate, to use its general case management powers to ensure that no injustice is done. Whilst I have ruled that permission was not required, if it had been required, and I conclude that I would have refused permission, that would have been a powerful argument for preventing the claimants from being allowed to proceed with this allegation.

33. However, in fact, if I had been required to rule on a permission application, I would have granted permission to bring contempt proceedings in respect of the statement made to Rajah J, essentially, for the same reasons that I gave in granting permission in respect of the statement made in the defence, namely, that the public interest requires those who tell what are alleged to be significant untruths to the Court, to be the subject of the discipline of contempt proceedings. The application here is, in my judgment, both proportionate and in accordance with the overriding objective because of the seriousness of the alleged lie, its central nature to the issue in the proceedings, and the fact that the claimants show, in my judgment, a strong *prima facie* case that a statement was made to the Court and that it was untrue.

34. I bear in mind an additional factor raised by Mr Scott in his written skeleton argument for the purpose of the hearing in January, namely, that he asserts that there is a lack of clarity as to what was said to Rajah J. One potential difference to a statement made in a document verified by a statement of truth and one made in what might be considered to be a less formal context such as an oral submission might be the difficulty in the latter case of proving what was actually said and what was, in fact, believed to be true by the maker of the statement. That could well, in an appropriate case, be a relevant factor to consider when the Court is deciding whether to permit a contempt application to proceed. For reasons that I shall deal with a little later in this judgment, that is not the case here. For all of these reasons, if I had been required to grant permission, I would have granted permission to bring contempt proceedings in respect of the allegation made that a statement was made untruthfully to Rajah J.

35. Turning to the evidence, then, I have before me a bundle prepared for the hearing in November 2025. That included a large number of documents and comprises over 800 pages, most particularly and significantly, affidavits from the first and the second defendant, both dated 30 May 2025, and both said to be in compliance with the disclosure order made by Sir Anthony Mann as subsequently varied by Rajah J and Smith J.

36. Affidavits in support of the application to commit and in response to evidence from the defendants, prepared by and signed by Dr Ram, the third claimant, dated 7 November 2024, 1 September 2025, and 1 October 2025, and statements from the first defendant dated 19 September 2025, and from the second defendant of the same date. There is a supplemental bundle for the hearing in January 2026 that also includes witness statements. The witness evidence from Ms Janet Sime and Mr John Taselli deals with issues relevant to costs matters. There is also a statement from the first defendant dated 9 January 2026, which I have borne in mind insofar as it is relevant to issues before the Court. Finally, there was a third bundle

in front of me, which comprised documents filed by the defendants, including the witness statement of 19 September 2025.

37. By way of preliminary and procedural issues, the claimants have, through their evidence and submissions, addressed the requirements of CPR 81.4. Contempt applications, of course, have specific procedural requirements. No issue has been taken by the defendants with compliance with CPR 81.4, and, in my judgment, there is proper procedural compliance to permit the application to be pursued.

38. Contempt of court is a concept of the common law. It almost certainly defies a single definition. It has, at least historically, been common to divide the categories of contempt between so-called "criminal contempt" and "civil contempt". In what I consider to be a helpful passage, the then Master of the Rolls, Sir John Donaldson, in *Attorney General v Newspaper Publishing Plc* [1988] Ch 333, at 362 expressed some doubt about the division of contempt into the two categories, but had this to say which, in my judgment, is helpful for the Court in addressing what is capable of being a contempt of court:

> "Despite its approach in nature, contempt has been classified under two heads, namely 'civil contempt' and 'criminal contempt'. I venture to think that it now tends to mislead rather than assist, because the standard of proof is the same, namely, the criminal standard, and there are now common rights of appeal. Of greater assistance is a reclassification out of (a) conduct which involves a breach or assisting the breach of a court order; and (b) any other conduct which involves an interference with the due administration of justice, either in a particular case or, more generally, as a continuing process, the first category being a special form of the latter, such interference being a characteristic common to all contempts."

39. It has been pointed out that the breach of undertaking might just as much as a breach of order fall within the first of the two categories referred to by Sir John Donaldson. In this case, the paragraphs of the notice, as amended, fall into both of those two categories. The first and third paragraphs of the amended notice involve the alleged breach of a court order and fall within the narrow category (a). The second, the assertion of the telling of untruths, falls into category (b) of the conduct which involves an interference with the due administration of justice.

40. I have noted already the terms of CPR 81.3(5) which, in referring to the obligation to obtain permission to proceed with an application for contempt in respect of the making of a false statement in a document verified by a statement of truth, requires permission of the Court, clearly, implicitly but inevitably, demonstrates that the making of a false statement to a Court can be capable of amounting to a contempt. That is self-evident - it is an obvious interference with the due administration of justice.

41. The standard of proof for each allegation is, of course, the criminal standard; that is to say, I must determine whether I am satisfied so that I am sure that the allegation is made out. Nothing less will suffice.

42. I am concerned with three allegations against two defendants. The first and second allegations are pleaded as alternatives and, therefore, must be considered together against the background of the alternative suppositions that the transaction was genuine or not.

43. The third allegation, though connected to the first two, is clearly a separate allegation and, itself, contains two different elements of the alleged telling of untruths. I remind myself that the case against each defendant must be considered separately. Furthermore, the allegations must be considered separately, between the first and second, on the one hand, and the third on the other.

44. In a case in which the claimants contend that the defendants have repeatedly lied, there may be an argument that findings of dishonesty relevant to one allegation in the case are cross-admissible respect of allegations of dishonesty in another. However, there is always a danger that such approach will lead to evidence being considered in the round rather than evidence properly being considered in respect of the allegation to which it relates. In my judgment, I must deal with the allegations, keeping the first and second together, and the third separate as separate allegations, and I must deal with those allegations separately as against each of the two defendants.
45. I turn to summarising the facts of the case as contended for by the claimants, as put by the defendants and, in very brief summary, as dealt with by HHJ Cadwallader in the summary judgment application. I deal with the significance of the summary judgment application before then turning to the question of whether any or all of the allegations of contempt are made out.
46. The second and third claimants are both doctors. They are a married couple. Throughout their lives, they say that they built up a significant level of savings, such that, by 2021, they had savings in excess of £1.2 million. They became acquainted with the first and second defendants through their son's school. It is the claimants' case that, in November 2021, the first defendant persuaded the claimants to invest large amounts of money through him with projects, first of all hotels and then a project in Bahrain.
47. The first defendant has used the title "Lord". He, the claimants say, represented himself as an extremely successful businessman. The claimants contend that Mr Khilji is not a lord at all, but there are documents that have been produced that show him describing himself as such. Further, they contend that his alleged success as a businessman is belied by his bankruptcies and there being bankruptcies previously and then in March 2023.
48. During the course of discussions about investments, the defendants were living in a house at Lostock in Bolton, which was a rented property. The first defendant had been seeking to purchase the house from a Mr and Mrs Baker for some time, and, in November 2021, the defendants were close, it would seem, to completing on a purchase of the property. On 24 November 2021, it is the claimants' case that the first defendant called the second claimant and offered an investment opportunity in a hotel in the United Kingdom and/or a medical facility in Bahrain.
49. The first defendant visited the claimants, explaining that they needed to move quickly in terms of making an investment, and emphasising the significant investment returns that could be made. The third claimant, on behalf of herself and the second defendant, indicated that they would, indeed, invest money. They transferred £520,000 to the defendants in November 2021 and on 26 November, a further £300,000 on 29 November, and a further £195,000 on 10 December 2021.
50. What, in fact, happened was, the claimant says, that their purported investment through the first defendant was diverted by him to the purchase of the house in Lostock. There were some technical difficulties with the purchase of the house, but eventually, the defendants purchased the property for a little in excess of £1 million. Nevertheless, the defendants sought further investments from the claimants: an additional £345,000, which was paid in two instalments in February and March 2022, and a further £12,000 in March 2022. In total, £1.36 million was invested or purportedly invested from monies paid by the claimants to the defendants.
51. In fact, the claimants say that this was a fraud perpetrated on them by the defendants. Their money was diverted to the purchase of the property in Lostock and to other unknown destinations. The defendants accept that between November and March 2024, the claimants paid just short of £1.675 million to the defendants. They say that these were not payments for investment opportunities introduced by the first defendant, and, in paragraph one of the

defence, in which the defendants' case is summarised, they made reference to that which Rajah J's order refers to as "the transaction" as follows:

> "The defendants' case, as set out in further detail below, is that the payments made by the claimants were repayments of sums paid by the defendants to the claimants. Specifically, the defendants aver that, pursuant to an agreement entered into between the claimants and the first defendant, which agreement was evidenced in a memorandum of understanding dated 24 July 2021, a copy of which is attached to this defence, it was agreed as follows:
>
> (1.1.1) That the first defendant would pay the Bahrain equivalent of £1.8 million to the claimants' nominated authorised representative, which would constitute a repayment of an equivalent sum paid by the claimants to the first defendant in the UK.
>
> (1.1.2) That the claimants and the defendants would utilise the equivalent funds for their own discretion in the UK and Bahrain as applicable, the claimants having intimated a desire to set up medical, pharmaceutical healthcare and doctors' surgeries in Manama, Bahrain. The document was signed by the first defendant on 24 July 2021, and by the second claimant for and on behalf of the claimants also on 24 July 2021. Pursuant to a letter dated 10 September 2021, the second defendant, for and on behalf of the claimants, confirmed receipt of the Bahrain equivalent of £1.8 million, and further contended that the equivalent sum would be paid by the defendants from October 2021, with immediate transfer of £1.4 million and monthly payments thereafter. It is admitted that the funds paid by the claimants to the defendants were utilised by the second defendant for acquiring a property known as 8 Whins Crest, Bolton…and to support the defendants on the day-to-day living expenses. It is denied that the claimants' money was to be invested on behalf of the claimants, and the defendants' position in relation to the memorandum of understanding and the letter dated 10 September 2021 is repeated".

52. Thus, one has, as I foreshadowed earlier in this judgment, a stark contrast between the claimants' case that they were persuaded to transfer monies by the first defendant for the purpose of investing in medical facilities in Bahrain, whereas, on the other hand, the defendants contend that it was the claimants who were desirous of investing in health establishments in Bahrain, and that the defendants transferred monies to permit this to happen, thereby creating an indebtedness from the claimants to them, which was the reason for the claimants making payments to the defendants and which permitted the defendants to acquire 8 Whins Crest with that money, which was lawfully due to them.

53. I have made reference to the grant of summary judgment in this case. My attention has been drawn to the full judgment of HHJ Cadwallader on that application. In summary, he found the memorandum of understanding and the letter dated 10 September 2021 to be central documents in this case. He found, on the material before him, which included expert evidence as to handwriting, that the defendants had no reasonable prospect of success of demonstrating that those documents were genuine and that, in consequence, the defence itself had no real prospect of success. It is, one might think, self-evident that if the defence is based on

documents that are not genuine, then the defence would hardly be likely to be capable of having prospects of success.

54. During the course of the hearing before me, a question arose as to whether the summary judgment created an estoppel on the issue of the genuineness of the transaction and the underlying documents and/or on the question of whether the defendants had committed a fraud on the claimants. Mr Blaker KC, on behalf of the claimants, asserted that an issue estoppel did arise. Mr Scott, for the defendants, argued that it could not do so. Whilst it must be accepted that HHJ Cadwallader and I were concerned with the same issue and the same parties were before the Court on both hearings, as Mr Scott pointed out, the test that HHJ Cadwallader was applying on the summary judgement application was, if only subtly, a different test to the one that I have to apply on the committal application.

55. Mr Scott acknowledged the similarities between the standard of proof in a criminal case, whether the Court is satisfied beyond reasonable doubt on an issue, and the test for summary judgment, whether there is a real prospect of success on an issue, and I think it is readily possible to see that one would expect a Court that had the same material in front of it and that was dealing with both issues at the same time, to reach the same conclusion in respect of both. However, he maintained that the two are not identical and that, therefore, the doctrine of issue estoppel could not apply.

56. It is obviously unattractive that the Courts might reach contradictory conclusions on whether the transaction was genuine, finding, for example, in the hearing before HHJ Cadwallader that that there was no real prospect of success in showing that it was genuine, thereby permitting summary judgment to be entered, whilst, on the other hand, in the contempt hearing, finding that the claimants were unable to show that the transaction was not genuine to the criminal standard. However, I nevertheless consider that Mr Scott's argument was well made. There is a difference between the two standards. I am not persuaded that I should treat them as the same, and, in those circumstances, the position, it seems to me, must be as it is usually, where a Court is concerned with the application of a criminal standard, that a previous finding in a civil case is unlikely to create an issue estoppel.

57. In those circumstances, the judgment of HHJ Cadwallader becomes of no significance to the application before me. Whilst he had some of the same material before him as I have, I have additional material that he did not have, and, more particularly, as Mr Scott pointed out, he had additional material, namely expert evidence, that I do not have. It seems to me that, consistent with my rejecting the application of the doctrine of issue estoppel, I must disregard the summary judgment entered by HHJ Cadwallader and his reasons for so doing in coming to a conclusion in this case.

58. That deals with the significance of the summary judgment application. Just to complete the relevant history, summary judgment having been entered, the defendants did not comply with the terms of the judgment order in vacating the property and in removing their possessions, nor did they pay anything towards the judgment debt. The claimants obtained a warrant for possession, and this was executed in May 2025. This has enabled the claimants to recover at least some security or some value for the sums that they say were fraudulently obtained from them, although there remains a significant shortfall.

59. I turn then to dealing with the allegations of contempt themselves. I deal with paragraphs (1) and (2) together as true alternatives. Only one or the other could be correct. It is, of course, possible that neither of them would be proved. I deal with them as against the two defendants separately.

60. The claimants' case is really very straightforward. On their evidence, there is no material from which I could conclude that a genuine transaction took place. It must follow that, if a transaction was not genuine, compliance with the disclosure order of Rajah J was impossible.

In support of the assertion that the transaction is a fiction, the claimants rely upon the evidence of the third claimant to this effect, in her third affidavit, verified by a statement of truth. She gave evidence before me. She exposed herself to cross-examination, and she was clear and adamant in her assertion that she and the second claimant had been defrauded.

61. In her evidence, she denied that she was motivated by spite. During the course of what was necessarily brief cross-examination, given the lack of material that Mr Scott could properly put to her, I saw no material to suggest that she was doing anything other than trying to assist in telling the truth. She certainly has strong feelings about what she says has happened. It may very well be the case that she is not well disposed to the defendants. If her account of a fraud of this scale is true, that would hardly be surprising. However, at no stage did I see a tendency in her in some way to manipulate the material so as to exaggerate the strength of the case against the defendants.

62. As against a conclusion that the transaction is fictitious, the defendants might point to the fact that there is a defence, signed by both defendants under a statement of truth. That obviously causes me to pause for thought as to whether, in fact, it is arguable that the transaction was not fictitious as alleged by the claimants. I am not assisted in coming to that conclusion by the manner in which the first defendant deals with this issue in his statement of 19 September 2025. At paragraph 10, he says: "The second, third and possibly fourth allegations" (that is a reference to the unamended version of the application to commit, which, it is right to say, in fact, contains more than two allegations because each of the paragraphs contains two allegations) "relate to the provision of evidence as to the disputed Bahrain transaction. I understand that issue has now been substantially adjudicated upon and therefore make no further comment".

63. This somewhat opaque passage might be read as an acceptance that the summary judgment entered by HHJ Cadwallader was correctly entered and that the transaction was, indeed, fictitious. It might be read as an acknowledgement that the summary judgment creates an issue estoppel. It might alternatively be read as indicating that Mr Khilji, the first defendant, is taking the arguably realistic stance that, once summary judgment had been entered, it would be likely to be a difficult if not impossible task to persuade the Court that the transaction was, in fact, genuine and that, accordingly, he was not going to try to do so. Bearing in mind the standard of proof for criminal contempt, I am willing to and do accept that Mr Khilji was not, by this paragraph, in fact, acknowledging that the transaction was fictitious.

64. However, although I consider that the claimants have no prospect of showing me that the non-compliance with the order of Rajah J was something that amounts to a contempt, I do consider that the failure to comply with the obligation created by paragraph (2) of Rajah J's order to disclose information relating to the transaction is highly relevant. That is for this simple reason: if this were a genuine transaction, it is inconceivable that the first defendant did not have access to or knowledge of documents of a kind referred to in paragraph (2.3) of Rajah J's order.

65. If those documents existed, the provision of those documents would have provided good evidence to show the proof of the transaction and good evidence to meet the argument that there was non-compliance with Rajah J's order. The defendants had been ordered by Rajah J to provide the documentation; an order essentially reinforced before Smith J. In fact, in dealing with the orders of the High Court judges, both defendants were entirely silent on the issue of the transaction, and provided no documentation that would have complied with the order of Rajah J and/or would have supported the contention that the transaction was a genuine one.

66. The defendants cannot explain their silence on this issue by saying that, following the judgment on the summary judgment application it either was not open to them to argue that

the transaction was genuine or, alternatively, it was not sensible or realistic for them to argue this, because the obligation pursuant to Rajah J's order to disclose the relevant documentation arose before the summary judgment application was heard. The failure of the defendants to produce any evidence to verify the truth of the so-called transaction and, in particular, the failure to comply with the order of Rajah J to produce documents is, in my judgment, highly supportive of the claimants' case that the transaction was, in fact, fictitious.

67. I do not draw an adverse inference from the defendants' failure to give evidence before me for the reasons I have identified already, but the truth of the matter is that, not having been cross-examined, I am denied the opportunity to hear any explanation that they may put forward to explain either that the transaction was true, or that the failure to disclose documents in accordance with the order of Rajah J does not lead to the inference that I have referred to. In those circumstances, I have no hesitation in concluding to the criminal standard that the claimants' case about the transaction is correct; the transaction was, in fact, fictitious.

68. It follows from that the contempt of court alleged in paragraph (1) of the notice cannot be made out because it is impossible for the defendants to comply with that obligation. That then takes me to the second paragraph. Consideration of that paragraph clearly involves me engaging with the question as to whether either or both defendants knew that they were telling untruth either through the presentation of material to Rajah J and/or through the signing of the statement of truth in the defence.

69. Within Mr Scott's admirable skeleton argument produced for the last hearing, he challenged the adequacy of particularisation in the assertion that untrue material had been presented to Rajah J. He put it in these terms:

> "The allegations are entirely insufficiently particularised. What precisely is the alleged untrue statement that was 'told' to Rajah J? Was it 'told' by letter, email or in court? If a letter/email, when was it sent? If in court, what was the question being answered? What was the context? What clarification was provided? Was any contrary evidence put to the defendant? What weight, if any, was given to what the judge was 'told'?".

70. Mr Blaker KC for the claimant says that these questions are easily answered. The answers can be seen in the evidence contained in Dr Ram's affidavit of 7 November 2024. In particular, in paragraph (12) and following, she explains what happened in court before Rajah J. Her account is verified by a transcript of the hearing that is annexed to her statement and is in the bundle before me.

71. By way of brief summary, insofar as material, it would appear that the application before Rajah J was in the applications list, and that the parties were in and out of court in the morning and again, in the afternoon. In the afternoon, the following exchange takes place between the judge, Mr Bennion-Pedley, who I have noted already was counsel for the claimants, and Mr Uddin, who was counsel for the defendants:

> Mr Bennion-Pedley: "My Lord, good afternoon. Thank you very much for accommodating this again. To bring you up to speed, the respondent has provided some information. The first respondent has provided this information on his behalf and on behalf of his wife. I have handed up a copy of the information provided.
>
> Mr Uddin: "Just to clarify, the wife has also confirmed the answers to me by way of text messages. So, if she

	has not looked at the answer, then she is also confirming it".
Rajah J:	"Do you act for both?".
Mr Uddin:	"Yes, I am. Both respondents have instructed the same firm or primary firm of Sham Uddin.
Rajah J:	"Short answer; it is a 'Yes' or 'No' question. Do you act?".
Mr Uddin:	"Yes, for both of them".
Rajah J:	"Yes. Thank you".

72. The evidence before me from Dr Ram is that the information provided to Rajah J was a document at pages 30 to 31 of the original bundle, a typed document, the first line of which reads, "The respondent…", I note in the singular, "…confirm…", I note without the letter "s". "… that the answers to paragraph 10 are as follows…". A series of information is given, including information as to the transaction. I note the fact that the respondent is in the singular and that the word "confirm" rather than "confirms" is used because it rather tends to highlight the point that Rajah J was seeking clarification on as to whether Mr Uddin was acting for both defendants or only one of them. The exchange clearly clarifies that Mr Uddin was acting on behalf of the second defendant in providing information. Indeed, when one looks at pages 30 to 31 in the bundle, some of the information provided is specific to the second defendant.
73. As regards the first defendant, Rajah J needed to ask whether Mr Uddin was acting for him because the evidence is that the first defendant was present in the courtroom during the hearing. That is confirmed both by looking at the transcript itself, where reference is made to him being present at an earlier point and by Dr Ram's evidence.
74. I have noted the terms of the recital. The allegation that Rajah J was "told" the information in the recital is, in my judgment, an entirely correct way of describing what obviously happened at this hearing. The defendants, through counsel, produced a document. It was given to counsel for the claimants. It was given to the judge. There is no scope for ambiguity here.
75. The alleged lack of clarity in the alleged contempt is, in my judgment, is an illusion. The defendants jointly presented material to the Court. How far the judge was influenced by that material is, of course, a little less clear. The claimants did not, I think, openly assert that what was being said was untrue, but there is a distinct flavour in the exchanges to that effect. However, the flavour does not really matter. The judge clearly read the document, and was clearly reliant on the document, at least to the extent that it enabled him to know what was being advanced on behalf of the defendants before the Court. It may very well be that the order that Rajah J made, and what might be at first sight appear to be an indulgent stance to a situation where it would appear that the defendants were already in breach of a court order, was influenced by the fact that the defendants were, at least then, proffering some explanation of what had gone on.
76. In my judgment, it is not incumbent upon the claimants to show that the untrue information that was provided to the Court in some way influenced what the Court did. At an extreme, one might think that something that was said to the Court that was so obviously untrue that it never could have had and never did have any influence on the administration of justice. However, the reality is that when parties advance a case to the Court through counsel, then a judge listens to what is being said, and whether or not they accept it to be true, that information will almost always be something that acts on the judge's mind when they are considering how next to deal with the case. That is precisely why an untrue statement made to the Court is, on the face of it, a contempt, at least if it is known to be an untruth.

77. Mr Scott made the argument during oral submissions that if he had been in the position of counsel for the claimants at the hearing before Rajah J, he would have required the information that was being provided not only to be in writing, but to be verified by a statement of truth. That might very well be so. The argument that the statement was capable of amounting to a contempt might have been even stronger if it had been verified by a statement of truth. Presumably, the second defendant would not have been in a position to sign such a statement and, of course, we have no detail of whether the preparation of a document signed by a statement of truth was, in fact, a practicable way forward. It would have been, no doubt, a desirable way forward, but we have, I suspect, all been in many situations in court where the idea of adjourning or further adjourning a hearing in order to perfect the documents is not the realistic way forward.

78. I can see no impropriety in a contempt being based upon a proven untrue statement, even if it is not verified by a statement of truth, nor, for the sake of completeness, do I think it is in any way obvious that counsel for the claimants or, indeed, the judge who accepted what was put forward without a statement of truth was in some way to be criticised for having taken into account the document in those circumstances. I have no hesitation at all in concluding that the document presented to the Court, which, in fact, told an untruth, was capable and did amount to a contempt of court if the defendants each knew it to be untrue when it was stated to the Court.

79. Of course, in respect of the second aspect of the allegation of contempt in the second paragraph of the application notice, that which was said in the statement of truth, there is no denying that what was said in the statement of truth was said and that, therefore, something that was, in fact, untrue, on my finding, was communicated to the Court.

80. A further issue then is whether the defendants individually, taking them separately, realised that what was said in the hearing before Rajah J and/or what was said in the defence was untrue. It is not a contempt of court (or at least an act that would be punished as such) to make an untrue statement if the author does not realise or at least have reason to suspect that the statement is untrue. (For present purposes, at least, it is entirely unnecessary to explore the possibility of some carelessness or recklessness as to the untruth of the statement and whether that might amount to a contempt.)

81. Neither defendant has put forward any explanation as to how they could have put before the Court, either in the hearing before Rajah J or in the defence, an account of the transaction, which was not, in fact, true. In the case of the first defendant, he must have known both that the document presented to Rajah J and the defence was untrue. It asserted that he had given £1.8 million towards the alleged medical establishment for the claimants' purposes. He had not done so. There is no plausible explanation for how he could have said that unless it was a known untruth intended to try to cover up the fraud that the claimants allege was perpetrated on them.

82. In the second defendant's case, the position is, perhaps, slightly less self-evident. Whilst couples who live together often share many details of their business and other affairs, it is obvious that not all couples share all details. It is conceivable that the first defendant might have acted in the name without the second defendant's knowledge. However, two features of the case persuade me that I can be satisfied, so that I am sure that the second defendant as well as the first defendant knew that the transaction was fictitious.

83. First, in the defence at paragraph (1.1), it is acknowledged that:

> "The second defendant, for and on behalf of the claimants, confirmed receipt of the Bahrain equivalent of £1.8 million, and further confirmed that the equivalent sum would be paid to the defendants from

> October 2021, with immediate transfers of £1.4 million, and monthly payments thereafter. A copy of this letter is attached to the defence".

84. That case and that communication is wholly inconsistent with the transaction being genuine. The second defendant could not have signed the statement of truth on the defence without knowing that she was making an untrue statement about the alleged transaction, since she must have known about her own role or rather the fact that she had not, in truth, played that alleged role in the transaction.
85. If she was willing to make that untrue statement at the time of signing of the defence, then, absent some rather implausible explanation as to how she could not have had similar knowledge at the time of the hearing before Rajah J, and no explanation has been proffered, it seems to me that I can confidently conclude that she equally knew of the untruth of the transaction at the time that the document was presented to Rajah J.
86. Second, and closely associated with this, if, in fact, it was the second defendant's case that the first defendant had acted without her knowledge, then even though she might have been reluctant to be seemingly critical of her husband's position, one would have expected her to put that argument before the Court in evidence. She has never made any suggestion that that is so. In and of itself, given the possibility that she might have stayed silent to cover for her husband, that point alone would not have persuaded me beyond reasonable doubt that she knew of the untruth of the statement and either in the defence or in the assertion to Rajah J. However, taking the documents together, I have no hesitation in concluding that both defendants knew that both the document presented to Rajah J and the assertions in the defence as to the genuineness of the transaction were, in fact, untrue.
87. As a final litmus test, I ask whether that which is now proved against each of the defendants is an affront to the administration of justice such that it amounts to a clear contempt of court. In my judgment, for litigants in court proceedings to fabricate accounts to as to try to exculpate themselves is a serious affront to the administration of justice. It is no defence for this that, in fact, the claimants knew that what the defendants was untrue. It is no defence to this that, subsequently, the claimants may have had little difficulty in proving that what the defendants said was untrue.
88. I turn then to paragraph (3) of the notice and the allegation of a failure to provide details of assets in excess of £5,000 and/or to provide bank statements as ordered. The first and second defendants dealt with their disclosure of assets in brief terms in the affidavits to which I have referred in each case, at paragraph (2). In the first defendant's case, he says this:

> "Pursuant to paragraph (10.1) of the order of 9 May 2024, I confirm that although the property at 8 Whins Crest was yet to be registered in the second respondent's sole name, who is my wife, Naeema Khilji, we jointly own the property, and the value is £1.8 million. Other than this asset, I have no other asset worldwide".

89. In her paragraph (2), the second defendant says:

> "Pursuant to paragraph (10.1) of the order of 9 May 2024, I confirm that although the property at 8 Whins Crest, Bolton is yet to be registered in my full name, I jointly own the property with the first respondent, my husband, Shabbir Khilji, and the value of that property is £1.8 million. Other than this asset, I have no other asset worldwide".

90. In the second defendant's case, she later acknowledged that she owned another asset, a Mercedes car; see paragraph (6) of her statement of 30 May 2024. That vehicle had, in fact, also been referred to in the document produced to Rajah J.

91. That, then, is the extent of disclosure of assets. The claimant's case, which is clearly set out within the witness statement of Dr Ram and is helpfully and clearly summarised within the written submissions of Mr Blaker, is this: The first and second defendants have, through their lifestyle, demonstrated assets which are inconsistent with them having no other asset of the value of £5,000 or more. True it is that the claimants may struggle to identify any specific asset which the Court can say for sure has a value of in excess of £5,000 and which has not been disclosed. But the Court can, in fact, and should readily draw the inference to the criminal standard that the defendants have such assets.
92. My attention is drawn to a whole series of features of the case. In November 2024, the defendants were living at the property at Whins Crest. They were sending their daughter to an independent school. During 2024 and into 2025, they travelled extensively, including to South Africa, Dubai, Turkey and India. The second defendant is the sole director and owner of a company, "Naeema Khilji Holdings Ltd", the last filed accounts of which are assets of £6,385,000 and creditors of £6,351,000. A letter that was found in the house when the claimants took possession of the property shows the defendant confirming that the first defendant was employed as SEO of Naeema Khilji Holdings, earning £47,000. That letter is dated 30 July 2024.
93. The second defendant's bank statements show payments of about £30,000 to a reference "NKSA". It is acknowledged that "NK" are her initials. "SA" may stand for "savings account". It may equally well stand for "South Africa". The claimants say that makes no difference. Either way, it shows the second defendant transferring money of significant value. I have referred to a Mercedes A-Class car. The second defendant gave a value to the vehicle eventually, in the sum of £4,000. If correct, that would, of course, have fallen below the limit of £5,000 and, in any event, in fairness to the defendants, it was referred to in the document produced to Rajah J. However, the claimants say that the second defendant is lying about the value of this vehicle, and they produce compelling evidence that its true value is between about £9,000 and £10,000.
94. The claimants refer to an incident in June 2023, when reference was made to the defendants investing money in a company called "Cityline" in Bahrain. The bank statements make clear that the monies paid by the claimants were not invested in Cityline, but that discussions about Cityline took place with the first defendant at the offices of solicitors, Chadwick Lawrence. If then there was an investment in that company, neither defendant has disclosed it.
95. The first defendant told the first claimant on 12 March that he and his wife had very high wages and received dividends from companies. This evidence, of course, is consistent with the evidence as to Naeema Khilji Holdings Ltd, to which I have referred already. However, no statements have been disclosed showing receipts of wages, salaries or dividends. No details of assets have been disclosed.
96. The first defendant told the first claimant about a Swiss bank account in Zurich. He said he had donated £35,000 to the Conservative Party. No Swiss bank account has been disclosed. There is no statement disclosed showing any donation to the Conservative Party, yet, to give £35,000 to a political party is indicative of significant wealth.
97. The file from Ashfords Solicitors shows that the first defendant purchased plots of land at Scholars Place in Bolton. There is reference to a Plot 48. There is reference to a property being purchased in the name of the first defendant's son. No documents have been disclosed by the defendants relating to this. Documents were found in the house showing the first defendant to be in possession of very high-value precious stones. There is reference to diamonds worth $3.6 million; the sapphire is worth $2.4 million, to a single ring worth $120,000, and to assorted stones worth $464,000. There is no explanation as to how the first

defendant came to be in possession of those items and, in particular, as to whether he owned or continues to own those items or as to whether he has disposed of them.

98. A document found in the house states that the first defendant had purchased a property at 49, 18th Street, Bokerton. This is believed by the claimants to be a property in South Africa, and evidence from the first defendant confirms this to be so. One or both defendants owned a Jaguar motorcar, as became apparent from a document found in the house. This was sold in August 2024, but its existence and the destination of the proceeds of sale have never been disclosed.

99. It is, at this point, that the claimants identify the further contempt particularised in paragraph (2) of the notice. Whilst a small number of bank statements have been disclosed in relation to the period April to June 2024, those show nothing about expenditure thereafter and, more particularly, show nothing about how the defendants were funding their lifestyle at this point. The admissions in disclosure are referred to at paragraphs (74) to (77) of Dr Ram's third affidavit.

100. When one takes into account the lifestyle that the defendants have lived, including frequent international travel, the claimants say it is inconceivable that the bank statements represent the true picture. A natural inference has to be drawn that the defendants have not produced a full suite of bank statements, because, to do so, either directly or indirectly, would reveal the existence of assets that have not been disclosed and, therefore, would reveal their breach of the asset disclosure obligation.

101. Mr Blaker KC put the matter thus, in his written submission:

> "In relation to the defendants' assets, it is inconceivable that there has been full disclosure of all assets. There is a plethora of examples of inconsistent and inadequate information regarding assets. These include cars, diamonds, companies, undisclosed bank accounts and a complete failure to explain how the defendants have been living since the freezing orders were obtained some 18 months ago. There is no explanation as to how they are able to live in Dubai and South Africa, how they can pay for medical treatment, how they were able to pay for their daughter to attend an independent school and, most importantly, how they could make offers to pay the judgment debt in full, nor is there evidence of whether they have been living within the weekly expenditure limit set by the Court".

102. The defendants' response to this is to say that they are living on the generosity of family and friends. Insofar as there are acknowledged failures to complete gaps in the disclosure of bank statements, it is simply that they have tried to obtain statements, but that with which they have been provided is incomplete. They have done their best. As to the monies being sent to South Africa, the defendant says that these are for the purpose of helping a family and to fund an orphanage; a matter which she says she discussed with the third claimant. She denies ownership of a property in South Africa, acknowledging reference in a document which says and which refers to Bokerton, to her having purchased a house, but saying it is, in fact, owned by a third party. She denies that the company she owns has any value.

103. Overall, Mr Scott says on behalf of the defendants that the Court should resist the invitation to draw inferences that there are undisclosed assets and/or undisclosed bank accounts and/or that the failure to disclose bank statements in full is a consequence of the deliberate choice of the defendants rather than the defendants having tried their best to obtain statements and having drawn a blank.

104. In dealing with this submission, one particularly significant point is the clear and unequivocal assertion by the second defendant within her witness statement that she had discussed the

orphanage in South Africa with Dr Ram. Of course, if she had done so, then that might, at least, tend to suggest a truthfulness on her part. When Dr Ram was asked about that, she answered, immediately, clearly and, in my judgment, in an entirely straightforward fashion, that there had never been a discussion about an orphanage. Either Dr Ram is lying about that, she has forgotten that there was a discussion about an orphanage, or the second defendant is lying when she says she discussed the orphanage with Dr Ram. Having heard Dr Ram's evidence, I entirely reject the first and second possibilities. I regret to say, it is, in my judgment, another example of an untruth being told by one of the defendants.

105. I am then left in this position: on any version of events, there are gaps in the defendants' disclosure of bank statements, and they have not fully disclosed statements in accordance with the orders made by Sir Anthony Mann, Rajah J and Smith J. In my judgment, those gaps in the disclosure of bank statements are inexplicable if the defendants have been genuinely trying to obtain the statements. They have had a very long opportunity to do so, and I see nothing in the suggested explanations, including the existence of a freezing order, which would explain how they have failed for so long to obtain the statements, even insofar as they are admitted.
106. On the other hand, the defendants have travelled internationally to a significant extent, and their funding of their activities and their funding of their lifestyle has been inadequately explained. The defendants have, even on their own case, failed to disclose at least some assets. I hesitate to find what could be a contempt of court in respect of the Mercedes, and it seems to me that the failure to disclose the existence of the Jaguar is a clear breach of the disclosure order.
107. If the defendants were living off the generosity of others, they would have every reason to give detail of this and, furthermore, would have been able to do so. Indeed, if people were generous enough to fund international travel for the defendants, one would expect them to be equally generous with their time to disclose the fact that they have done so. Had this been a case where there seems to be some kind of an attempt by the defendants to explain how it was that they could live the lifestyle that they have lived without there being undisclosed bank accounts and/or assets, I might have been willing to accede to the submission that the claimants were seeking to make too much out of too little. In fact, the claimants have a wealth of material to suggest that the defendants are far more wealthy than they are willing to admit to, partly by way of admission from the defendants, but largely by silence on issues in respect of which the defendants could clearly and obviously give the information.
108. Some of what is said as to indications of the defendants' lifestyle might, in fact, be explained, if I can use the word "innocently", in a rather ironic fashion; innocently for present purposes includes possibility the evidence as to the possession of precious stones by the first defendant might, itself, be a consequence of the defendants having persuaded other people to part company with valuable assets without actually having paid for them.
109. I am left somewhat unsure as to what to make about the material relating to valuable precious stones. It would be highly surprising if reputable dealers were parting company with precious stones and gold of such value without there being any security and, if there were such security, that is very obviously undisclosed. However, on the other hand, my findings in respect of the defendants lying as to the transaction must, at the very least, give rise to a suspicion that they have lied to other people about their worth and that some of those lies may have fed into both documents that appear to suggest that the defendants are wealthier than they are, and assertions by, in particular, the first defendant's wealth, which, in fact, were also untrue.
110. Deeply unattractive as that explanation is, it is an obvious possibility, and, since it is consistent with there being no contempt of court in the manner alleged, I have to take those matters into account. However, even if I discount some of the more grandiose statements that the

first defendant has made about their wealth and/or the evidence as to the possession by him of very valuable goods, which is difficult to explain, I am still left with a huge amount of unexplained apparent wealth and ability to manage lifestyle, in a case where the defendants cannot begin to show me that they have tried to engage by providing information which would explain what is going on.

111. In light of that, I am satisfied so that I am sure in respect of each of the defendants that they have assets in excess of £5,000 in value that they have not disclosed, and that they have not disclosed bank statements that they could have disclosed, in breach of the orders of the High Court judges referred to because it is inconvenient for them to disclose them, since they would disclose such assets rather than because they have tried their best and been unable to do so. In those circumstances, I find each of the defendants to be in breach of the orders of the High Court judge, as particularised in paragraph (3) of the application notice, as amended. I therefore find them to be in contempt of court in this respect as well.

112. I want to conclude by thanking counsel for their assistance thus far in this case, and Mr Blaker KC, before me, has marshalled a large amount of evidence in this case in an admirably helpful manner, and I am very grateful for the clear way in which he has presented the case. Mr Scott has had the unenviable task of defending a case where adverse inferences are being arguably drawn against his client, but where his absence of his clients from court has made his task difficult. He has done so in the best traditions of the Bar of England and Wales, advancing such arguments as to have been available to him in a firm but polite manner. It will be noted from some of the early parts of this judgment that, in a number of respects, I have accepted his submissions and, whilst ultimately, I have made findings adverse to his clients on the substantive issues, his arguments on those issues have given me much to think about.

113. That concludes my judgment.

End of Judgment.

Transcript of a recording by Acolad UK Ltd

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Acolad UK Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

This transcript has been approved by the judge.