Judiciary of England and Wales

SUMMARY

Işbilen v. Turk & Ors (Claim No. BL-2021-000365); Işbilen v. Hanson Asset Management Ltd (Claim No. BL-2023-001171)

[2026] EWHC 2704 (BP): Mr Justice Adam Johnson

[References in square brackets are to paragraphs in the judgment.]

The Application

There are two sets of proceedings before the Court which are being case managed and tried together. The Court has today handed down Judgment on an application by Mr Turk, the Defendant in Claim BL-2021-000365, for permission to rely on a witness summary served in relation to Mr Andrew Mountbatten-Windsor, and to call Mr Mountbatten-Windsor at trial. The trial is scheduled to begin in Court on 23 November 2026, with a time estimate of 11 weeks.

A witness summary is served in cases where a party has been unable to obtain a witness statement from a proposed witness in advance: it is a summary of the evidence the party expects the witness to be able to give if they appear at trial (Jgt at [2]).

The Decision

Given that the witness summary here was served late, after the required deadline of 24 July 2026, the present application has involved Mr Turk applying for relief from sanctions (Jgt at [6]). The Court has decided to grant relief and to give the necessary permissions. The effect will be to allow Mr Turk to seek to call evidence from Mr Mountbatten-Windsor at trial. In practice that will likely involve another step, namely issue of a witness summons (Jgt at [62]). A party served with a witness summons may apply to have it set aside or varied.

Summary reasons

In summary, the reasons for the Court's decision are as follows:

i. *Inability to obtain a witness statement*: The Court was satisfied it was appropriate to treat Mr Turk as having been unable to obtain a witness statement from Mr Mountbatten-Windsor (Jgt at [32]-[34]).

ii. *Relevance*: Mr Turk demonstrated a sufficient case on the relevance of the evidence sought. One of the allegations made against Mr Turk is that he misled the Claimant, Mrs Işbilen, as to the reason why a £750,000 payment was made to the then Duke of York on 15 November 2019 (Jgt at [12]-[18]). Mr Turk's position is that Mrs Işbilen was not misled. He says the idea of making the payment came from Mrs Işbilen herself, because she thought the then Duke, through his contacts, would be able to assist her husband Mr Işbilen, who was in prison in Turkey (Jgt at [14] and [21]). Mrs Işbilen says that account is false. Mr Turk wishes to call evidence about the Duke's involvement in discussions concerning Mr Işbilen's position in late 2019 and early 2020 (Jgt at [38]-[39]. Mr Turk says that evidence will corroborate his account of the reason the payment was made. Mr Turk also relies on a further payment made in late January 2020, which he maintains was made by Mrs Işbilen for the same reason (Jgt at [22]-[29]).

iii. *Overall position*: Although the witness summary was served late, and although Mr Turk had no good reason for his delay (Jgt at [46]-[52]), the overall circumstances justify allowing him to rely on it nonetheless (Jgt at [53]-[61]). Those circumstances include the following: (a) the evidence covered by the witness summary is by way of response to a serious allegation of dishonesty against Mr Turk, which potentially has wide implications for his defence of the case as a whole; (b) the evidence is limited and should be capable of being accommodated without undue disruption within the present trial timetable; and (c) he relevant issues have long been known to Mrs Işbilen and her legal team, and indeed arise out of the way she puts her own case. Taking such matters together, it would be unfair for Mrs Işbilen to be allowed to advance her case of dishonesty against Mr Turk, without allowing him the chance to put forward evidence of his own to seek to rebut it (Jgt at [61(iv)]).

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the judgment. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.judiciary.uk, https://caselaw.nationalarchives.gov.uk and www.bailii.org.

23 October 2026