Neutral Citation Number: [2026] EWHC 2718 (BP)

Case Nos: BL-2021-000365 AND BL-2023-001171

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY DIVISION
BUSINESS LIST

Business and Property Division
7 Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 23 October 2026

Before:
MR JUSTICE ADAM JOHNSON

- -

Between:

NEBAHAT EVYAP İŞBILEN **Claimant**

- and -

SELMAN TURK & Ors
- and -
HANSON ASSET MANAGEMENT LIMITED **Defendants**

Simon Colton KC and Andrew Gurr (instructed by **Cooke, Young & Keidan LLP**) for **Mrs Nebahat Evyap İşbilen** (Claimant/Applicant)
Joshua Hitchens (instructed by **Janes Solicitors)** for **Mr Selman Turk (**Defendant in Claim No. BL-2021-000365**)**
Matthew Morrison KC and Zahler Bryan (instructed by **Brabners LLP**) for **Hanson Asset Management Limited (**Defendant in Claim No. BL-2023-001171**)**

Approved Judgment

This judgment was handed down in open court at 2pm on 23 October 2026 and by circulation to the parties or their representatives by e-mail and by release to the National Archives.

MR JUSTICE ADAM JOHNSON:

Introduction

1. At the Pre-Trial Review in this matter on 7 October 2026, I indicated that I would make orders (i) granting permission to the Defendant Mr Turk to rely on a witness summary of Mr Stephen Buckland and to call Mr Buckland at trial; and (ii) granting permission to Mr Turk to rely a trial on a witness statement of his father, Dr Suleyman Turk. Given the limited time available, I said I would give reasons later in writing. These are my reasons.

2. In a separate judgment handed down today, dealing with Mr Turk's application for permission to rely on a witness summary in respect of Mr Andrew Mountbatten-Windsor, I have dealt with the general background and with Mr Turk's position in some detail (see [2026] EWHC 2704 (BP)). I do not propose to repeat that background here. It is sufficient to note that Mr Turk is the principal Defendant in substantial proceedings by Mrs İşbilen, who alleges that Mr Turk dishonestly exceeded the limits of his authority in dealing with her substantial assets. The matter is close to trial, which will begin with a period of Judicial pre-reading in the week commencing 16 November 2026.

Stephen Buckland witness summary

3. Any witness summaries should have been served by 24 July 2026. Mr Turk not having applied for permission before then under CPR, r.32.9, he was not in a position to do so. The witness summary in respect of Mr Buckland was in fact provided about two months later, on 22 September 2026. The consequence is that Mr Buckland may not be called to give evidence unless the Court gives permission (see r.32.10). Mr Turk applies for such permission, which requires him to seek relief from sanctions.

4. Mr Buckland is a former employee of Hampden Bank. That is one of the banks at which Mrs İşbilen had accounts. Mr Turk's position is that Mr Buckland had direct contact with Mrs İşbilen on a number of occasions regarding transactions on her accounts, and that Mr Buckland will be able to give evidence as to her knowledge and understanding of those transactions, her competency in English and her level of financial sophistication. Among such transactions is the payment made to the then Duke of York on 15 September 2019, described in the separate Judgment referred to above.

5. The following points are relevant:

    i) Having regard to the requirements of CPR, r. 32.9(1)(b), I am satisfied that Turk has been "*unable*" to obtain a witness statement from Mr Buckland. As at the date of the PTR at any rate, his whereabouts were unknown. Moreover, I accept Mr Hitchens' submission that as a former employee of Hampden Bank Mr Buckland is very likely to regard himself as bound by ongoing duties of confidence in relation to client affairs, which limit his ability to volunteer a witness statement. In Morley v. Royal Bank of Scotland plc [2019] EWHC 2865 (Ch), Kerr J said that deciding whether a party has been "*unable*" to provide a witness statement requires a degree of rigour but also "*[a] degree of reality*". In the present circumstances, I think fair to treat Mr Turk as having

been unable to obtain a witness statement from Mr Buckland by the required deadline. Even if steps could have been taken to locate him sooner, Mr Buckland would very likely have refused to provide a witness statement voluntarily given his ongoing duties of confidence.

ii) I am satisfied that the witness summary is adequate, by reference to CPR, r.32.9, in the sense that it gives fair notice to the other parties of (i) the evidence Mr Turk considers Mr Buckland will be able to give where it is known (see [4] above), and (ii) where it is not known, the areas of additional questioning proposed.

iii) As to relief from sanctions, following the approach endorsed by the Court of Appeal in Denton v. TH White Limited [2014] EWCA Civ. 906, [2014] 1 W.L.R 3926, the following matters are relevant:

a) *Denton Stage 1*: I regard the default by Mr Turk as serious and significant. A delay of over two months is plainly serious, and its significance is amplified by the fact that the trial date is now very close.

b) *Denton Stage 2*: The reasons for the default are the same as those relied on in connection with the Andrew Mountbatten-Windsor witness summary – a combination of Mr Turk's ADHD and the fact that, until late August 2026, he had only limited legal representation. For the reasons given in my Judgment at [2026] EWHC 2704 (BP), I do not regard these as good reasons, although they are not wholly bad, and provide some context at Denton Stage 3.

c) *Denton Stage 3*: Although Mr Turk's default was serious and significant, and although in my view there was no good reason for it, all the same I consider that the overall circumstances require relief from sanctions to be granted, and the required permissions to be given. On the face of it, Mr Buckland has relevant evidence to give, and indeed evidence which may have a material bearing on the case, because it goes to certain core issues concerning the level of Mrs İşbilen's sophistication, her general understanding of transactions affecting her assets, and her command of English. Mr Buckland will be in a good position to speak to such matters, given his personal interactions with Mrs İşbilen. It is correct that Mr Turk could and should have done more to help himself before the 24 July 2026 deadline, and his limited access to legal advice before then does not excuse his default; but due allowance must be made for the fact that his legal team for trial, now assembled, have moved quickly to take stock of the overall evidential position and to address what they consider are certain shortcomings. Mr Buckland's evidence is likely to be short, and I consider it can be accommodated within the trial timetable without undue disruption. In my judgment it would be unfair and unjust to prevent Mr Turk from seeking to rely on it.

Dr Suleyman Turk witness statement

6. A similar analysis applies to the request for permission to rely on a witness statement of Dr Suleyman Turk. This was also provided on 22 September 2026, over two months after the deadline for service of witness statements. CPR, r.32.10 is equally applicable: an application to rely on a late witness statement involves seeking relief from sanctions, applying the three-stage Denton analysis. As to that:

   i) *Denton Stage 1*: I consider the default serious and significant, for the reasons given above.

   ii) *Denton Stage 2*: I do not consider there was good reason for the default – again see the analysis above.

   iii) *Denton Stage 3*: I am however persuaded that the overall circumstances justify granting relief from sanctions, despite the conclusions at (i) and (ii). Again, the context includes the fact that until late August 2026 Mr Turk only had access to very limited legal advice. He has now instructed a small but efficient legal team, and they have moved swiftly to address perceived shortcomings in his case. In his submissions resisting the application, Mrs İşbilen's counsel sought to marginalise the potential importance of Dr Turk's evidence. It is true that part of it deals with matters of general background, concerning the Gùlen movement in Turkey; but Dr Turk also gives evidence that he has had reasonably regular contact with Mrs İşbilen since about 2017, and comments on her levels of intelligence and sophistication (including in connection with financial and commercial affairs) and her command of English. These are matters in issue between the parties, and the Court will be required to form a judgment about them at the trial. Dr Turk also gives evidence as to his attendance at a dinner with the then Duke and Duchess of York in late 2019, which on the face of it corroborates the account of that dinner given by Mr Turk himself (although Dr Turk gives what is now known to be the wrong date for the dinner). The potential significance of the dinner is described in my Judgment at [2026] EWHC 2704 (BP): it is relevant to an allegation of dishonesty made against Mr Turk. Taking all these matters in the round, I consider that relief from sanctions should be granted and the relevant permissions given because (i) the evidence of Dr Turk is limited and again should be capable of being accommodated within the trial timetable without serious disruption, (ii) it is relevant to certain core issues in the case including the question of Mr Turk's honesty or dishonesty, and (iii) notwithstanding Mr Turk's default, I consider it would be unjust to deprive him of the opportunity of relying on Dr Turk's statement given the very serious nature of the allegations made against him and the desirability of the Court having access to the best available evidence in order to inform its conclusions.