



Niraj Modha

Year of call: 2010

Email: niraj.modha@39essex.com

"As far as barristers go, Niraj is one of the most approachable. He is measured, technically astute and very highly respected and regarded by his peers." The Legal 500 2023

Niraj is a property, commercial, and construction law specialist. His cases frequently involve issues relating to contested interests in land, civil fraud, insolvency, professional negligence, and disputes between shareholders, partners, and joint venturers. He acts for a range of clients including property developers, investors, local authorities, contractors, and multinational conglomerates.

Niraj appears as sole counsel in trials and applications in the Chancery and Queen's Bench Divisions of the High Court and in the appellate courts. He also acts as counsel in arbitration proceedings (both institutional and ad hoc), invariably with an international element, and represents clients at mediation.

Niraj accepts appointments as an arbitrator. He is a Fellow of the Chartered Institute of Arbitrators and a member of several panels including the CI Arb Business Arbitration Scheme and the Law Society President's Panel. Niraj has been appointed as an arbitrator in more than 25 matters within the past three years. He is also available to act as a tribunal secretary.

Areas of expertise

- Property and Real Estate Litigation
- Commercial Dispute Resolution
- Construction, Engineering and Infrastructure Disputes
- International Arbitration
- Arbitrators

Property and Real Estate Litigation

"A highly intelligent and careful junior with strong specialist knowledge. Ultra-responsive though very busy. I would not hesitate to recommend him for any property related dispute." The Legal 500 (2022)

Niraj acts for property investors, developers, large estates, professional landlords, housing associations, management companies, residents' associations, and tenants. He accepts instructions in all aspects of real property and in commercial landlord and tenant disputes.

Niraj's current cases in the High Court (Property, Trusts and Probate List), County Court, and First-tier Tribunal (Property Chamber) include claims for prescriptive rights, adverse possession, encroachment by tenants, and boundary declarations.

Cases of note:

- ***Axnoller Events Ltd v Brake v Brake*** [2022] EWHC 365 (Ch) - Claim for possession of a 100-acre estate partly occupied by former employees. Led by Edwin Johnson QC.
[Judgment](#)
- ***A v R (ongoing)*** - Claim against sellers following the exchange of contracts for the sale of development property, where prior to completion the registered title plan showing general boundaries was significantly altered.
- ***Dollis Hill Traders v Ali & Hussain*** - Occupation of commercial property pursuant to a document labelled a 'licence' created a tenancy protected under Landlord and Tenant Act 1954.
- ***Free Trade Wharf, London*** - Tribunal proceedings concerning the payability by leaseholders of mixed-use developments of service charge in respect of works to a jetty and wharf on the River Thames.

Recommendations

Niraj is ranked in The Legal 500 in Property and Real Estate Litigation:

- *"A highly intelligent and careful junior with strong specialist knowledge. Ultra-responsive though very busy. I would not hesitate to recommend him for any property related dispute."*The Legal 500 (2022)
- *"User-friendly and a strong team player."*The Legal 500 (2022)
- *"His attention to detail is superb and he has an ability to grasp difficult and detailed facts quickly. Ability to remain calm under pressure."*The Legal 500 (2021)
- *"Whilst always meticulously prepared, he is also extremely good on his feet."*The Legal 500 (2020)

Memberships

- Fellow of the Chartered Institute of Arbitrators (CI Arb)
- Commercial Bar Association (COMBAR)
- International Bar Association (IBA)
- Property Bar Association (PBA)
- Chancery Bar Association (ChBA)
- Young Arbitrators' Forum of the International Chamber of Commerce (YAF)
- Young International Arbitration Group of the London Court of International Arbitration (YIAG)

Qualifications

Education

- Diploma in International Commercial Arbitration (CI Arb)
- BVC (Outstanding)
- GDL (Distinction)
- Qualified Teacher Status (2007)
- BA (First Class Honours), Robinson College, University of Cambridge (2006)

Scholarships and Prizes

- Travelling Scholarship in Dispute Resolution (The Worshipful Company of Arbitrators)
- Levitt Scholarship, Buchanan Prize, Lord Denning Scholarship, Lord Haldane Scholarship and Hardwicke Entrance Award (Lincoln's Inn)
- 3 Verulam Buildings Prize for best overall performance on the GDL (City Law School)
- Titular Scholarship and College Prize (Robinson College, University of Cambridge)

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