



Niraj Modha

Barrister & Arbitrator

Year of call: 2010

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"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 and crossing over with: contested interests in land; civil fraud; insolvency; professional negligence; disputes between shareholders, partners, and joint venturers; and construction claims relating to infrastructure projects. He acts for a range of clients including property developers, landowners, investors, local authorities, contractors, employers, and multinational conglomerates.

Niraj appears as sole counsel in trials and application hearings in the Business and Property Courts (Chancery and King's Bench Divisions) and in the appellate courts. He also acts as counsel in international arbitration proceedings (both institutional and ad hoc) 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 on more than 30 occasions. He is a contributor to *Pleading in Arbitration: A Practitioner's Guide and Arbitrator's Handbook*, and frequently speaks at arbitration conferences and events.

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, housing associations, management companies,

residents' associations, and commercial 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, First-tier Tribunal (Property Chamber), and Upper Tribunal (Lands Chamber) include claims for prescriptive rights, adverse possession, encroachment by tenants, boundary declarations and collective enfranchisement.

Cases of note:

- ***Re: Royal Hotel Kettering (ongoing)*** - claim for injunctive relief, specific performance, and substantial damages following alleged unlawful eviction and the failure to complete on a contract for the sale of property. Five-day trial in the Business and Property Courts in Birmingham in 2025.
- ***Ajmera v Rowanmoor Trustees Limited & ors (compromised at trial)*** - claim against sellers following the exchange of contracts for the sale of development property, where prior to completion the registered title plan was significantly altered. Five-day trial in the Business and Property Courts in London in April 2024.
- ***Continental Coachworks v H 22 Ltd (ongoing)*** - claim for prescriptive rights, injunctive relief, and damages relating to property in West London. Four-day trial in CLCC in 2024.
- ***Re: Hamilton Terrace (ongoing)*** - claim for encroachment or alternatively adverse possession of loft space in a converted house. Two-day trial in CLCC in 2024.
- ***Confidential (ongoing)*** - advice and claim for the modification of easements relating to the use of land subject to restrictive covenants.
- ***Chedington Event Ltd v Brake & Brake*** [2024] EWHC 11 (Ch) - consequential judgment. Order for costs on the indemnity basis and payment on account. [Judgment](#).
- ***Chedington Events Ltd v Brake & Brake*** [2023] EWHC 2804 (Ch) - assessment of damages for trespass following a trial on quantum. Successful at trial, permission to appeal refused by the Court of Appeal. [Judgment](#).
- ***Chug v Dhaliwal*** [2023] EWHC 804 (Ch) - appeal concerning the validity of a Section 146 notice and the refusal of relief from forfeiture. [Judgment](#).
- ***Leon v Kensington Mortgage Company Limited & The Mayor and Burgesses of the City of Westminster*** [2023] EWHC 121 (Ch) - a creditor's entitlement to subrogation following the dissolution of a co-creditor, and whether a lease can be properly regarded as 'security'. [Judgment](#).
- ***Zaman v Zaman*** (unreported, 2023) - opposing a challenge to an express declaration of trust following the transfer of property. Successful at trial (Brentford) and on appeal (CLCC).
- ***Axnoller Events Ltd v Brake v Brake*** [2022] EWHC 1162 (Ch) - indemnity costs following trial and interim payment on account of costs. [Judgment](#).
- ***Axnoller Events Ltd v Brake v Brake*** [2022] EWHC 622 (Ch) - (un)availability of postponement or a stay in respect of a possession order made in proceedings for trespass. [Judgment](#) on postponement and [Judgment](#) on stay.
- ***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. Successful at trial, permission to appeal refused by the Court of Appeal. [Judgment](#).
- ***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. Successful at three-day trial in CLCC, permission to appeal refused.
- ***Re: 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. [Judgment](#).

Niraj's recent advisory work includes the following matters:

- Beneficial interests and orders for sale in relation to trust land valued at £5m+
- Section 106 agreements and clawback of contributions.
- Commercial lease renewals and opposition on ground (f) in respect of London property.
- The exercise of a break clause in respect of a lease of a London hotel.
- The availability of injunctive relief and damages following the unlawful eviction of commercial tenants from various London properties.
- Party Wall etc. Act 1996.

Recommendations

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

- *"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)
- *"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)
- London Common Law and Commercial Bar Association (LCLCBA)
- Young Arbitration and ADR Forum of the International Chamber of Commerce (YAAF)
- Young International Arbitration Group of the London Court of International Arbitration (YIAG)

Qualifications

Education

- Diploma in International Commercial Arbitration (CI Arb), 2015
- BVC (Outstanding), 2010
- GDL (Distinction, first in year), 2009
- Qualified Teacher Status, 2007
- BA (First Class Honours), Robinson College, University of Cambridge, 2006; MA.

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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