

Chancery Division upholds claim by Hoogstraten's children to have beneficial interest in properties registered in his name

11/04/2018 (Commercial)

As a result of litigation conducted over many years by the Estate of the late Mohammed Raja, during the course of which Mr Raja was held to have been murdered at the instigation of the self-styled Nicholas Van Hoogstraten ("NVH"), NVH owed the Estate in excess of £1.6 million in costs alone.

NVH refused to pay the costs on the basis that all the costs orders made against him were wrongly made, and that anyway he personally had no money or assets.

The Estate discovered two valuable properties registered in the name of NVH and (after contested proceedings in which NVH claimed that the properties were held in trust for his children) obtained final charging orders over his interest in the properties.

Although it was held by Norris J in granting the final charging orders that because of the prejudicial delay in asserting any beneficial interests other than those of NVH, it was too late to assert them now.

However the Court of Appeal, in giving reasons for refusing permission to NVH to appeal, left open the possibility that the alleged beneficiaries might still be able to assert a beneficial interest in the course of applications for orders for sale.

The children of NVH intervened and sought the trial of a preliminary issue as to whether or not they had beneficial interest after.

After a 3 day trial Morgan J held that, although the evidence of both NVH and one of his sons was unsatisfactory in many respects, the

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documentary evidence tended to show on balance that the trust was genuine.

He ordered that certain matters emerging during the course of evidence should be brought to the attention of HMRC.

The judgment appears under external links.

Peter Irvin appeared for the Raja Estate, instructed by Sabeers Stone Green.

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