

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

7 Rolls Buildings
Fetter Lane
London
EC4A 1NL

Thursday, 25 July 2024

BEFORE:

MR JUSTICE RAJAH

BETWEEN:

TAJLEENA ISLAM

Claimant

- and -

(1) SULTANA JAHAN ISLAM
(2) RAHIT ISLAM
(3) SAYED ZAYNAL ABEDIN

Defendants

MS READ (instructed by Middletons Solicitors) appeared on behalf of the Claimant
MR WOODHEAD (instructed by BP Collins LLP) appeared on behalf of the First and
Second Defendants

JUDGMENT
(Approved)

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1. MR JUSTICE RAJAH: Ms Read's application for permission to appeal is based on a proposed challenge to the decision in relation to the 2016 Deeds and the August 2006 Deed.
2. In relation to the 2016 Deeds, it is clear that persuasion on its own is not unlawful. It is when persuasion crosses the line, such that the act which has been done is one which ought not fairly to be treated as the expression of the free will of (in this case) Tajleena, that it becomes undue influence. I have found that there was no significant relationship of ascendancy here. I found that she made her own assessment that it was in her interests to enter into the 2016 Deeds because she wanted to protect assets from her husband. That was a finding that the 2016 Deeds were an expression of her free will, and that is essentially a finding of fact. It is not one which the Court of Appeal will interfere with lightly. I therefore do not think there is a real prospect of succeeding on an appeal in respect of the 2016 Deeds.
3. That means the position in relation to August 2006 Deed is academic. If the 2016 Deeds are valid it does not matter whether the August 2006 Deed is valid or not. Nevertheless, in relation to the August 2006 Deed, the point which Ms Read made was that while there are a series of transactions which may be for her benefit, it is possible for there to still be one transaction which can still be to her manifest disadvantage. That may well be right, but in the circumstances of this case it seemed to me on the facts that this was not a transaction of which it could be said that it was so disadvantageous that it could only be explained on the basis that improper influence was used to procure it, and I said that expressly in paragraph 172. If that is correct, as I found it to be, then there is no undue influence in respect of the August 2006 Deed. Again that is essentially a finding of fact which the Court of Appeal is unlikely to interfere with. I do not think there is a real prospect of succeeding on an appeal in respect of the August 2006 Deed.
4. So for those reasons I am going to refuse permission to appeal.

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Email: civil@epiqglobal.co.uk