



RUHI SETHI-SMITH

CALL - 2012

“Robust, personable and client friendly, with high levels of attention to detail.”

✉ rsethi-smith@forumchambers.com

☎ 020 3735 8070

Ruhi has a broad commercial litigation practice which includes a wide range of commercial disputes, insolvency and property litigation, banking and financial services litigation.

Ruhi is a robust and meticulous advocate who regularly appears in the County Court, High Court and Court of Appeal.

Ruhi also has extensive experience of obtaining and resisting urgent injunctions in the High Court.

Prior to transferring to the commercial bar, Ruhi worked for a number of well-respected City law firms where she earned a reputation as an effective and strategic litigator who leaves no stone unturned for clients.

AREAS OF EXPERTISE

COMMERCIAL LITIGATION

Recent Notable Cases:

- Representing a cryptocurrency platform provider in a claim brought by a victim of a BitTrust fraud against a number of cryptocurrency exchanges for damages for unlawful means conspiracy and fraudulent misrepresentation valued at £1.5 million.
- Advising on a claim for recovery of £350k invested in a crypto currency scheme which involved consideration of Quistclose trust principles and breach of fiduciary duties.
- Advising a large national lender on a debt recovery claim which involved an APP fraud and consideration of lenders' duties to prevent fraud. Permission to appeal part of the first instance judgment is currently being sought.
- Advising on a multi-party claim for damages flowing from breach of directors duties and unlawful means conspiracy.
- Representing a professional football club in a breach of contract claim for £350k which resulted in

a successful order for security for costs and eventually the claim being struck out.

- Representing a global travel company in a claim for £750k in relation to the interpretation of force majeure clauses in an accommodation supplier agreement which also involved a successful relief from sanction application.
- Advising minority shareholders on unfair prejudice claims and claims pursuant to section 306 of the Companies Act 2006 calling for shareholders' meetings.
- Acting for a partner in a dispute over the dissolution of the partnership and the sale of the partnership asset which resulted in a favourable settlement for the partner.
- Pursuing guarantee claims on behalf of a national platform lender involving numerous applications for summary judgment and/or strike-out.
- Defending a claim for ownership of an aeroplane used for a solo round the world flight and breach of contract worth approximately £200k, defending the claim on the basis of wrongful interference pursuant to the Torts (Interference with Goods) Act 1977.

INJUNCTIONS

Recent Notable Cases:

- Acting for Joint Liquidators in obtaining a worldwide freezing order in respect of company assets located in multiple locations in Europe.
- Obtaining numerous Norwich Pharmacal against numerous banks in respect of customer fraud and mistaken payments.
- Acting for company directors on injunctions to restrain presentation of winding up petitions.
- Acting on injunctions for wrongful interference and delivery up of property.

INSOLVENCY

Recent Notable Cases:

- Advising and representing Joint Administrators and the fixed charge receiver on an application under section 71 of Schedule B1 to the Insolvency Act 1986 to allow the sale in the sum of £16million of a large block of luxury residential flats where there are over 100 equitable lien holders.
- *Re Butler Do Limited* [2024] EWHC 1291 (Ch): representing joint liquidators in an application for their retrospective appointment pursuant to section 108 (1) of the Insolvency Act 1986 following the restoration of the company in order to deal with a £7m claim issued by HMRC. ICC Judge Baister confirmed that section 108 (1) could and should be used to appoint joint liquidators retrospectively in circumstances where there are incurable defects in the appointment as has regularly been done for administrators.
- Successfully representing numerous liquidators in applications for their remuneration where this has not been agreed by creditors and most recently a remuneration application which has been made to the Court out of time. This judgment is being reported and will be available soon.
- Representing administrators in applications for the extension of administrations in a variety

of circumstances. Most recently, acting for Joint Administrators on an extension of the administration and retrospective administration order where consent of the secured creditors had not been correctly sought. This judgment is being reported and will be available soon.

- Representing trustees in bankruptcy in applications to suspend discharge from bankruptcy, applications for possession and sale of property in bankruptcies.
- Representing directors of liquidated companies in applications pursuant to section 216 of the Insolvency Act 1986.
- Advising on applications for breach of directors' duties, wrongful trading, transactions to defraud creditors, preferences and transactions at an undervalue.
- Acting for court appointed receivers in proceedings to recover assets following confiscation proceedings under POCA 2002.

BANKING

Recent Notable Cases:

- Acting for the victim of a sophisticated APP fraud in which the fraudsters defrauded her of £3.8 million.
- Advising the victim who suffered CFD trading losses in the sum of £350k for mis-selling and misrepresentation claims.
- Acting for a large national bank in defending claims for undisclosed PPI commissions.
- Obtaining Norwich Pharmacal orders against banks following APP frauds on customer accounts
- Assisting on claims against Lloyds Banking Group related to the Impaired Assets Office of BOS/ HBOS at Reading and elsewhere.
- Assisting in advising and representing claimants in swaps cases where they have been mis-sold swaps and interest rate hedging products.
- Advising a consumer in relation on a claim for breach of statutory duties resulting from losses sustained from CFD trading.

PROFESSIONAL NEGLIGENCE

Recent Notable Cases:

- Pursuing solicitors in a professional negligence claim relating to the handling of a breach of contract and quantum meruit claim in the sum of £700k.
- Defending solicitors in a professional negligence claim relating to the drafting of a share purchase agreement.
- Successfully pursuing a solicitor for his role in a high-profile tax avoidance scheme.
- Representing a project management company in a negligence claim involving multiple parties.
- Advising company directors in relation to a professional negligence claim against its auditors for the negligent preparation of company accounts.

QUALIFICATIONS

- BA (Hons) Law and Society- University of Exeter
- Legal Practice Course UWE Bristol

PROFESSIONAL BODIES

- Combar
- R3
- PNLA