

Dr Mike Wilkinson

Year of Call: 2006



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Mike is a specialist in business and property law and has built up a successful practice, typically dealing with complex and high value cases, often involving allegations of fraud or difficult legal arguments and regularly crossing swords with more senior opponents.

It is testament to Mike's growing reputation that he finds himself in high demand, solicitors and clients alike requesting him specifically for their cases and returning time and again with new instructions. Mike's passion for tackling problematic cases combined with his wealth of legal knowledge and his willingness to make himself available to take "that" call, make him a formidable asset for any legal team. He is an accomplished and effective advocate, highly regarded for his commitment to the cause and for his determination. He takes a pragmatic and hands on role working with those instructing him to form and develop case strategy and tactics to secure the best outcomes possible in every case.

Most of Mike's work is in the Business and Property Courts of the High Court but he has also appeared in all sorts of other courts and tribunals including and on a number of occasions with success in the Court of Appeal. He acts predominantly as sole counsel but he has collaborated on a number of occasions with Chambers' silk, and on appropriate cases he is happy to work with others as a part of a team. With his breadth of knowledge and experience he is also well suited to disputes spanning different disciplines.

Mike's practice encompasses the traditional range of commercial and chancery work including:

- commercial contract disputes,
- shareholder and company disputes (including unfair prejudice petitions, derivative actions, misfeasance claims, claims to enforce directors duties, and actions upon shareholder agreements),
- partnership law (with particular experience of medical and legal practice disputes),
- civil fraud (including cases requiring urgent asset protection or recovery),
- professional negligence (with an emphasis on property and transactional work),
- building disputes and construction law,
- insurance and banking,
- consumer and consumer credit,
- mortgage cases,
- landlord and tenant disputes, and
- real property work.

Mike recognises the importance of Counsel being accessible as cases progress and also for difficult files. His commercial practice includes urgent and time-sensitive work for example acting on applications for injunctive relief (including freezing injunctions, search orders and orders for the preservation and inspection of critical evidence) and advising on completions or exercising termination rights or rescission or other elections. Mike also provides urgent advice and assistance concerning issues arising under the [Limitation Act 1980](#).

In the traditional chancery field, Mike is often instructed to deal with probate and trusts disputes including claims concerning the validity, interpretation and rectification of wills, claims under the [Inheritance \(Provision for Family and Dependents\) Act 1975](#) and the administration of estates.

In the area of insolvency, Mike has wide-ranging experience acting for both office-holders and for debtors or creditors. As well as dealing with contested petitions and statutory demands and applications for administration orders and extensions, Mike has developed a particular specialism in antecedent transactions and transaction avoidance. He has been involved in a large number of cases involving challenges to transactions defrauding creditors and he has developed a particular interest in actions by company creditors directly against directors or shareholders of a company typically where that company is insolvent.

Mike also has expertise and experience in international and transactional work, including EU Law, in which he has an LLM, and banking and finance, for which he has been awarded a Phd. Mike has undertaken commercial arbitrations and keeps up to date with European and international law, helping to run the European Circuit of the Bar as a member of the executive committee.

Mike is accredited for direct access from members of the public. He is approved as a pupil supervisor. He is also a member of the executive committee of the Manchester Incorporated Law Library society.

To book or contact Dr Mike Wilkinson, email his clerks marked for his attention at: businessproperty@18sjs.com.

Education

Alliance Manchester Business School, the University of Manchester, 2010-2017, PhD banking reform and corporate governance

College of Europe, Bruges, Belgium 2004-2005; LLM European Legal Studies;

University of Durham 1999-2001 and 2002-2003; LLB Law and European Legal Studies;

University of Fribourg, Switzerland 2001-2002; European Legal Studies component of LLB

Professional Memberships

European Circuit of the Bar, Member of the Executive Committee

Northern Chancery Bar Association

Northern Circuit Commercial Bar Association

Court of Protection Association

Northern Circuit of the Bar

Inner Temple

Notable Cases

[Court of Appeal](#)

Ehrentreu v IG Index Ltd [2018] EWCA (Civ) 79

IG Index Limited v Ehrentreu [2017] EWCA Civ 326;

Weymont v Place [2015] EWCA Civ 289;

[High Court](#)

Madison Apartments Management Ltd v Management Apartments Phase 2 Ltd

Acting for the owner of one residential tower block, Mike successfully defended a claim brought by the owner of the neighbouring residential tower block for a contribution towards the costs incurred on common and shared areas including drainage costs, powering external lights and powering and maintaining the electric gates to shared car parking areas. The Claimant not only owned the neighbouring tower block but also happened to own the reversion to the Defendant's long term lease of its own tower block and raised service charge demands for sums said to be owing under that lease. The Claimant brought the claim both in restitution for unjust enrichment and under the terms of their long term lease relying upon a covenant that required the Defendant to pay "outgoings" that related "to the premises". Mike successfully argued that the services in question were not "outgoings" relating to his client's premises but were rendered to land controlled by the Claimant for the benefit of the Claimant's tenants, and they were not necessarily payable outgoings at all. Relying upon the Supreme Court decision in *Investment Trust Companies v Revenue and Customs Commissioners* [2017] UKSC 29, [2018] A.C. 275 Mike also successfully argued that there was no unjust enrichment as where the benefit derived by a Defendant is merely an incidental result of a necessary expenditure incurred by a Claimant, any enrichment is not unjust. Recorder Rigby accepted that whilst there had been some benefit derived by the Defendant from having the lighting, drainage and electric gates paid for by the Claimant, it was not unjustly at the Claimant's expense as the Claimant was required to maintain those areas by the terms of their commercial leases anyway.

Cantt Pak Ltd v Pak Southern China Properties Investment Ltd [2018] EWHC 2564 (Ch) - The Vice-Chancellor, Mister Justice Barling - 7 day trial dealing with legal and factual arguments around whether a seller who refused to give vacant possession because they believed the buyer was unable to raise finance was ready able and willing to complete and thus entitled to rescind their sale agreement

Khan v Anwar and anr [2017] Mister Justice King - resisted C's appeal of a decision of the County Court in which HHJ Platts granted permission to re-litigate issues which had been raised and determined in previous proceedings on the basis that the earlier judgment might have been obtained by collusion;

Davies v GE Money [2018] Manchester High Court - resisted an abuse of process strike out application in which C alleged D was wasting disproportionate resources by re-litigating issues raised previously in other proceedings struck out;

County Court

Malik v Anwar [2016] - 5 day multi track trial - established that C had sold D's UK property notwithstanding that the debt secured by C's charge had already been repaid albeit via a payment made in Pakistan by a third party to a fourth party pursuant to C's oral agreement to accept payment in such manner.

Atkinson v Boyle [2016] - 3 day multi-track trial - established that various written agreements were shams and that the true orally agreed arrangement was that C notionally bought D's property but held it on trust for her to enable him to borrow money which he agreed C could use to repay her debts.