

Farhana Mukith

Call: 2013

Mukith@12kbw.co.uk



AREAS OF EXPERTISE

Personal Injury, Fraud, Clinical Negligence, Insurance, Credit Hire, International & Travel, Professional Negligence, Industrial Disease, Product Liability, Costs

Farhana accepts instructions in most areas of Chambers' work, with a particular interest in personal injury, fraud and costs. She has a varied practice representing both Claimants and Defendants across many of 12KBW's areas of expertise.

Farhana has a growing reputation as a fraud specialist and is often instructed to advise insurers on high value claims involving exaggerated injury and loss to staged accidents.

Her unparalleled knowledge of fundamental dishonesty law makes her a go-to junior in this area. She is regularly instructed at early stages of litigation to shape the case and lead it to a successful resolution.

Farhana's expertise in dishonesty cases overlaps with her interest in costs law. Her knowledge in this area allows her to robustly pursue a finding of fundamental dishonesty at trial and seamlessly transition to costs law by disapplying QOCS, obtaining a costs order against the Claimant, and assessing those costs in a Detailed Assessment.

Farhana regularly delivers talks on both fraud and costs.

Personal Injury

Farhana regularly attends trials and applications in all aspects of personal injury law including:

- Road Traffic Accidents
- Workplace Accidents
- Local Authority Liability
- Occupiers' Liability
- Defective Premises
- Product Liability

Farhana also has extensive experience in:

- Advising at the early stages of claims on prospects and quantum
- Drafting robust pleadings
- Advising on interim applications
- Advising on settlement
- Conferencing with lay and expert witnesses
- Attending settlement meetings

Fraud

Farhana has considerable expertise in handling cases involving alleged exaggeration or malingering and is regularly instructed by insurers to defend fraudulent claims.

Farhana has been engaged in a wide variety of fraud work including:

- Trials in which the credibility of the Claimant is in issue
- Applications to disapply QOCS pursuant to CPR 44.16(1) where the Claimant has been found to be fundamentally dishonest
- Applications pursue a finding of dishonesty and costs pursuant to paragraph 12.4 of PD 44 notwithstanding a notice of discontinuance
- Applications pursuant to Section 57 of the Criminal Justice Act 2015
- Contempt of Court proceedings against fraudulent Claimants

Farhana is well versed with developing case law in this area and familiar with the red flags which give rise to concerns of dishonesty. As such, Farhana carries out a forensic review of the claim and advises from an early stage on the prospects of pursuing fundamental dishonesty, right through to the conclusion of the litigation.

Farhana drafts detailed pleadings alleging fraud and advises on tactics including obtaining surveillance footage, witness statements and photographs on social media, and insurance database material.

Farhana also attends conferences with witnesses to test their credibility and advises on the prospects of obtaining a finding of fraud at trial.

In the context of road traffic accidents, Farhana is well versed with low-velocity impacts, induced accidents, phantom passenger claims and staged accidents.

Costs

Farhana is experienced in a wide variety of costs work including:

- Costs Assessments both Summary and Detailed
- Costs Budgeting
- Fixed Costs in Fast Track Trial under CPR 45 and securing costs on an exceptional circumstances basis pursuant to CPR 45.29J
- Interim Applications for Costs
- QOCS
- Applications for Wasted Costs Orders pursuant to CPR 46.8
- Part 36 Consequences
- Exceptions to QOCS pursuant to CPR 44.16(1) where there has been a finding of fundamental dishonesty
- Exceptions to QOCS pursuant to CPR 44.16(2)(a) where there is a mixed claim including a claim made for the financial benefit of a person other than the Claimant

Insurance

Farhana has particular experience in drafting pleadings and advising on policy construction and coverage disputes, including disputes related to non-disclosure, misrepresentation and breach of warranty.

Farhana has a strong interest in this field and is keen to increase her practice in this area.

Clinical Negligence

Farhana has experience in drafting pleadings in this area of law, including cases involving failure and delay in diagnosis, misdiagnosis, and injuries caused by substandard or inappropriate treatment.

Professional Negligence

Farhana has advised on professional negligence claims and she is interested in the overlap between such claims and other areas of law.

Farhana is well-versed with questions concerning the existence and scope of duties of care and issues of causation.

Farhana is eager to expand her practice in this field.

Industrial Disease

Farhana has experience of advising on and drafting pleadings in a wide range of disease claims, including mesothelioma, noise induced hearing loss (NIHL), and hand-arm vibration syndrome (HAVS).

International & Travel

Farhana is experienced in advising in International and Travel law cases and frequently deals with defending claims arising out of accidents abroad, including those brought under the Package and Travel Regulations. Farhana is keen to expand this area of practice.

Product Liability

Farhana is experienced in a wide range of product liability claims, including those under the Consumer Protection Act 1987 and the Consumer Rights Act 2015.

Credit Hire

Farhana regularly represents Defendants in credit hire trials and she is familiar with the plethora of cases in this field.

Farhana is confident in cross examining Claimants on impecuniosity, enforceability, need, period and rate, as well as complex issues, such as agency, fleets of vehicles, and intervention letters.

Qualifications & Awards

BPTC: Very Competent, Kaplan Law School

LLM: Distinction, UCL

LLB: First Class, 2nd place in year

Lord Denning Scholarship

Hardwicke Entrance Award