MAITLAND

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PAUL CLARKE

CALL: 1997

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OVERVIEW

Paul's work includes commercial disputes, real estate, partnerships, landlord and tenant, trusts and estates, professional negligence, company/insolvency, civil fraud, freezing injunctions and other interim remedies.

Paul prioritises giving effective and practical advice, and is determined to achieve the best result for his clients. He has more than 25 years' experience and appears in trials and applications in the High Court, County Court, and Property Tribunal.

Paul is Public Access qualified and is therefore also able to accept instructions directly from members of the public. Further information may be obtained from the Maitland Chambers clerks.

EXPERTISE

REAL ESTATE

- Rights of way and other easements
- Restrictive covenants
- Co-ownership disputes
- Mortgages
- Adverse possession
- Proprietary estoppel.

LANDLORD AND TENANT (RESIDENTIAL)

- Rent and service charge claims

- Forfeiture and possession
- Breach of covenant
- Alterations
- User clauses
- Dilapidations
- Break notices
- Leasehold enfranchisement and rights of first refusal.
- Rent Act and Housing Act tenancies.

LANDLORD AND TENANT (NON-RESIDENTIAL)

- All aspects relating to commercial leases, including
    - Contested proceedings under Part II of the Landlord and Tenant Act 1954
    - Agricultural tenancies.

COMMERCIAL DISPUTES

- Contractual disputes in all areas
- Joint venture agreements
- Guarantees and indemnities
- Factoring agreements
- Warranties
- Overage agreements
- Sale of land agreements

CIVIL FRAUD

- Claims for deceit
- Applications for proprietary and ***Mareva*** type freezing injunctions
- Claims for knowing receipt and other remedies.

PRIVATE CLIENT

- Trusts, including claims against trustees for breach of trust
- Applications under CPR Part 64
- Contentious Wills and Probate disputes including undue influence claims.

PARTNERSHIP DISPUTES

- Whether a partnership exists
- Extent of partnership property
- Disputes between partners including for breach of duty
- Issues arising on dissolution of partnership.

INSOLVENCY & ASSET RECOVERY

- Claims against administrators and liquidators
- Applications to set aside statutory demands
- Issues arising on liquidation
- Claims for breach of duty by directors
- Unfair prejudice to shareholders.

PROFESSIONAL NEGLIGENCE

- Claims against solicitors
- Barristers
- Surveyors and valuers
- Accountants.

DIRECTORY QUOTES

"Paul's advice was spot on throughout. He turns things around quickly, is very good on paper and excellent on his feet, and is a calm advocate."

Chambers UK Real Estate Litigation (2027)

"Paul is very intelligent, compelling in court, and a pleasure to work with. He is always available and truly keyed into the commercial and legal issues."

Legal 500 UK Property Litigation (2027)

"Paul was creative on complexities and always able to come up with something."

Chambers UK Real Estate Litigation (2026)

"He always adds value technically and is very competent."

Chambers UK Real Estate Litigation (2026)

"He is very well prepared and gets right to the heart of the issue."

Legal 500 Property Litigation (2026)

"Paul is very approachable and really gets involved in the facts and issues of each case. His ability to identify the real issues and articulate the case clearly in court is excellent."

CHAMBERS UK: REAL ESTATE LITIGATION (2025)

"Paul produces very impressive work and is very good at understanding information very quickly. "

CHAMBERS UK: REAL ESTATE LITIGATION (2025)

'Paul is very bright, and has a great understanding of the law which he applies effectively and persuasively in writing and on his feet. He is also adept at handling complex factual and technical material.'

LEGAL 500 PROPERTY LITIGATION (2024)

"Paul Clarke is a tactician who comes across as mild-mannered but is incredibly steely and determined. Also, his advocacy and cross-examination is just fantastic."

CHAMBERS UK REAL ESTATE (2023)

"He works on a case closely together as a team and agrees strategy. He is also incredibly user-friendly." "He gave concise, easy-to-follow and commercial advice. He was able to pull out points that had not previously been considered."

Chambers UK Real Estate Litigation (2022)

"He's very responsive, good on paper, thorough and good on the tactical side as well."

Chambers UK Real Estate Litigation (2021)

"Rated in the UK Legal 500 are the "practical solutions" of Paul Clarke."

Legal 500 UK Property Litigation (2021)

QUALIFICATIONS

- MA Philosophy and English (St And)
- CPE Diploma in Law

NOTABLE CASES

- *Harrison-Ellis v Hunt Upper Tribunal (Lands Chamber) [2025] UKUT 295 (LC) 2 Sep 2025*
- *Argyle UAE Ltd (In Liquidation) v McKellar [2025] EWHC 1258 (Ch) 27 May 2025*
- *Kekwick v Kekwick Chancery Division [2022] EWHC 2563 (Ch) 12 Oct 2022*
- *Di Silvio v Sharp Chancery Division [2022] EWHC 903 (Ch) 11 Mar 2022*
- *United Trust Bank Ltd v Konstantinos Diamantopoulos (2020)*
- *(1) Warwickshire Aviation Ltd (2) Terence Timms (3) South Warwickshire School of Flying Ltd (4) Take Flight Aviation Ltd v Littler Investments Ltd (2019)*
- *Warwickshire Aviation Ltd & 6 Ors v Littler Investments Ltd (2018)*
- *Images (Gants Hill) Management Co Ltd v Rynew Property Management Ltd (2018)*
- *Clive Everitt (As Liquidator Of Property Securities Ltd) v (1) Gisele Zeital (2) Kim Zeital (2018)*
- *Generator Developments Ltd v Lidl UK GmbH (2018)*
- *(1) Frederick Dennis Baldwin (2) Soma Contract Services Ltd v Jr Pickstock Ltd (2017)*
- *Moore v Moore & Till Valley Contracting Ltd (2016)*
- *Generator Developments LLP v Lidl UK GmbH (2016)*
- *Greene King PLC v Quisine Restaurants Ltd (2012)*
- *Kyriacos Costas Hapeshi v Athena Allnatt (2010)*
- *Carphone Warehouse UK Ltd v Cyrus Malekout (2006)*
- *Susan Bishop v Elizabeth Blake (2006)*
- *Mohammed Iqbal v Rupa Thakrar (2004)*
- *WX Investments v Khalida Begg (2002)*