

## Abha Pandya

Call: 2007



Abha has a broad common law practice with emphasis on chancery, financial remedy and private law family work.

She has successfully brought claims on behalf of partners, spouses and dependants under the Inheritance (Provision for Family and Dependants) Act 1975 as well as advising on the merits of bringing and defending such claims, and acting for the defendant children and executors.

Abha has also acted on behalf of beneficiaries and executors named in a will/ administrators of estates in the full range of probate claims such as proceedings to remove a caveat, claims to prove a will in solemn form, for a declaration that a will is invalid due to incapacity, claims for breach of duty, and claims to remove executors.

In addition, Abha has acted and advised for both petitioners and respondents in contentious divorce cases. Abha has also advised on and drafted co-habitation agreements, advised on financial matters following the break up of co-habiting relationships, and claims under TOLATA. Abha has a particular interest in financial remedy cases where the significant assets are property. Abha also undertakes instructions in child arrangements disputes.

Before joining 1COR, Abha was in private practice at a highly regarded private client firm advising on contentious trusts and probate matters and as Head of Contentious Trusts and Probate and then Head of Private Client (including divorce, financial remedy and contact disputes) at a top 200 national law firm.

*'Very effective and persuasive style, and for her ability to deal with matters extremely swiftly and efficiently.'*

**Legal 500 2018**

# Probate & Trusts

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## Selected Cases

- Acting for a trustee facing breach of duty allegations and allegations of self-dealing – value of the claim against the trustee £5 million.
- Advising a daughter of the deceased mother who was left significantly less under her mother's will than her sisters; Estate value – £500k.
- Advising the long term co-habiting partner (25 years) of the deceased who died suddenly without updating his will achieving satisfactory settlement without trial – Estate value £1.5 million.
- Advising the daughter of the deceased on a claim against her late mother's estate by her brother, who sought to set aside protective trusts which arose under a codicil. Estate value – £4.5 million.
- Advising the Executor of an Estate, a friend of the deceased who was also the remainderman beneficiary of a life interest trust in the deceased's property in respect of a challenge against the validity of a will- negotiated a way to complete the administration of the Estate and secured a substantial sum in settlement. Estate value – £650k.
- Advising a legatee who was yet to receive her legacy (the reason being given that she had already received this in the deceased's lifetime) and negotiating a satisfactory settlement between her and the beneficiaries of the the Estate. Estate value – £1.5 million.
- Advising and bringing a claim on behalf a son in similar circumstances to the claimant in *Ilott v Mitson* [2017] UKSC – Estate value – £1.5 million.
- Advising sisters who were not being given their share of their mother's estate by their executor brother including bringing a claim for an account of the Estate and to remove him as an Executor; value of the Estate £250k.
- Acted for a minor in a claim against the Executors for rectification of a will whereby their interest would be reduced; value of the Estate- £5million.
- Advising on the prospects of bringing a claim of undue influence where the deceased's hitherto unheard of girlfriend inherited his estate under the will; value of the Estate £1million.
- Advising on defending a claim of undue influence brought by siblings against the executor and sole beneficiary; value of the Estate £400k.

# Professional Negligence

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## Selected Cases

- Advising on a claim against solicitors for failure to advise to place a restriction against the title;
- Advising on a claim against solicitors for a failure to follow the Golden Rule and seek an opinion on the capacity of an individual;
- Advising on a claim against will draftsmen who put in place an unnecessary and cumbersome trust arrangement;

- Advising on a claim against solicitors for failing to advise in respect of possession proceedings.

## Court of Protection

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Abha deals with Court of Protection cases in the area of property and affairs, and has also advised on issues concerning P's health and welfare.

### Selected Cases

- Advising on claims against attorneys for breach of trust
- Advising on applications for a statutory will
- Advising on opposing an application for deputyship

## Financial Remedies

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Abha undertakes instructions in all levels of financial remedy cases ranging from limited assets such as the matrimonial home to extensive property portfolios.

She is particularly experienced in working with parties with differing cultural backgrounds and considerations. Abha also advises on potential and actual co-habitation disputes.

Abha has advised on contentious divorce cases (where divorce would have led to the deportation of one party, in another case would have brought an end a very long relationship).

## Children (Private Law)

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Abha undertakes instructions in child arrangements disputes. She particularly attuned to the emotional sensitivities around break down of parental relationships, lending a sympathetic ear and trying to find a way forward.

## Public Access

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Abha accepts work from clients in accordance with our [Public Access Scheme](#).

### Education

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- University of Oxford (MA) (2007)

- City University (BVC) (2006)
- SOAS University of London (LL.M) (2005)
- University of Oxford (2003)

## Memberships

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- CBA
- ACTAPS (Associate Member)