



Ogier represents shareholders of family company in unfair prejudice application

Cases - 07/06/2022

An Ogier team led by Mathew Newman and Alex Horsbrugh-Porter successfully applied for an unfair prejudice application on behalf of their clients, a number of the directors and shareholders of a family company in Guernsey, leading to a settlement.

The clients owned hotels in India through an Indian company, whose own shareholders were involved in an acrimonious family dispute causing deadlock in the management of the company. This gave rise to an unfair prejudice application by Ogier's clients which was issued in December 2020.

As the respondent shareholders were outside of Guernsey, leave to serve the application out of the jurisdiction was required and was granted ex parte. The respondents subsequently sought to set aside that leave to serve out on merits and procedural grounds.

At the hearing, which involved Indian law expert evidence as well as detailed submissions on the merits and the application of the Hague Convention of the Service of Foreign Proceedings, the Judge ruled in the applicants' favour and allowed the unfair prejudice application to proceed.

This led to a settlement which resulted in the company being placed into voluntary liquidation, with the shares distributed in specie to the two sides of the family, resulting in the family members having their own shareholdings in Asian Hotels West.

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Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

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