

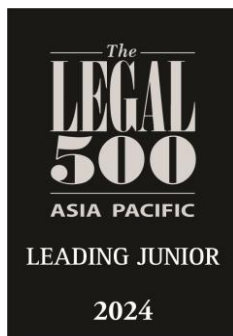


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## LAVESH KIRPALANI

**Practice Profile**

Lavesh has a broad civil litigation and arbitration practice and accepts instructions in all areas of work. He was recommended in Legal 500 Asia Pacific in 2021, 2022, 2023 and 2024 for Commercial Disputes, and a Leading Employment & Labour Law Barrister in Doyle's Guide 2023.

Lavesh won the Willem C. Vis East Mooting Competition in International Commercial Arbitration as a law student. He later then went on to receive a Master of Laws from the London School of Economics, with a specialism in International Business Law and a focus on international arbitration.

Upon finishing his studies and before joining Prince's Chambers, Lavesh clerked at both the Court of Final Appeal and the Court of Appeal. While working as a Judicial Assistant and Judicial Associate at both Courts, he assisted in a wide range of matters, including construction, intellectual property, insolvency / bankruptcy, shipping, and others.

Lavesh has counsel experience in civil and arbitration matters, including construction, company, corporate insolvency, commercial, fraud, regulatory, harassment, shipping, employment, intellectual property, and matrimonial law. He has appeared in his own right at the Court of Appeal, Court of First Instance, District Court and Magistracy.

Lavesh is a Visiting Lecturer at the University of Law (Hong Kong Campus) and a member of the HK45 Committee. He just recently ended a 3-year stint as a Committee Member of the CI Arb (East Asia Branch) Young Members Group from 2020 to 2023.

**Rankings**

2021-2024	Legal 500 Asia Pacific – Commercial Disputes (Leading Junior)
2023	Doyle's Guide Leading Employment & Labour Law Barrister

**Professional Qualifications**

2017	Barrister, Hong Kong
2014	Member, Chartered Institute of Arbitrators

**Judicial Clerkships**

2021 – 2024	Part-time Judicial Associate at the Court of Appeal
2015 – 2016	Judicial Associate to the Honourable Mr Justice Barma
2014 – 2015	Judicial Assistant at the Court of Final Appeal

**Education**

2014	Master of Laws, London School of Economics
2013	Postgraduate Certificate in Laws, City University of Hong Kong
2012	Bachelor of Laws, City University of Hong Kong
2010	Bachelor of Arts in Business Administration and Management, University of Huddersfield

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## Arbitration Practice

Lavesh has an active arbitration practice and has acted as Counsel in various arbitration proceedings. He has also completed the HKIAC Tribunal Secretary Training Programme.

- Counsel in an HKIAC arbitration for a US\$27m dispute
- Counsel in an HKIAC arbitration seated in Hong Kong, between Austrian and Lebanese nationals and a Hong Kong company concerning a contract for the sale of shares governed by Hong Kong law
- Counsel in an HKIAC arbitration seated in Hong Kong for a claim relating to a breach of a distribution agreement
- Counsel in ICC proceedings concerning claims, exceeding HK\$100m, for payment under a distributorship agreement arising out of the supply of aircraft parts against one of the largest aircraft manufacturers
- Counsel in an HKIAC arbitration concerning breaches of investment agreements
- Advised on enforcement and set aside applications
- Counsel in an HKIAC arbitration in respect of a US\$88m claim for breaches of a financing agreement and for asset stripping.

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## Litigation (selected cases)

- *Sir Elly Kadoorie & Sons Ltd v Samantha Bradley*, CACV 194/2023 (on appeal)
- *Hua She Asset Management (Shanghai) Company Ltd v Gao Yan & Anor* [2023] 4 HKLRD 575, an application by a 3rd party for injunctive relief to prevent the presentation of a bankruptcy petition (on the basis that the judgment debt was purportedly obtained by fraud)
- *Han Jaejoon v Lee Sang Young* [2023] HKCFI 2202, application for the continuation of the injunction summons
- *Sir Elly Kadoorie & Sons Ltd v Samantha Bradley* [2023] 5 HKLRD 240, application for indemnity costs
- *Sir Elly Kadoorie & Sons Ltd v Samantha Bradley* [2023] 3 HKLRD 587, O14A and O18, r19 application for a determination as to whether a corporate entity can be a victim of the common law tort of harassment
- *GEM Yield Bahamas Limited v National Arts Group Holdings Ltd*, unrep., HCA 846/2022, O14 summary judgment for breach of a share subscription agreement (appeared with Mr Phillip Rompotis)
- *Natwest Markets Plc & Anor v The Owner of the Ship or Vessel "Angelic Glory"* [2023] HKCFI 644, regarding the interpretation of a court order
- *Sze Fung Engineering Ltd v Trevi Construction Co Ltd* [2023] HKCFI 419, where virtually all the construction claims turned on the interpretation of a 'back-to-back' payment clause (appeared with Mr Phillip Rompotis)
- *Re Hongkong Bai Yuan International Business Co Ltd* [2022] CLC 295, opposed a winding-up petition and argued that the English / Singaporean approach should be adopted in the insolvency context in Hong Kong
- *Mary Kay Inc. & Ors v Zhejiang Tmall Network Co Ltd* [2022] HKCA 360, application for leave to appeal against an order setting aside service concerning claims for trademark infringement (s20 TMO defence), passing off, and internet intermediary joint tortfeasorship (appeared with Mr Sebastian Hughes)
- *The "Angelic Glory"* [2022] 1 HKLRD 87, appeal regarding the "well-founded" threshold under O75, r21(7) RHC
- *Jindong Securities Ltd v Golden World Motors (International) Ltd* [2021] 5 HKC 87, an application to set aside the defendant's counterclaim judgment and to reinstate the plaintiff's claim (out of time), pursuant to O25 RDC
- *Hugo Boss Trade Mark Management GmbH & Ors v The Britain Boss International Co Ltd & Anor* [2021] HKCA 1496, for leave to appeal to the CFA

- *Ah-fat Jean Max v Xian Corp Limited* [2021] HKCFI 22, a dispute over the employment contract terms
- *J-Land Korea Co Ltd v Choi Fung Trade Ltd* [2020] HKDC 1009, application for the continuation of a freezing order
- *Recovery Vehicle 1 Pte Ltd v Total Alliance Investments Ltd* [2020] HKCLC 1129, application to winding up a company; awarded indemnity costs resulting from the defendant putting up a manifestly inadequate defence
- *X and Y v Z* [2020] HKCFI 826, successfully set aside an ex parte injunction order restraining Z from intimidating and harassing X and Y based on material non-disclosure with an order for indemnity costs to Z (the injunction was granted in favour of X only). The case dealt with the appropriate threshold for injunctive relief in harassment cases and the legal principles regarding gagging, anonymity and disclosure orders in harassment and intimidation cases
- *Re Asia Master Logistics Limited* [2020] 2 HKLRD 423, successfully obtained a winding-up order, where Deputy High Court Judge William Wong SC, in obiter, stated how a court should deal with arbitration dispute resolution clauses in winding-up/insolvency proceedings, with reference to the *Salford-Lasmos* principle
- *ACT Resources International Ltd v Hong Kong Energy Resources* [2020] HKCFI 232, application for a freezing order (appeared with Mr Sebastian Hughes)
- *Ah-fat Jean Max v Xian Corp Limited* (unrep., HCLA 11/2019, 19 November 2019), successfully obtained leave to appeal to the Court of First Instance from LBTC 100/2018
- *Sea Trader International Ltd v Straits Bunkering Pte Ltd* [2019] HKCFI 135, successfully resisted an application for an injunction to prevent the presentation of a winding-up petition
- *SJ v Chu Sui Ying & Ors* [2018] HKCFI 2396, acted for the Secretary for Justice regarding sentencing in the Occupy Central Minibus Criminal Contempt trial (led by Mr Victor Dawes SC, Mr Jin Pao SC, and Mr Derek Chan SC)
- *Techtronic Product Development Ltd & Anor v Fauteux* [2024] HKCFI 949, an application for leave to appeal against an order granting leave from the implied undertaking

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#### Publications / Editorial Experience

2020 – present	Contributing Editor <i>Hong Kong Civil Procedure (White Book)</i> – 0.59 RHC
2022	Contributing Author <i>Company Law in Hong Kong: Insolvency 2022</i>
2021	Contributing Author <i>LexisNexis HK Practical Guidance Practice Notes on Contract Law</i>
2015	Research Assistant, City University of Hong Kong – Legal English Project ( <a href="https://legalenglish.hk/">https://legalenglish.hk/</a> )
2015	Assisted The Honourable Mr Justice Fok, as a Judicial Assistant of the Court of Final Appeal, in the preparation of <a href="#">Money Laundering: A Comparative Perspective</a>
2015	Assisted The Honourable Chief Justice Ma as a Judicial Assistant on his speech titled: <a href="#">A Grail for All Seasons: Magna Carta</a>
2012	<i>19<sup>th</sup> Willem C. Vis International Commercial Moot and 9<sup>th</sup> Willem C. Vis (East) International Commercial Moot 2011-2012</i> (2012) 16 International Trade and Business Law Review, pp. 433-552
2010 – 2011	Editor of the City University of Hong Kong Law Review
2009 – 2010	Member of the City University of Hong Kong Law Review

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**Appointments / Memberships**

2023 – present	HK45 Committee Member
2022 – 2023	Member of the Young Member Group Committee of the East Asia Branch of the Chartered Institute of Arbitrators
2022	HKIAC Tribunal Secretary Programme
2021 – present	Part-time Judicial Associate at the Court of Appeal
2021 – present	HK45 Member
2020 – present	Young ICCA Member
2020 – present	Visiting Lecturer at the University of Law
2020 – 2022	Co-opted member of the Young Member Group Committee of the East Asia Branch of the Chartered Institute of Arbitrators
2019	Part-time tutor at the University of Hong Kong
2018 – present	Member of the Indian Chamber of Commerce
2014 – present	Member of the Chartered Institute of Arbitrators

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**Scholarships and Prizes**

2013	Assistant coach to the City University of Hong Kong's 20 <sup>th</sup> Willem C. Vis International Commercial Arbitration Moot team (1 <sup>st</sup> Place)
2012	City University of Hong Kong oralist and winner of the David Hunter Award at the Ninth Willem C. Vis East International Commercial Arbitration Moot (1 <sup>st</sup> Place)
2012	City University of Hong Kong representative and recipient of an Honourable Mention for Best Claimant a Respondent's Memorandum at the Ninth Willem C. Vis East International Commercial Arbitration Moot
2012	Moot Court Prize from the City University of Hong Kong
2012	Certificate for Outstanding Performance in Mooting from the City University of Hong Kong
2012	City University of Hong Kong representative at the 3rd WAIDM-ACICA Australia Vis Pre-Moot (1 <sup>st</sup> Place)
2012	City University of Hong Kong representative at the Shanghai Vis Pre-Moot (1 <sup>st</sup> Place at the Shanghai e-Moot and Best Team Oralist at the Shanghai e-Moot)
2011 – 2012	Dean's List

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