



SUNDEEP VIRK<sup>TM</sup>  
BARRISTER & MEDIATOR



## Sunny Virk (2004)

Barrister | Mediator | Head of Credit Hire  
(Defendant Insurer Group)

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### **A Barrister for Insurance Companies to Defend RTA Personal Injury & Credit Hire Claims**

**Sunny is a barrister with a highly successful practise specialising in credit hire litigation, personal injury/fraud and professional negligence. He is Head of Credit Hire (Defendant Insurance Group) within Clerksroom Chambers.**

He delivers high-quality appellant and trial advocacy along with professional advice to insurance companies looking to defend RTA personal injury & credit hire claims.

He has developed a longstanding reputation for undertaking highly complex and unusual cases on behalf of his insurer clients. Sunny is instructed by a number of leading law firms to represent and advise large insurance companies and their associated referral partners involved in significant and heavy litigation at first instance and appeal.

### **WHAT CAN YOU EXPECT FROM ME?**

- Clients can expect him to take a highly effective, robust and commercially minded approach to their case, deliver results and to always prioritise their best interests.
- He provides an extensive academic and technical understanding of the law, intricate preparation, confident and tenacious representation and an unwavering commitment to your case.
- He can undertake hearings and trials online via Zoom and other media with ease.

### **Clients say:**

- “He is truly a star!” | Neil Dunkerly, Hebble Law

To book Sunny for a HEARING please contact Greg Speller (Senior Clerk) on 01823 247 247 | [speller@clerksroom.com](mailto:speller@clerksroom.com) | To discuss a matter feel free to Call/Email Sunny directly on 07969 678397 | [singh@clerksroom.com](mailto:singh@clerksroom.com)



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- “Sunny has always been easy to reach and took a sensible commercial approach. He has a winning way in negotiations and unquestionable charm. He is unmatched in his cross-examination” | *Jas Khela, Solicitor, DWF*
- “I was very glad to have such a brilliant barrister on my side!” DH (A insurer client)
- [He]...was out of this world. He dismantled the claimant’s arguments piece by piece. He was a professional. JP (A insurer client)
- “I was very impressed by his eloquence, meticulous attention to detail and general handling of the case.” DH (A insurer client)
- “Prior to going into the court room when the other party offered to split 50/ 50...you gave me all the options...and you were confident that we could win 100% which indeed was the outcome” JF (A insurer client)
- “I was very impressed by his robust cross-examining of the claimant and manner in which he exposed the inconsistency of his statements.” DH (A insurer client)

## RECENT CASES

### Fundamental Dishonesty | s.57 | Forensic Cross-Examination

- **BLAKEWAY v KITSON (Dudley County Court) [2020] | unreported**  
Acting for the Defendant insurer, Sunny showed through forensic analysis and cross-examination that a scuff that had been caused as a result of the accident evolved into a scratch and then gash over the course of some 20 days, that could not have resulted from the index accident. The claimant’s claim was dismissed.
- **UDDIN & ANO v MIGHTY (Clerkenwell & Shoreditch County Court) [2020] | unreported**  
Acting for the Defendant insurer, Sunny forensically cross-examination both claimants, resulting in all claims being dismissed. Sunny was able to demonstrate that there was no contact and that there was no movement of the vehicle that could have caused the claimants’ claimed injuries. The total claim and costs were expected to exceed £50,000, there being 3 claimants in total.
- **SALAM v TESCO (Preston County Court) [2019] | Before HHJ Evans | unreported**  
Acted for the Defendant Insurers defending a claim for personal injury, the pre-accident value of his vehicle, CBT treatment, physiotherapy charges and storage & recovery charges. The Defendant Insurers had admitted liability and made various interim payments, however, some elements of quantum remained in disputes. **On his advice the insurers did not concede storage at all.** Following cross-examination Her Honour Judge Evans found **the claimant had been fundamentally dishonest in claiming those storage charges** and applied *57 of the Criminal Justice and Courts Act 2015* **dis-applying Qualified One Way Costs shifting.**

## Road Traffic Accident | Personal Injury

- **ACHIM v SIMMONDS (Luton County Court) [2020] | Before HHJ Bloom | unreported**  
Appearing before HHJ Bloom, Sunny successfully demonstrated that the claimant was 65% liable for the accident that occurred on a complex roundabout in Milton Keynes. The Defendant contended that the lane the claimant used to enter the roundabout did not permit him to take any other exit save for the first on thereafter and taking the second exit led to the accident. The claimant contended that he was permitted to use the second exit, and the Defendant broke lane discipline on the roundabout by cutting in front of him. The learned judge accepted Sunny's argument that the claimant was the primary cause of the accident. The Defendant accordingly recovered 65% of his counterclaim whilst only paying out 35% of the claimant's claim.
- **HOPE v COVEA (Bristol County Court) [2019] | Before HHJ Ambrose | unreported**  
Appearing before HHJ Ambrose, Sunny successfully defended a claim for personal injury valued over **£15,000, reducing the sum claimed to only £500**. This was despite the defendant witness not attending.
- **HALL v UK INSURANCE & ANO (Stoke on Trent County Court) [2019] | unreported**  
In this multi-party trial Sunny acted solely for the third defendant's insurer who was the Part 20 Defendant. **He succeeded on liability** avoiding a major pay-out for his insurer clients.
- **MUDUNKOTUWA v ANIMA (Huntingdon County Court) [2019] | unreported**  
Succeeded in defending the claim and avoiding a major payout for his insurer clients. Following his cross-examination, **the Claimant discontinued his claim**.
- **LLUMITASIG v GRANVILLE (Kingston Upon Thames County Court) [2019] | unreported**  
Succeeded in defending the claim and avoiding a claim for circa £15,000 to the benefit of his insurer clients.

## Road Traffic Accident | HGV & Large Vehicles

- **SINGHA v EAST LONDON BCC (Clerkenwell & Shoreditch County Court) [2018] | Before Judge Lenon QC | unreported**  
Appeared before Judge Lenon QC at trial on behalf of the Defendant. Following his cross-examination, the Claimant discontinued his claim.
- **MURDOCK v ZURICH (St Helen's County Court) [2019] | unreported**  
Acted for the Defendant who insured **Volvo HGV** that had allegedly reversed into a vehicle. The case turned on the understanding of blind spots and Sunny was able to explain to the court that there were no relevant blind spots the HGV in question as it was fitted with 7 mirrors split over 3 parts, covering all relevant angles. In cross-

examination, he also established that the claimant was excited to go shopping and thus, on balance, more likely to have caused the accident. The claim was dismissed.

## Costs | QOCS

- **TAYLOR-BARROWS v DAVIES (Stockport County Court) [2020] | unreported**  
Successfully made the argument that the claimant solicitors' failure to give appropriate notice to the defendant that the matter exited the portal in accordance with rule 7.30 of the Pre-action Protocol restricted the claimant to fixed portal costs within Table 6 of CPR rule 45.18.
- **RAMPARTAP & ANO v COVEA (Romford County Court) [2019] | unreported**  
Acted for the Defendant Insurance Company in defending two claims following an RTA where the claimants were seeking to recover damages for personal injury and fixed costs. The two claims had fallen out of the portal and continued under CPR Part 7. Liability was admitted pre-issue and the real issue centred on what sum of costs could be recovered. Sunny successfully argued that the claims should have **remained on the portal** pursuant to paragraph 7.35 of the protocols. It was agreed that the costs would be restricted, in the circumstances to **£1,940.00 for both Claimants as opposed to those that were claimed being over £10,300.00.**
- **GRACE v EUI (Bromley County Court) [2019] | unreported**  
Acted for the Insurer who were defending a claim and won the matter on liability. In addition to having the claim dismissed, Sunny obtained an order by which he recovered approximately **£500** and **£4,500** for the Defendant's witness expenses and costs respectively, against the Claimant and circa **£2,500** in costs wasted against the central court funds office.
- **JONES v LV (Walsall County Court) [2019] | unreported**  
Succeeded in defending the claim and avoiding a claim for thousand of pounds for his insurer clients. The claimant having discontinued, **Sunny proceeded to push on the counterclaim recovering the full value, plus costs and the lay client's loss of earnings and witness expenses (including flight, hotel, translator and travel costs).**
- **BHANA v ESURE (Walsall County Court) [2019] | unreported**  
Appeared before HH Judge Rawlings on behalf of the Defendant insurer in a quantum only dispute. He succeeded in beating the Defendant's Part 36 offer and successfully argued for a set off on costs. The residue of the Defendant's costs were taken from the Claimant's damages pursuant to CPR 44.14.1. In total Sunny assisted the insurer to avoid a claim and costs valued over **£22,000.**
- **RYAN v ESURE & ANO (Walsall County Court) [2019] | unreported**  
Appeared before HH Judge Platts on behalf of the Defendant insurer. He succeeded in beating the Defendant's Part 36 offer result in wiping out the claimant's claim and costs worth thousands of pounds. Leaving only a small residue to be paid of a few hundred pounds.

## **Membership**

Member of the Honourable Society of Grays Inn

## **Appointments**

Bar Council Elected Representative (7 years' call) – 2013 to 2016

## **Personal**

Sunny is married and spends his leisure time travelling with his wife and young son. He enjoys spending time with his friends discussing philosophy and politics. In the past, he has raised money for various charities and good causes. In 2013 Sunny ran the London Marathon for Save the Rhino and in 2016 he summited Mount Kilimanjaro for Zoë's Place Baby Hospice.