



Neil Mendoza

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"Neil is a tenacious advocate, clear and pithy and gets his point across in the most efficient way."

Legal 500, 2026

Shortlisted by the Legal 500 as Property Junior of the Year for 2025, Neil is a highly experienced commercial litigator with particular expertise in property and commercial landlord and tenant law. His practice involves a wide range of disputes in a business context, and he has built a formidable reputation for reliability in always turning round urgent paperwork so as to meet client requirements and deadlines. Neil is known for providing clear, friendly, pragmatic and plain-speaking advice. He has a reputation for being a tenacious advocate who argues his client's case without flinching or backing off under pressure. A senior Chancery Judge remarked that the client should be grateful to Neil for his "dogged and determined advocacy".

Many of Neil's cases involve land and property issues and, from the development of his practice over the years, he has extensive practical experience in general property litigation including conveyancing, easements, TOLATA, adverse possession, boundaries as well as commercial and contractual disputes. This has led to Neil being commended in the Legal 500 as a Leading Junior for Property work. Neil has significant expertise in difficult commercial repossession issues as well as professional negligence claims against solicitors and surveyors.

With Neil's work extending across a broad spectrum of commercial and chancery issues many of his instructions require drafting and representation in the Business and Property Courts. Neil welcomes virtual conferences, mediations and hearings to suit the convenience of clients, solicitors and Courts.

As a "senior junior" Neil provides a competitive service by meeting a demand for advice and representation in substantial commercial disputes but at a competitive price.

Since 1999 Neil has been a Fellow of the Chartered Institute of Arbitrators and is highly experienced in representing clients at arbitrations and mediations. He also accepts instructions on a Direct Access basis.

Notable Cases

- **Hamid v Queen Anne Street Medical Centre Ltd [2025] EWHC 1366 (Ch)**
Principles relating to a costs-only appeal in the context of contested terms in an application for a new business tenancy under the Landlord & Tenant Act 1954.
- **Freeman v Home Farm Ellingham Ltd [2025] EWHC 878 (Ch)**
Breach of covenant in a development project involving an estate of residential properties and estate roads and their Adoption as Public Highways. Issues of specific performance where, realistically, such performance was not possible.
- **Green Valley Ltd v Little Orchard Ltd [2022]**
Conveyancing dispute involving a multi-million pound Option Agreement, issues as to the obligation to give vacant possession on completion and rescission.
- **EPOQ Legal Ltd v DAS Legal Expenses Insurance Co Ltd [2022] EWHC 1577**
Trial in the Commercial Court involving numerous issues as to breach of contract, mistake, misrepresentation, unjust enrichment and quantum. There then followed costs issues concerning standard or indemnity basis, consequences of partial discontinuance and non-engagement in ADR.
- **Ogedengbe v East Marsh Regeneration Ltd [2021] EWCH 3630**
Variation of stay of execution where there were issues as to the Respondents entitlement to the benefit of a charge and where LPA Receivers had already taken steps to realise that charge.
- **Irving & Irving v Carter [2021]**
Complicated quantum case arising from findings of breach of contract and professional negligence involving causation and remoteness. Neil acted under an Isle of Man Temporary Advocates Licence in a trial involving voluminous documents that was conducted entirely remotely with advocates, parties, various experts and the Court in different locations.
- **Eldersan Ltd v Covic [2020] UKUT 3; [2020] 1 P & CR DG 23**
Neil acted for a freeholder and successful appellant in the Upper Tribunal (Lands Chamber) seeking a determination under section 168(4) of the Commonhold & Leasehold Reform Act 2002 in respect of breaches of covenant by the tenant under a

long residential lease. A residential lessee had carried out works beyond those authorised by a Licence for works and removed proper support for the flat on the floor above resulting in structural movement and damage. The Upper Tribunal considered conflicting experts on the matter and the approach of the First Tier Tribunal to that evidence.

- ***A & A Shah Ltd v Co-Operative Group Food Ltd* [2019] EWHC 941 (Ch)**

Acting for the freehold owner of supermarket premises, Neil successfully resisted an appeal on the construction of a guarantee within a Licence to Assign. Complicated issues involved as to Authorised Guarantee Agreements, sub-guarantees and direct guarantees of the obligations of the lessee's assignee and the Landlord and Tenant (Covenants) Act 1995.

- ***Wallace Estates Ltd v Blue Liverpool Ltd* (March 2019)**

Neil acted for the freehold owner of a substantial mixed-use Estate containing a large hotel that was part of a well-known international chain, as well as a tower block of residential flats together with a gym. The case involved the construction of covenants by the lessor to insure, the apportionment of premiums between lessees of different parts of the Estate and the use of single or multiple policies of insurance.

- ***Car Giant Ltd v Hammersmith London Borough Council* [2017] EWHC 464 (TCC)**

Important costs issues arising from the substantive judgment (see next case) involving costs budgets, CPR Part 36 offers, issues as to entitlement to indemnity costs – all in the context of a party who had been unwilling to engage in Mediation or had allegedly unreasonably delayed such engagement.

- ***Car Giant Ltd v Hammersmith London Borough Council* [2017] EWHC 197**

Neil acted for the well-known car dealership in a dispute with the local authority concerning dilapidations of a substantial site in West London adjacent to the HS2 development route. The case involved consideration of the appropriate measure of damages arising from breaches of repairing covenants, diminution in value of the reversion, the application of section 18 of the Landlord and Tenant Act 1927 and the situation where only some of the remedial work had been undertaken. The case covered a number of important issues concerning dilapidations and its report has been described as being essential reading for surveyors and lawyers dealing with dilapidations.

- ***Dar Al Arkan Real Estate v Al Refai, and others* [2015] EWHC 1793 (Comm)**

Neil acted for the 1st Defendant, the former managing director of a Bahraini bank, in a claim made in the Commercial Court for approximately \$800 million. The claim arose out of matters published by the defendants on a web-site and involved allegations of fraud, conspiracy, breach of banking regulations and banking practice on the part of the claimants – a major Saudi Arabian property development and investment company and

the bank. Listed as one of *The Lawyer's Top 20 Cases for 2015* the claimants discontinued what was due to be an 8-week trial shortly before the commencement of expert evidence.

- ***Sebry v The Registrar of Companies* [2015] EWHC 115 (QB)**

A well-publicised case establishing a duty of care in negligence owed by the Registrar of Companies to an engineering trading company that was driven out of business due to the negligent entry in the register that it was in liquidation, when that was not in fact the case. Instructed by Clyde & Co., and led by Clive Freedman QC, victory in what was described as a 'David and Goliath' case resulted in the award of "Litigation Team of the Year" at *The Lawyer Awards* for 2015.

- ***Credit & Mercantile Plc v Kaymuu Ltd and Wishart* [2014] EWHC 1746**

Issues concerning beneficial ownership of property and constructive trust with application of *Pallant v Morgan* equity; priority as between beneficiary's overriding interest and effect of mortgage entered into by fraudulent third party. Principles in respect of mortgagee's claim to costs pursuant to charge.

- ***Judge v Bahd* [2014] EWHC 2206 **Petition under section 994 of Companies Act 2006****

Dispute as to unfair prejudice where director-shareholder had been unfairly excluded from management of two companies operating as a quasi-partnership.

- ***Bank of Cyprus v Claremont Court Investments* Ch Div October 2013**

Route of appeal from County Court possession order made after an application to strike out the defence. – whether appeal was to the Court of Appeal or the High Court. Access to Justice Act 1999 (Destination of Appeals) Order 2000 and CPR PD52A considered.

- ***Dunbar Bank v Dorcas Holdings and others* [2013] EWCA Civ 864**

Approach of Court of Appeal in reviewing decision reached following serious procedural defects at first instance, irrespective of ultimate merits of case.

- ***Santander UK Plc v R A Legal May* [2013] EWHC 1380**

Solicitor's liability for breach of trust in releasing mortgage advance money without obtaining a first legal charge for bank. Bank's money taken by fraudsters. Effect of section 61 of Trustees Act 1925 and whether relief from liability should be granted.

- ***Pillaye v Sorrell* May 2013**

Residential tenant seeking new long lease of flat in block owned by company in which shareholders were lessees and dispute as to extent of any new demise. Allegations of breach of trust and issues as to *Pallant v Morgan* equity, limitation in trust cases and the Trusts of Land and Appointment of Trustees Act 1996.

- ***Knox D'Arcy Operations Ltd v Manches LLP* [2013] EWCA Civ 33**

Solicitor with outstanding fees exercising lien over funds received. Assignment between group companies of the beneficial interest in the received funds; issues as to the nature and adequacy of notice required for equitable assignment.

- ***Gaydamak v Leviev* [2012] EWHC 1740**

Multi-billion dollar dispute between Russian businessmen as to an alleged partnership concerning interests in the Angolan diamond trade. Further issues of misrepresentation and enforceability relating to a subsequent settlement agreement.

- ***Johal v Johal* 2012**

Wife asserting beneficial interest in property portfolio owned by ex-brother in law. Issues concerning the source of funds, validity and effect of trust deeds and the Trusts of Land and Appointment of Trustees Act 1996.

- ***Cavendish Square Investments Ltd -v- Moule* 31st January 2012**

Appeal from a decision of the Rent Assessment Committee concerning the construction of a tenant's covenant for payment of a service charge in the context of section 71(4) of the Rent Act 1977, and whether a variable rent should be registered.

- ***The Wellcome Trust Ltd v Concordus Investors Corp* 2011**

Restrictive covenants and issues as to the reasonableness of the withholding of consent to alterations in respect of windows installed into a wall in breach of covenant.

- ***Al Fadal v Alfarhani* 2011**

Issues of proprietary estoppel and limitation in respect of long-standing occupation of a high value residential property relying on alleged maintenance and the installation of a caretaker.

- ***Investec v The Retail Group* [2009] EWHC 476**

Construction of profit share agreement in banking transaction. Issues of rectification for unilateral and mutual mistake.

- ***Khodari v Al Tamimi* [2009] EWHC 3065**

Claim for repayment of substantial loans that had been utilised by borrower for gambling in London casinos. Consideration of Gaming Acts, Consumer Credit Act and allegations of breach of fiduciary duty.

- ***Watson v Piler* January 2008**

Dispute as to extent of rights of entry pursuant to Access to Neighbouring Land Act 1992.

- ***Corke & Sons v Cornish Bakehouse Ltd* December 2008**

Dispute concerning the infrequently used provisions of section 30(1)(e) of the Landlord and Tenant Act 1954 – rental value of commercial premises let in parts as compared with letting value of a single letting of the whole property.

- ***Patel v Air India* September 2008**

Allegations under Disability Discrimination Act in respect of wheelchair assistance at Heathrow Airport. Subsequent issue concerning solicitor's liability for Wasted Costs Order.

- ***Pears v Dean* July 2008**

Interesting injunction involving easements, rights to light and party walls.

- ***Rooftop Mortgages v Lewis* June 2008**
 Mortgage repossession dispute with complicated issues relating to claims of competing equitable interests of borrower and son, and principles of subrogation concerning lender and its predecessors.
- ***Yau v Shaftesbury Carnaby Ltd* March 2008**
 Dispute concerning “eggshell” tenancy of restaurant premises and extent of works required for section 30(1)(f) of Landlord and Tenant Act 1954.
- ***Manches LLP v Green* [2008] EWHC 917**
 Recovery of substantial fees by solicitors with counterclaim raising issues as to professional negligence, the formation of the retainer and work carried out by highly experienced, but unqualified, staff.
- ***Beton v Streets* December 2007**
 Boundary dispute between neighbouring owners of high value residential properties. Principles of adverse possession under Schedule VI to the Land Registration Act 2002.
- ***Holder v Ryanair* September 2007**
 Wrongful removal of passengers from aircraft. Damages under contract of carriage by air and EU Regulations.
- ***Yorkshire Electricity Distribution Plc v Telewest Plc (CA)* [2006] EWCA Civ 1418**
 Liability for damage to underground cable television ducting under the New Roads and Street Works Act 1991. Interrelation between statutory scheme for compensation and common law torts of negligence and wrongful interference with goods.
- ***Foxtons v Thesleff (CA)* LTL 19.4.2005**
 Construction of estate agency contract, impact of the Estate Agents (Provision of Information) Regulations 1991, and liability for commission of a party who signed written contract but acted as an agent of the vendor.
- ***Ross v Ryanair & Stansted Airport Ltd (CA)* The Times 11.1.2005**
 Widely reported case concerning responsibility of airlines and airports owed under the Disability Discrimination Act 1995 to disabled passengers using wheelchairs.
- ***Technocrats International Inc v Fredic* LTL 29.11.2004**
 Whether monies subject to freezing order were secured in favour of the Claimant where corporate Defendant went into Administration.
- ***Asiansky Television v Bayer Rosin* LTL 16.6.2004**
 Solicitor’s negligence – whether but for the misconduct the transaction would have occurred either at all or at a lower price.
- ***Hackney LBC v Side by Side (Kids) Ltd* [2004] 1 WLR 363**
 Postponing execution of Orders for possession. Application of section 89 of the Housing Act 1980 in the County Court and the High Court.

- ***Asiansky Television v Bayer Rosin* (CA) LTL 11.11.2003**
Scope of duty of solicitor who had acted negligently in respect of a property acquisition.
- ***Tennero Ltd v Majorarch Ltd* (2003) 47 EG 154 (CS)**
Forfeiture of deposits in a conveyancing transaction and relief from forfeiture. Whether information dictated over the telephone and specifically noted constituted notice in writing.
- ***McKinnon v E. Surv Ltd* [2003] 04 EG 152 (CS)**
Measure of damages in surveyors' negligence cases.
- ***Mitchell v James* LTL 12.7.2002. ILR 18.7.2002**
Effect of offers to settle including costs and construction of CPR Part 36.
- ***A De Gruchy Holdings Ltd v House of Fraser* LTL 14.9.2001**
Determination of amounts due by way of management fee under JCT contract and quantum meruit arising in the fitting out of a department store.
- ***Emery v UCB Corporate Services Ltd* CA LTL 30.4.2001**
Criteria for a successful assertion of promissory estoppel against mortgage lenders.
- ***Raiss v Palmano* (2001) PNLR 21; (2001) PNLR 540; (2002) LTL 27.11.2002**
Immunity of expert witness despite misrepresentations as to his professional qualifications.
- ***Civil & Marine Slag Cement Ltd v Cambrian Stone Ltd* LTL 23.6.2000**
Construction of contract and whether damage was consequential loss within the meaning of an exclusion clause.
- ***Interoute Telecommunications (UK) Ltd v Fashion Gossip Ltd* The Times 10.11.1999**
Duty to take full note when applying ex parte for relief (particularly freezing injunctions).
- ***Anselm v Anselm* LTL 2.7.99**
Preservation of partnership property pending trial.
- ***In Re a Debtor* LTL 16.12.1998**
Interpretation of the Insolvency Rules to be applied by the chairmen of a creditors' meeting.
- ***Savva v Houssain* The Times 6.5.96**
Validity of section 146 notices where landlord incorrectly stated that a breach of covenant was incapable of remedy.