

In this series of articles, we aim to highlight 3 of the most interesting cases in our field decided in the past month. This month, we've selected two Court of Appeal cases on partnership and conjoining multiple claims respectively, and a High Court case about the right to buy.

APRIL 2024

Procter v Procter [2024] EWCA Civ 324

Summary

One partner unilaterally resigned from a family farming partnership. A dispute arose as to whether she was entitled to payment in respect of her share. The Court of Appeal agreed that she was, for the following reasons:

1. Although she had probably not been entitled to resign, the other partners had accepted her resignation - and this had led to a technical dissolution of the partnership.
2. Although there was no express or implied agreement that she would be paid for her share, it was not right to infer that she was surrendering her interest for nothing.
3. She was entitled to value based on actual value, not book value (which was nil in this case), because the account should be taken on the same basis as if there were a general dissolution and the business had been wound up.

Why it's important

The leading textbooks had previously adopted different views on the question of whether a resignation leads to a technical dissolution of the partnership. Clarity about that will likely reveal the answer to other questions in the future.

Furthermore, the decision will likely impact how farming partnership deeds will be drafted in future – particularly in cases where it might be anticipated that the partnership would not be able to pay an outgoing partner from liquid funds immediately.

Weintraub v London Borough of Hackney [2024] EWHC 845 (Ch)

Summary

The Court determined that an elderly tenant occupied a property as his only or principal home, so he was entitled to exercise the right to buy: although he spent most of his nights elsewhere, he spent time there most days and intended to

resume sleeping at the property once the right to buy process was complete (because he could then carry out works which would enable someone else to sleep in the property with him).

Why it's important

Cases regarding the entitlement to the right to buy are relatively rare. As well as providing a useful factual example of when premises will be considered an 'only or principal home', this case establishes that status is not relevant to the intention to return to the property. In this case, therefore, the fact that the tenant only intended to return as long leaseholder, rather than secure tenant, did not preclude the right to buy.

Morris v Williams & Co Solicitors [2024] EWCA Civ 376

Summary

The Court of Appeal determined that it was permissible for 134 claimants to issue their claims by way of a single claim form, without a GLO or representation order.

The substantive claims relate to alleged negligence of the defendant solicitors in the context of a number of property developments. The claimants were all investors in those developments and had received advice from the defendant.

The judge below applied the decision in *Abbott v Ministry of Defence* [2023] EWHC 1475 (KB) and concluded that the claims could proceed together. The Court of Appeal found that the approach in *Abbott* was incorrect, but nevertheless upheld the judge's substantive decision, concluding that it was convenient for the claims to be disposed of in one set of proceedings, because there were common issues. The fact that there were additional issues which arose in individual cases did not mean that it was not convenient to dispose of the claims in one set of proceedings. That could be dealt with by case management.

Why it's important

This decision clarifies how the provisions of the CPR relating to proceedings involving multiple claimants should be interpreted, following controversy arising from the decision in *Abbott*.

Sir Geoffrey Vos MR expressed his view that r19.1 (which provides that a claim may have any number of claimants or defendants) and r7.3 (which provides that a single claim form can be used to start all claims which can be conveniently disposed of in the same proceedings) 'mean what they say': although it will generally be convenient to dispose of claims which raise common issues in one set of proceedings, there is no specific requirement that there be one or more common issues between the claims. It might be convenient to dispose of multiple claims in the same set of proceedings, even if there are no common issues.



The Court of Appeal also gave guidance about how case management could be used in such cases: designating lead claims, providing for more than one trial, and seeking directions to ensure that proper disclosure is given and the defendants know the case that they have to meet in each case.

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