

# ALI CHEEMA

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## Professional Qualifications

2015 – Called to the New South Wales Bar

2009 – Admitted to the Roll of NSW Lawyers

2008 – Bachelor of Laws / Arts, WSU

## Barrister (Areas of Practice)

Commercial

Contracts

Equity & Trusts

Real Property

Succession

Crime

## Selected Cases

- **Estate of Kastropil (2024) (SCNSW) (ongoing)**

Promissory Estoppel; oral promises made by intestate deceased– whether enforceable against beneficiary entitled upon intestacy.

- **Wenzhou v Mosaic Brands (2023) (SCNSW)**

Contracts – Waiver – Agency – Termination.

- **Connolly v Connolly (2023) SCNSW (ongoing)**

Promissory estoppel; proprietary estoppel; Trusts

- **Ye v Chen [2022] NSWCA 219 (\*Led by T Alexis SC)**

Hearing - Appeal to Court of Appeal – construction of guarantee – whether signature qualified – agency – whether director of company signed in personal capacity.

<https://www.caselaw.nsw.gov.au/decision/184178bf205ca9fa5ec96ec5>

- **Ye v Chen [2022] NSWSC 494**

Hearing - Appeal from Local Court to Supreme Court – Stay of orders below – Contracts — Construction — Interpretation — nature of agreement —whether signatory signed in own right or on behalf of the company.

<https://www.caselaw.nsw.gov.au/decision/18068ee96267fb57628f9bc2>

- **Estate of the late Genevieve Bryan [2022] NSWSC 965**

Hearing - Wills and probate – testamentary capacity – undue influence - family provision – large estate – Application of Banks v Goodfellow test.

Counsel for Plaintiff in long running matter. Draft pleadings and settle evidence and appear at trial against senior counsel and senior junior.

<https://www.caselaw.nsw.gov.au/decision/1821463b7e6bac7a4769f308>

- **The Estate of Genevieve Bryan [2021] NSWSC 567**

Motion - Expert Evidence – Appointment of experts in probate suits. Appear at contested motion for plaintiff.

<https://www.caselaw.nsw.gov.au/decision/179872dc51f308b1a0ff8bda>

- **Opera Properties Pty Ltd v The Uniting Church in Australia Property Trust (NSW) [2021] NSWSC 1436**

Hearing - Contracts – discharge by frustration – parties entered into put and call option deed.

Appeared unled, against experienced silk and junior, and successfully argued that contract and deed not frustrated.

<https://www.caselaw.nsw.gov.au/decision/17cfc6fafbf9fc5f9d685f59>

- **Nakhle v Akawi (2021) – NSWSC**

Hearing - Real Property – Return of deposit – section 55(2A) Conveyancing Act 1919 (NSW) - Contracts – Misrepresentation – Pre-Contractual representations.

Obtain urgent injunction to stop release of deposit. Appear at mediation – prepare matter for trial – settle all evidence and pleadings and correspondence and negotiate return of deposit on eve of trial.

- **Yenfan v Tran and 3 Ors (2020) NSWSC**

Hearing - Solicitor's duties – Fraud – property transactions.

Counsel for defendant solicitor. Consider pleadings and evidence and advice and negotiate settlement during trial.

- **Zelic v Zelic (2020) NSWSC**

Hearing - Wills – Property – Promissory Estoppel – promise of property before death - proceedings brought by executor against beneficiary.

Counsel for executor against relative beneficiary represented by senior counsel.

- **Thomas Lonsdale v Rail Corporation of New South Wales (2019) – NSWSC\***

Hearing - real property – prescriptive easements – historical rights to drainage – statutory defences for government bodies – nuisance - adjoining land owners rights – complex factual and engineering questions.

Appeared as junior counsel at trial for Plaintiff. Led by T Alexis SC 2017-2019. Liaise with experts. Active management of large and complex matter. Assistance with drafting pleadings, submissions, offers of compromise and deed of settlement during trial.

- **Workers Compensation Nominal Insurer v JDS Outsourcing Pty Ltd (2019) FCA**

Hearing - directors examination – freezing orders – privilege - self-incrimination – disclosure orders - 128A Certificate – principles. winding up - liquidator's duties.

Appear as counsel for the director at examination and other contested motions. Settle all correspondence. Appear at contested interlocutory motions. Appear at mediation.

- **Issa Abu Al Amash v Monaco Solicitors (2019) NSWSC**

Hearing - Costs agreements – Legal Profession Uniform Law – termination – unconscionable conduct – breach of fiduciary duties – whether solicitor’s possessory lien ousted – delivery up of file.

Commence proceedings to obtain file from previous solicitors. Draft all pleadings and correspondence and evidence. Appear at all interlocutory hearings and at mediation. Negotiate large settlement from multiple insurers in favour of client.

- ***Nicolas v Natales and Tradie Fresh Produce and 2 Ors DC NSW***

Hearing (2017)- personal injury - occupiers liability - fraud – expert evidence – costs.

Appear at trial for occupier defendant. Negotiate settlement with no liability to client. Obtain costs payable by discontinuing party with reliance on previous offers of compromise.

- ***Mohamed Elsaid Adam v Adam Hasabo & 1 Or [2017] NSWSC***

Urgent injunction - contracts - breach - loan agreement - equitable interests arising; joint venture agreement - restitution – consideration.

Draft pleadings and settle all evidence. Appear at injunction and prepare matter for hearing.

- ***The Estate of the Late Akos Balazs Melegh [2016] NSWSC 249\****

Succession – Probate – two wills – allegation of forgery– application for family provision order - letters of administration – overseas beneficiaries – s 95 release of rights

<https://www.caselaw.nsw.gov.au/decision/56e794cde4b0e71e17f5035c>

- ***The Estate of the Late Akos Balazs Melegh (No. 2) [2016] NSWSC 584\****

Succession – Probate – Costs - Commission

<https://www.caselaw.nsw.gov.au/decision/573132c2e4b05f2c4f04dd51>

## Crime

- ***R v GH DCNSW (2021) and (2023)***

*2 x 13 day jury trials – sexual intercourse without consent – first trial led to hung jury. Acquittal on all counts on re-trial.*

- **R v Al Najjar LCNSW and DCNSW (2020)**  
*Assault occasioning actual bodily harm. Obtained Supreme Court bail and negotiated facts for matter to be dealt with in Local Court. Appear on sentence for offender and on appeal in District Court.*
- **R v Babington DCNSW (2018)**  
*5 day jury trial – kidnapping - break and enter – assault. Appear for accused. Guilty verdict. Appear on sentence for offender with history of violence and obtain favourable sentence.*
- **R v Islam LCNSW (2017)**  
*2 day hearing – death by negligent driving. Expert issues. Significant media attention.*
- **UI Hasan v R [2018] NSWCCA 177**  
*CCA appeal against sentence. Dangerous driving causing grievous bodily harm. Prepare submissions and appear with senior counsel. Appeal allowed.*

<https://www.caselaw.nsw.gov.au/decision/5b7358b4e4b09e9963071bb6>

## **Prior Experience**

2009 - Tipstaff to Hon PLG Brereton and T L Buddin Supreme Court of NSW

2011 – Solicitor at William Roberts Lawyers (Insurance)

2012 – Solicitor at CCSG Solicitors (Commercial/Insurance/Insolvency)

2014 – Legal Analyst at Commonwealth Bank of Australia