

Wednesbury man sentenced to six months in jail for fabricating personal injury claim against Walsall Council

Walsall Council, supported by Browne Jacobson, successfully prosecuted a man for dishonestly bringing a claim worth £55,000 in damages and legal costs.

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Walsall Council, supported by its lawyers Browne Jacobson, has successfully prosecuted a man for dishonestly bringing a claim worth £55,000 in damages and legal costs, as part of a bogus personal injury claim against the local authority.

Earlier this month, Mohammed Yaqub Kabil of Old Park Road, Wednesbury received an immediate six-month custodial sentence with no suspension, the first of its kind for Walsall Council, after admitting all counts of falsifying a personal injury claim in the High Court. Kabil was also ordered to pay Walsall Council's prosecution costs.

In handing down the sentence at the committal hearing in Birmingham, the Judge, HHJ Shetty stated,

"The contempt in this case, and the seriousness of it, is a deliberate and dishonest attempt by the defendant to interfere with the administration of justice in order obtain damages from the claimant. This is not an embellished or exaggerated claim. Rather it is entirely fictitious."

53-year-old Kabil had brought his personal injury claim against the council back in 2015, after alleging he slipped, tripped and fallen due to a defect on a drop kerb part of a pavement near his house, suffering an injury to his left knee. Until the very day of the hearing and even when he was brought before the Judge, he still maintained the lie that he had suffered the injury because of the dropped kerb.

In passing sentence, HHJ Shetty underlined the impact of the offence on Walsall Council:

He said: "Walsall Council has defended this claim on a self-insured basis and has in effect used public money from council tax contributions to rebut this dishonest claim. This is money which could otherwise be spent by the highways department to repair road surfaces in an environment where conditions of roads and pavements are often given scrutiny and subject to public expressions of dissatisfaction. Dishonest highways claims are not a new phenomena but that does not detract from the seriousness of making such claims"

Walsall Council contested the validity of the claim. At the initial court hearing in 2019, the judge, HHJ Gregory, found the defendant to be 'fundamentally dishonest', dismissed his claim and ordered him to pay costs.

In Court HHJ Gregory described Kabil as:

"Wholly incapable of giving a clear account of how he came to fall. He was also wholly incapable of giving a clear account of the manner in which he was proceeding along the footpath... the only reason he has given this ridiculous and convoluted explanation for being on what in reality was the wrong side of the road, is because that is where the defect was."

In a damning indictment on the defendant's character as a witness the judge also described Kabil as "a man so lacking in credibility that it is impossible to know what to believe."

Cllr Mike Bird, Leader of Walsall Council said:

"This is a very satisfying outcome for us and proves just how seriously Walsall Council and the High Court takes this type of personal injury fraud. I would like to thank the investigating council officers and the legal team at Browne Jacobson who worked very hard, over a considerable period, to assess and present this case in Court.

"We will always scrutinise any suspicious claims and pursue and prosecute anyone who tries to wildly exaggerate a personal injury claim in order to gain money from the public purse."

"The Judgement proves that anybody trying claim money from Walsall taxpayers by giving a dishonest and exaggerated account of injuries will not only see their day in Court, they may well lose their liberty for it too."

Paul Wainwright, partner and head of counter fraud services at Browne Jacobson who advised and acted for Walsall Council, added:

"This sentence and the comments of the judge should be a stark wake-up call to anyone who thinks it is acceptable to pursue fraudulent claims. As the judge rightly points out this claim has unnecessarily wasted the court and our client's valuable time and resources. Resources, which could have been used to deliver valuable public services. The sentencing shows that this type of behaviour simply won't be tolerated by the courts, leading to extremely serious consequences for individuals such as Mr Kabil."

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