

Asela Wijeyaratne

Call Date: 2008



Asela Wijeyaratne is a leading junior with a common law and commercial practice, focusing particularly on international and cross-border work.

Asela is recognised as a top tier / band 1 litigator in the field of travel law (Chambers & Partners, Legal 500 and Who's Who Legal) and regularly acts for leading tour operators, air and cruise lines and consumers. His cases include those of the utmost severity and complexity, such as those arising from air crashes, maritime accidents and overseas terrorist attacks. He also regularly acts in the fields of domestic public, employers' and motor liability, including in cases involving severe and catastrophic injury.

Asela's practice also encompasses:

- Commercial and business disputes and property litigation, particularly where cross-border or private international law issues arise.
- High profile public inquiries, including the Grenfell Tower Inquiry.
- Appellate public and constitutional law in appeals to the Privy Council, in particular representing Governments of the Commonwealth Caribbean.

Legal Services

Travel Litigation and Personal Injury

Asela has extensive experience in claims arising from personal injury suffered overseas and is ranked in Chambers & Partners and Legal 500 as a Band 1 / Tier 1 leading junior in the field of Travel Litigation.

He is regularly instructed in respect of claims under the Package Travel Regulations, including advising as to the applicability of the Regulations (1992 and 2018), dynamic packaging, incidents which occur in the course of excursions and evidence as to standards of care abroad.

Asela has considerable experiences in cases where issues of jurisdiction and conflict of laws arise and frequently acts in claims pursued in the courts of England and Wales which are determined under foreign law. He is instructed in jurisdictional disputes and in claims involving disputes of forum between England and Wales and other national courts. Asela is instructed in claims involving foreign domiciled defendants, overseas public liability insurers, foreign motor insurers and against the Motor Insurers' Bureau for overseas

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road traffic accidents where drivers are untraced or uninsured.

Asela has extensive experience in pursuing and defending claims arising out of accidents and illnesses which occur in the course of air travel, in claims arising under the Warsaw Conventions and Montreal Convention. These range from air crashes to accidents during the course of carriage or during embarkation / disembarkation, as well as employers' liability claims for cabin crew. Asela has a special interest in claims for psychiatric injury following air accidents and has written extensively on the issues arising in such claims.

Asela is frequently instructed in maritime personal injury matters, including those pursued in the Admiralty Court jurisdiction and is well placed to advise on the procedural and substantive issues which are particular to such claims. He was recently co-opted to the Admiralty Court Users' Committee as a representative of the personal injury Bar. Asela is well-versed in claims involving the Athens Convention and Merchant Shipping regulations and has been involved in cases concerning the scope and application of such instruments. Asela is also instructed in claims pursued by crewmembers, including in LMAA arbitral proceedings.

Asela has a keen interest in claims involving medical treatment overseas. He has been instructed in numerous cases involving elective cosmetic surgery and emergency treatment overseas, including those resulting in fatalities. His work in this area often engages issues of standards of medical treatment overseas, including with pre-operative matters such as information provision and consent. Asela works closely medical experts and overseas lawyers to elicit the required evidence in such cases.

Asela also regularly advises and acts for claimants and insurers in the fields of domestic public, employers' and motor liability. He has particular experience in claims giving rise to complex issues of medical causation and has acted both led and as sole junior in high value cases arising out of severe and catastrophic injury.

Asela also has experience in abuse claims, including those involving historic allegations and those with an international element.

Commercial and Business Law

Asela's practice covers all areas of commercial and business law, with a particular focus on cases arising out of underlying property disputes and transactions.

He has acted in cases concerning commercial contractual disputes, debt and asset recovery, agency claims and claims involving breach of fiduciary duties (particularly in relation to company directors). Asela recently acted for the Respondent in *Eason v Wong (re Alpha Student)* [2017] EWHC 209 (Ch), a leading case on equitable purchasers' liens.

Property

Asela's practice encompasses a wide range of property law, including both residential and commercial landlord and tenant and real property.

In landlord and tenant matters, Asela also advises and acts in possession and forfeiture claims, including advising on the entitlement to possession, drafting notices and pleadings and providing representation at hearings. He also has considerable experience in claims arising out of disrepair and dilapidation. Asela acted for the Respondents in the Court of Appeal in *Barrow v Kazim* [2018] EWCA Civ 2414 which considered the definition of "landlord" under the Housing Act 1988.

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Asela routinely appears in the Property Chamber of the First-Tier Tribunal in service charge, right to manage and land registration disputes and advises landlords and tenants on the bringing and defending of applications and on enforcement.

In real property matters, Asela has experience in claims involving easements and covenants, nuisance and trespass, boundary disputes and adverse possession. He has also been instructed in disputed party wall matters and neighbour disputes.

Notable Property cases

[Barrow v Kazim \[2018\] EWCA Civ 2414](#)

Acted for the Respondents in the Court of Appeal in a leading case considering the definition of "landlord" under the Housing Act 1988.

Appeals to the Privy Council

Asela has a developing appellate practice in applications and appeals to the Privy Council. He has been instructed in civil, criminal, public and constitutional law applications, in particular representing Governments of the Commonwealth Caribbean.

Asela maintains a keen interest in international human rights law and international humanitarian law, having obtained a Masters in Public International Law (Fitzwilliam College, Cambridge).

Public Inquiries and Inquests

Asela was instructed on behalf of six bereaved families in phase 1 of the [Grenfell Tower Inquiry](#).

Asela was also instructed (with [Rupert Butler](#)) by the estate of the late Lord Janner of Braunstone QC in [The Independent Inquiry into Child Sexual Abuse](#)

Asela represented a bereaved family in the inquests arising from the terrorist attack in Sousse, Tunisia in June 2015. He has particular expertise and experience in inquests arising out of fatal overseas accidents and incidents and from overseas medical treatment

Notable Public Inquiries and Inquests cases

[Grenfell Tower Inquiry](#)

Acted for bereaved families in phase 1 of the independent public inquiry of the fire at Grenfell Tower on 14 June 2017.

[The Tunisia Inquests](#)

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Acted for a bereaved family in the inquests following the terrorist massacre in Sousse, Tunisia on 26 June 2015

Direct Access

Asela is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). He has acted, advised and drafted pleadings and documents for a number of individuals and small and medium sized businesses on a direct access basis. He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct Asela on a direct basis, please speak to the practice managers.

For more information on public access, please see the Bar Council [website](#).

Accreditations



Publications

- Asela is a contributor to the APIL Guide to Accidents Abroad (Jordans 2013)

Memberships

- PEOPIL

Qualifications

- LLM (International Law) (First Class), Fitzwilliam College, Cambridge
- LLB (First Class), King's College, London

Awards

- Lord Denning scholarship – Lincoln's Inn
- Senior Scholar, Fitzwilliam College, Cambridge
- F.A. Whitlock Prize, Fitzwilliam College, Cambridge