



## Rift Doctor: Let's do the split

By [Ashis Ray](#) | March 5, 2011

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Although divorce rates in Britain have, of late, been falling, it's still, dubiously, dubbed the "divorce capital of the world". And in it the mantle of "Britain's top divorce lawyer" is held by an Ayesha Vardag. So, who is this person with a subcontinental sounding name?

Vardag is of an Anglo-Pathan appearance. Her mother is English, while her father, Asaf Vardag, was born in Jalandar and bred in Karachi. " He is directly descended from the Lodhi royal family which ruled India in the 16th century, " Ayesha claims. Her

grandfather, she says, was active in the Indian National Congress; and as its candidate was twice elected mayor of Karachi in undivided India.



Asaf, an Oxford graduate, became a civil servant in Zulfiqar Ali Bhutto's administration. Now, following a spell with Nawaz Sharif's Muslim League, he has returned as leader of Tehrik-i-Istqalal, a party founded by Air Marshall Asghar Khan.

Vardag, now in her 40s, read law at Cambridge and the Universite Libre in Brussels. "I used to want to be a writer or an actress. Both my parents told me being a barrister like my father would suit me because it would require both eloquence and logic, but I was not convinced until I spent my 'gap year' before university with my father's sister who is a New York lawyer and became fascinated by the problems she was solving. "

After stints at the International Court of Justice in the Hague, the International

Atomic Energy Agency in Vienna and Linklaters in London and Moscow, Vardag further qualified as a barrister. This gave her, she believes, "a greater insight into how to pitch a case and how to pull at the most persuasive arguments". She also felt: "Unlike some of my solicitor colleagues I was not intimidated by barristers. "

The shift to matrimonial and family law, though, was propelled by her own divorce. "I became very much involved in the work and did a lot of the drafting myself, " she says. "That gave me a feel for the work and also led to my divorce lawyer hiring me. "

These days, when Vardag comments on a divorce case in England, this frequently becomes news. Even when such a split is between a minor celebrity and a nondescript partner and which, otherwise, would probably not have been of much public interest.

Liz Hurley (perhaps best known for being Hugh Grant's ex) is said to be getting a "quickie" from husband Arun Nayar (originally from Mumbai, his occupation unclear, although the tabloids insist on calling him a textile tycoon). Now, that's not as risqué as it sounds! In London's colourful yet competitive legal parlance this translates to a comparatively painless and speedy annulment of a marriage.

Vardag remarked: "It is my understanding that neither is claiming against the other and the divorce is proceeding by consent. "

But the case that really made Vardag a celebrity in her own right took place last October and involved the tricky issue of pre-nups. Last October, in a landmark judgement, the English Supreme Court ruled in favour of Katrin Radmacher, a German heiress, in a marital dispute with her spouse, Nicolas Granatino, a Frenchman and former investment banker, which as a result rendered pre-nuptial agreements binding under English law, provided they are fair.

With an 8-1 majority, the court decided that the pact Radmacher had reached with Granatino to protect her fortune should be enforceable in England, regardless of this having been executed in Germany. Radmacher argued: "I know some people think of pre-nuptial agreements as being unromantic, but for us it was meant to be a way of proving you are marrying only for love. "

British courts had previously ignored antenuptial contracts when deciding who

gets what when a marriage fails, unlike their counterparts in Europe and the United States. The high-profile case set a precedent, which will now have wide implications in respect of pre-nuptials in the UK.

Radmacher's solicitor was Vardag; and the victory catapulted the latter into dazzling limelight. It established recognition of pre-nuptials under English law, irrespective of where such documents have been drawn up. "This will be better for couples and better for children. On a profound level, it is a victory for personal autonomy against state control, " she reacted.

She also stated: "Culturally, England is slowly catching up with continental Europe and the United States where prenuptial agreements are relatively commonplace and socially acceptable. "

Indeed, she's been most at home in her current circumstances. "While I have enjoyed the intellectual aspects of my commercial and international law experience, it is in the humanity of family law that I have really found my niche. " In six years, she's created a premier firm in the British capital -Vardags. She can now look back and proclaim: "We have won the biggest ever family law case and changed the law of England. "

Vardag's stardom means she often represents the rich and famous. Yet she's convinced: "Princesses and billionaires feel exactly the same things in emotional crises as bankers and shop assistants. " She thinks it's important for anyone going through a divorce to remember that this is as bad and as low as they will ever feel. But life goes on and in her personal experience it got better and better.

Wedded to western attire she may be, but divorced from Pakistan she isn't. "I have spent significant time travelling there, staying with the family and accompanying my father on the campaign trail, during which time I learnt Urdu. "

Unsurprisingly, her clients include those who need to refer to Islamic law. London being "a playground and workplace of the princes and princesses of the Middle East as well as the wealthy jet set of South Asia", as she puts it, "we have dealt with numerous cases involving Islamic divorce law. " With the liberation sweeping the Arab world, she could be in even greater demand in future.