



THE COURT OF APPEAL

Record Number: 2022/24
High Court Record Number: 2015/2214P

Noonan J. Neutral Citation Number [2022] IECA 284
Ní Raifeartaigh J.
Butler J.

BETWEEN/

TOM DARCY

PLAINTIFF/APPELLANT

-AND-

ALLIED IRISH BANKS PLC

FIRST NAMED DEFENDANT

-AND-

WILLIAM MURRAY

SECOND NAMED DEFENDANT/RESPONDENT

COSTS RULING of the Court delivered on the 13th day of December, 2022

1. In its written judgment of the 21st October, 2022, the Court dismissed the plaintiff's appeal against an order of the High Court dismissing the proceedings as against the

respondent on grounds of delay. Subsequent to the delivery of the written judgment, the court indicated to the parties its provisional view that since the respondent had been entirely successful, he should be entitled to the costs of the appeal. The appellant was given liberty to make a written submission if he wished to contend for a different order.

2. A submission in writing has been received from the appellant and apart from criticising the Court's judgment, the only actual submission advanced in relation to costs is that the Court should take account of the appellant's poor financial situation and should stay any order for costs until the final determination of the proceedings. The latter submission is not understood in circumstances where the proceedings are now at an end as against the respondent and appears to refer to the matter continuing as against the first defendant which is of course not material in the circumstances here.

3. The Court is satisfied that the appellant has not established any basis upon which the Court could depart from the normal rule contained in s. 169 of the Legal Services Regulation Act, 2015 that the party who has been entirely successful, the respondent, should be entitled to his costs and the court so orders.