

THE HIGH COURT

[2026] IEHC 410

[2019 7373P]

BETWEEN

CAROLINE TELTSCH

PLAINTIFF

AND

JAMES BUCKLEY AND PAULA BUCKLEY

DEFENDANTS

Judgment of Mr. Justice Brian Cregan delivered on 22nd day of June 2026

Introduction

1. The motion before the court is the plaintiff's motion, dated 22nd November 2024, for the attachment and committal of Mr. James Buckley, the first named defendant, for failure to comply with the order of the High Court (Kennedy J.) made on 25th July 2024 and perfected on 19th August 2024. The application is grounded upon the affidavit of Donnacha Anhold, solicitor, of Carter Anhold, solicitors for the plaintiff.

Background

2. The background to this case is that the plaintiff issued proceedings against both defendants and the matter came on for hearing before the High Court (Mr. Justice Kennedy) on 23rd July 2024. The defendants did not appear to contest the hearing, but the court was satisfied as to the service of proceedings on the defendants.

3. Having heard the evidence, Kennedy J. delivered an ex-tempore judgment on 25th July 2024. In his judgment, Kennedy J. states as follows at paragraph 1:

"These proceedings arise from long running dealings between the parties in the context of the first defendant's proposed establishment of an equestrian business. The

plaintiff engaged in numerous financial transactions with the defendants over the years (and the first defendant in particular) as a result of which she claims to be the beneficial owner of various assets – including real estate and also including a horse (a showjumper) – which she paid for and beneficially owns but which are held in the first defendant's name. She also claims that the defendants also owe substantial sums to her in respect of monies advanced over the years."

4. At paragraph 2, Kennedy J. states as follows:

"The plaintiff was required to bring further applications to compel the defendants to furnish particulars of their defence in discovery. Eventually on 20 July 2023 the deputy master struck out both defendants' defence for failing to comply with an order for discovery dated 24 October 2022. The plaintiff served notice of trial on 10 April 2024 and certified readiness on 18 April 2024. The defendants' solicitors came off record a few days before the hearing and the defendants did not appear and were not represented at the hearing which took place before me on Tuesday, 23 July 2024."

5. At paragraph 3, Kennedy J. states as follows:

"There are five matters for me to determine: (a) The plaintiff's claim to beneficial ownership of certain real estate;

(b) Her claims to be entitled to judgment for various sums;

...

(d) The defendant's counterclaim and

(e) Costs. "

6. Kennedy J. then went on to state:

"Before doing so I should note that while it is deeply regrettable that the plaintiff engaged in major commercial transactions without taking professional advice to protect her legal and commercial interests and to formally document the

arrangements, responsibility for the issues giving rise to these proceedings rests entirely with the defendants. The first defendant in particular has abused the trust and confidence which the plaintiff invested in him, using her property for his own benefit and without regard to her interests." (Emphasis added.)

7. The learned High Court judge then set out the evidence and at the end of his judgment, under the heading "Final orders", stated as follows:

"21. I will grant relief to the following effect:

(a) a declaration that the first defendant holds (and since its acquisition on or about 8 May 2014 has held the property comprised in folio 4003F, 23407F and 27201F of the register County Kildare (being the balance of the Enfield properties) on trust for the plaintiff (by reason of her having purchased the land for full value) and that he also holds on trust for the plaintiff the entire proceeds of the sale of the property comprised in folios KE12391 and KE25800F being the two properties which the first defendant has disposed of.

(b) an order executing the aforesaid trust

...

(f) an order for judgment against the first and second defendants in respect of debts owed by them jointly, to the plaintiff in the sums of €264,116.15 and Sterling £95,437.00 with interest thereon.

(g) in addition to the foregoing order in respect of monies owed by the first and second defendants jointly, an order for judgment against the first defendant alone in respect of debt owed by him to the plaintiff in the sums of €355,765.00 and Sterling £82,655.00." (Emphasis added.)

8. On Thursday, 25th July 2024, in addition to the final order, set out above, the High Court (Kennedy J.) also made the following orders:

"It is ordered that the first defendant forthwith upon service of this order upon him deliver up to the plaintiff or to some other person duly authorised by her in writing in that behalf possession of all that in those the lands and premises comprised in folios 4003F, 23407F and 27201F of the register of Co Kildare." (Emphasis added.)

9. It was also ordered:

"That the first defendant by himself or his servants or agents be restrained from disposing of or otherwise dealing in the land and premises comprised in the said folios."

10. The said order was perfected on 19th August 2024.

Motion for attachment and committal

11. On 16th December 2024, the plaintiff brought this motion for the attachment and committal of the first named defendant for failing to comply with the order of the High Court as Mr. Buckley simply refused to leave the property and remained in possession of the said property. The order of the High Court with the penal endorsement thereon was served on the first defendant personally on 12th September 2024 at a showjumping event in Cavan Equestrian Centre.

12. By letter dated the 17th September 2024, the first defendant was further advised of his obligations pursuant to the said order and afforded a further 21 days to comply with the High Court order.

13. Despite this Mr. Buckley continues to remain in the property even though he has been ordered to deliver it up forthwith to the plaintiff. Moreover, the first defendant caused and/or permitted a mobile home to be moved onto the said lands, and he is operating a livery business on the lands in which horses are being stabled and/or trained or ridden out on a daily basis.

14. In his affidavit of 19th November 2024, Mr. Donnacha Anhold stated that he believed that *"to the best of my knowledge the second defendant is not present nor in possession of the subject lands."*

15. The motion for attachment and committal came before me on 16th December 2024, but the first defendant did not appear. I was satisfied as to the service of the motion papers and, as it appeared that the first defendant was in continuing breach of the order of 25th July 2024, I made an order of attachment in respect of Mr. Buckley to have him before the court at 11am on Tuesday, 14th January 2025 to answer the contempt of court alleged against him.

16. The matter came before me on 14th January 2025, and having heard submissions by the plaintiff and by the first defendant, I was satisfied that the first defendant had been properly served with the order with the penal endorsement and with the motion papers for the motion for attachment and committal. I also made a finding that the first defendant was guilty of contempt of court by his continuing refusal to obey the order of the High Court dated 25th July 2024.

17. The first defendant applied for a stay on the said order of 25th July 2024 but that application for a stay was refused.

Appeal to the Court of Appeal

18. Although I refused the application for a stay, Mr. Buckley indicated that he intended to appeal the order of the High Court of 25th July 2024 to the Court of Appeal. As he has a constitutional right of appeal, and, as he was not legally represented at the High Court hearing, and as he did not appear before the High Court for the hearing on 23rd July 2024, I did not direct his immediate committal to prison for his ongoing contempt of court but instead decided to allow him to pursue his appeal to the Court of Appeal.

19. It appears that at that stage Mr. Buckley retained solicitors and counsel in respect of his appeal to the Court of Appeal. The plaintiff's motion for attachment and committal was

mentioned before me on a regular basis so that I could be informed about the progress of the first defendant's appeal. I indicated to counsel for the first defendant on each and every occasion when the matter was before me that, in the event that the first defendant's appeal was unsuccessful, he would have to vacate the said premises within a short period of time.

20. The first defendant's appeal to the Court of Appeal was heard by the Court of Appeal and Binchy J. delivered an ex-tempore judgment on behalf of the Court of Appeal on 29th April 2025. In this judgment, at paragraph 7, Binchy J. referred to the fact that the application to come off record by the defendants' solicitors was grounded upon an affidavit of Mr. Martin O'Carroll solicitors for the defendants who averred that he had

"endured considerable difficulty in obtaining instructions from the defendants since 1 December 2021. He stated that the defendants have made only intermittent contact with him, but more often than not have not replied to emails, phone calls or text messages. He averred that he had written to the defendants by letter dated 19 April 2024 by registered post informing them that notice of trial had been issued. He further avers that he wrote to the defendants advising them that the matter had been listed for hearing on 26 July 2024. The reference to 26 July is obviously an error in the affidavit and Mr Buckley did not contend that he relied on this date and that he turned up for court on 26 July last. Instead he simply states that he was completely unaware that the matter had been listed for hearing".

Mr O'Carroll also avers that he had advised the solicitors for the plaintiff that he had been unable to obtain instructions from the defendants and that they should endeavour to contact the defendants for themselves. Solicitors for the plaintiff clearly acted on the suggestion as included in the papers before the court is a letter of 8 May 2024 to the defendants serving notice of trial. They also took the further step of having the notice of trial personally served upon the defendants on 9 July 2024 and

while the summons was unable to affect personal service he left the documentation in separate envelopes addressed to each of the defendants in their post box on 16 July 2024."

21. At paragraph 29 of his judgment, Binchy J. states as follows:

"As to arguable grounds of appeal, the defendants have put forward two grounds of appeal in relation to the orders made by Kennedy J. The first is that they were unaware of the hearing date of 23rd July last and they would have been present had they been aware of that date. The second is that the land which Kennedy J. found to be beneficially owned by the plaintiff includes the family home of the defendants and that they would be left homeless in the event that the orders of Kennedy J stand.

30. From all the information made available to the court, I am satisfied that the defendants were informed that the proceedings were listed before Kennedy J. on 23rd July last and so the first ground of appeal is without merit and bound to fail. This is apparent from the affidavit of Mr O'Connor referred to above, even if he identified in the affidavit an incorrect date. It is clear that he wrote to the defendants informing them of the date and as I have already said, it has not been suggested that they turned up on any other date – rather it is claimed they were unaware of the date. Even if this is so, I think the defendants can only have themselves to blame for this state of affairs. It is also clear that the plaintiff solicitors went to considerable lengths to notify the defendants of the date of the trial as she was most anxious not to lose the date for any reason." (Emphasis added.)

22. The Court of Appeal also rejected the first defendant's second ground of appeal and stated that *"it is clear therefore that the plaintiff was at all times the beneficial owner of the lands."*

23. At paragraph 33, Binchy J. stated as follows:

"While the first named defendant Mr Buckley contends that he has a ground of appeal because his family home is located on the Enfield properties, this could not, without significantly more, constitute an arguable ground of appeal. The fact that he and the second named defendant reside there with their child may well mean that this is their family home in an everyday sense, but it does not confer ownership or any other rights upon the defendants and nor are any of the statutory provisions or rules that afford protection to parties in respect of a family home which they own engaged in the circumstances of this case. Simply put, even if the court knew and accepted that the defendants and their family resided in part of the property it is no answer to the claim of the beneficial owner to possession of a property."

24. At paragraph 34 of his decision, Binchy J. stated as follows:

"Moreover it is not insignificant that this point is not relied upon in the very comprehensive defence filed by the defendants at a time when they had legal representation. It follows therefore that the applicant has failed to meet the criteria in the Eire Continental test insofar as the orders made by Kennedy J. on 25th July last are concerned. Finally as I have set out above, the Eire Continental principles are not the final word in relation to applications such as these. The court must have regard to the overall circumstances of the case and the interests of justice and in doing so the court must also have regard to the position of both parties to this litigation and to consider in particular the position of the plaintiff for whom the litigation has not been properly progressed by the defendants. In this regard I am in complete agreement with the submissions of the plaintiff at paragraph 34 which I adopt in their entirety. These are

.....(b) there is a pattern of avoidance and disengagement by the first defendant in these proceedings. It is altogether too convenient for the first

named defendant to claim that he was not told of relevant orders, especially when this is not borne out by the evidence. In effect this requires this court to conclude that both the first named defendant and the respondent's solicitors systematically kept him in the dark with regard to matters arising in the proceedings. Such cannot be given any credit

(c) The first named defendant was represented by reputable solicitors until 19 July 2024 four days before trial. It is known that the first defendant attended a consultation with his solicitor on 23rd March 2023. His solicitor averred that the first defendant had been kept apprised of each step in the proceedings. It is not credible in the circumstances to suggest he was not made aware of the import of an order striking out the defence. With regard to the final order of Kennedy J when the first defendant was unrepresented, it must be said that the relief given arose from the statement of claim and was not made in vacuo. ... Furthermore even if the first defendant is telling the truth and he simply did not understand the order of 25 July 2024 then that is not an excuse for doing nothing until the gardai arrived to attach him for breaching that order.

(d) There is no plea in the pleadings to date that the property [the first named defendant] now occupies is a family home [and the first named defendant] has been somewhat coy about evidential details with regard to that. It is curious for instance that the [first named defendant] is seeking to appeal the High Court orders yet his wife the second defendant is not." (Emphasis added.)

25. At paragraph 35, Binchy J. states:

"It could not be more clear that the overall circumstances of the case lean very heavily against the granting of the application. Over a period of approximately eight

years the plaintiff advanced very significant sums of money to the defendants who the High Court judge found repeatedly exploited her goodwill.”

26. It is clear that the Court of Appeal refused the appeal brought by the first defendant on all grounds.

27. When the decision of the Court of Appeal had been made, counsel for the plaintiff and counsel for the first defendant appeared in my court again to draw the court's attention to this. However, it was then indicated to me by counsel for the first defendant that he intended to apply to the Supreme Court for leave to appeal against the decision of the Court of Appeal.

The Supreme Court appeal

28. I again formed the view that the first named defendant should be entitled to pursue his appeal to the Supreme Court and, as a result, I did not make an order for Mr. Buckley's committal to prison for his ongoing contempt of court until the Supreme Court had decided the matter.

29. Subsequently, the Supreme Court refused leave to appeal on 29th April 2026 – one year later.

30. Mr. Buckley therefore remained in possession of the property from 25th July 2024, when the order of the High Court was made, until the determination of the Supreme Court on 29th April 2026 – almost two full years later.

Recent applications

31. The matter came before me again on Thursday, 30th April 2026. Mr. Buckley represented himself on this occasion.

32. Having heard submissions from both sides, I ordered the first defendant and all other persons having notice of the High Court order of 25th July 2024, to vacate the said premises within 14 days of 30th April 2026 (i.e. by 14th May 2026.)

33. The second named defendant also appeared online at this hearing and indicated that she wished to seek alternative representation. On that day, I granted liberty to the defendants' solicitors to issue and serve a motion to come off record, returnable to 19th May 2026.

34. I then adjourned the motion until 19th May 2026.

The hearing on 19th May 2026

35. The solicitors for the first and second defendants brought an application to come off record and I made that order on 19th May 2026.

36. Also, on 19th May 2026, the first named defendant brought a motion before me seeking an order setting aside the possession order obtained by the plaintiff. Having heard submissions by the plaintiff and the first defendant, I struck out this motion as being an obvious abuse of process. It was clearly an attempt to re-litigate the issues which had been decided by Kennedy J., the Court of Appeal and the Supreme Court.

37. Likewise, the second named defendant also brought an application seeking to stay the execution and/or enforcement of the High Court order made on 25th July 2024. This application was grounded on the affidavit of Mrs. Paula Buckley, the second named defendant. In this affidavit, she complains about service of the proceedings, and indicated that she resided at the property with her son who has an autism diagnosis.

38. Having heard the second named defendant and the plaintiff, I struck out this motion also as clearly being an abuse of process as it was obviously a belated attack on the judgment of Kennedy J.

39. The second named defendant indicated that she wished to bring an appeal to the Court of Appeal against the order of Mr. Justice Kennedy. Mrs. Buckley has filed a notice of appeal to the Court of Appeal dated 27th May 2026, seeking an extension of time within which to appeal the High Court decision. This matter will be determined by the Court of Appeal in due course.

40. Mrs. Buckley also indicated that there was a third party tenant – Ms. Hazel Kiely – residing in the small ground floor apartment on the property, that Ms. Kiely has been a resident since 2022, and holds a “tenancy” agreement executed in January 2024 which runs until 20th January 2030.

41. I granted leave to the plaintiff to issue motions for attachment and committal in respect of the second defendant, Ms. Hazel Kiely, and a Mr. Stephen Reilly, returnable for 3rd June 2026.

Hearing on 3rd June 2026

42. This matter appeared before me again on 3rd June 2026. Having heard from the plaintiff and the first defendant, I made a finding that the first named defendant was also guilty of contempt of court for failing to abide by the order of the court dated 30th April 2026, to vacate the property within 14 days. I also made a further order giving the first defendant a further period of 14 days to vacate the property (i.e. by 17th June 2026). I then adjourned the matter until 17th June 2026.

Hearing on 17th June 2026

43. The evidence before this court on 17th June 2026, was that Mr. Buckley continues to reside in the property in continuing defiance of the High Court orders.

44. I asked Mr. Buckley whether he would give an undertaking to the court to vacate the property, but he absolutely refused to do so. He has therefore adopted a position that he intends to defy the court orders.

Conclusion

45. It is clear that the first defendant is in clear and flagrant breach of the order of Mr. Justice Kennedy on 25th July 2024, to vacate the property forthwith upon service of the order upon him.

46. It is also clear that I found Mr. Buckley to be in contempt of court in respect of this order on 14th January 2025.

47. However, I did not make an order for committal of Mr. Buckley in January 2025 in order to allow him to pursue his appeal to the Court of Appeal and also then to the Supreme Court. Both these appeals were unsuccessful.

48. In the circumstances, Mr. Buckley has had, in effect, a stay on the order for his committal to prison for a period of 18 months from January 2025 until June 2026. On each and every occasion when this matter was mentioned before me, I indicated to Mr. Buckley and/or to his counsel that, if he were unsuccessful in his appeals, he would be given only a short period of weeks to vacate the property and that he should, as a matter of prudence, be looking around for alternative accommodation.

49. When this matter came before the court on 30th April 2026, I ordered the first named defendant and all other persons on notice of the order to vacate the premises within 14 days (i.e. by 14 May 2026.)

50. On 3rd June 2026, I found Mr. Buckley to also be in contempt of the court order dated 30th April 2026. I thus gave him a further 14 days to vacate the property.

51. It is clear Mr. Buckley is also in contempt of the court order of 3rd June 2026.

52. When the matter was before the court on Wednesday, 17th June 2026, having heard from the plaintiff and Mr Buckley, I indicated that I would give a written judgment on Friday, 19th June 2026, at 2pm. Subsequently, on Thursday, 18th June 2026, Mr. Buckley emailed the Registrar to say that he had a medical appointment on Friday morning, 19th June 2026, and that he was unavailable that day. I then adjourned the date on which I would deliver judgment to Monday, 22nd June 2026, only to receive another purported medical certificate from Mr. Buckley on Friday, 19th June 2026, to say that he was unavailable on Monday, 22nd June 2026, for unidentified mental health issues. It is quite clear that Mr. Buckley is playing ducks

and drakes with the court and is simply avoiding having to comply with the court order. I do not accept his purported medical excuses. They are simply a device to delay the inevitable.

53. I will therefore make a finding that Mr. Buckley is in contempt of court in respect of the order of the High Court (Kennedy J.) of 25th July 2024 and I will direct his immediate attachment and committal to Mountjoy prison. I will put a stay on this order for a period of 14 days to allow Mr. Buckley one final opportunity to leave the premises. However, if he has not left by 6th July 2026, the order for attachment and committal will take effect on Tuesday, 7th July 2026.