[2026] IEHC 468

THE HIGH COURT

[2020/3497P]

BETWEEN:

ALO MOHAN

PLAINTIFF

AND

THE REVENUE COMMISSIONERS,

IRELAND AND THE ATTORNEY GENERAL

DEFENDANTS

<u>JUDGMENT of Mr Justice Barry O'Donnell delivered on the 14th day of July, 2026</u>

INTRODUCTION

1. This judgment concerns an application brought by the plaintiff pursuant to Order 28 of the RSC for liberty to amend his statement of claim. The case and the application have a long and somewhat unfortunate history that requires to be set out to understand the reasons for the conclusions reached by the court. To fully understand this judgment, it should be read in conjunction with an earlier judgment in these proceedings delivered by Simons J. on the 13 February 2025 and which has the neutral citation [2025] IEHC 63.

2. For the reasons explained in this judgment, the court has concluded that the amendments should not be permitted, and that having regard to the earlier judgment of Simons J., the proceedings in their current formulation (the statement of claim dated the 19 February

2020) should be struck out as failing to disclose a reasonable cause of action. As will be apparent from the judgment, the issues that the plaintiff sought to agitate were extraordinarily extensive in terms of subject matter and timescale. The court has read all the materials submitted by the plaintiff and the purpose of this judgment is not to engage with those materials in a point by point manner but instead to provide a high level explanation for the conclusions reached on this application.

BACKGROUND

3. The plaintiff is a farmer and businessman and, as explained by him, was involved in growing broiler chickens for the poultry sector. It should be noted that prior to the events complained of in these proceedings, the plaintiff seems to have been successful in his business and also carried out work as a representative for other farmers in the sector and was a prominent IFA official.

4. While the plaintiff had the benefit of legal representation at certain stages in the lifetime of the proceedings, ultimately, he represented himself in this application. The plaintiff was courteous and articulate and there is no doubt that his complaints were heartfelt and, from his perspective, genuine. The court did not doubt that he sought to present his arguments in an honest and forthright manner. However, in light of the complexity of the issues and the manner in which the potential scope of the action ballooned quite extraordinarily over the course of the proceedings, it was very unfortunate that he did not retain proper representation.

5. It should also be noted that these proceedings were brought against the Revenue Commissioners and the State. Insofar as the plaintiff made allegations against other parties, such as certain actors in the poultry sector, there was no opportunity for the court to hear from those parties and the allegations should be treated as allegations and assertions only, and there is no question of those allegations, regardless of the outcome of this application, being treated as matters on which the court has made findings.

6. The earlier judgment delivered by Simons J. explains that, based on the current iteration of the statement of claim, the defendants brought an application to strike out the plaintiff's claim on the basis that it disclosed no reasonable cause of action and/or was bound to fail. For the reasons summarised below, Simons J. decided that the application was well founded but that a final decision should be deferred to allow the plaintiff to file an application to amend the statement of claim. That application was to stand or fall on its merits, and the judgment expressly went no further than allowing the plaintiff an opportunity to make an application for leave to amend.

7. The issues that gave rise to the proceedings are complex and the plaintiff has sought to expand the issues very considerably. The central theme related to claims regarding the approach adopted to VAT in the poultry sector. It was claimed that, within the poultry sector, a process developed whereby cooperative societies acted as an intermediary between farmers and poultry processors. According to the plaintiff, that process was being used as a device to "harvest" VAT, in light of differing treatments of inputs as between the cooperative society and the individual growers. The co-ops were VAT registered, and the individual farmers or growers were subject to a flat rate scheme under s. 86 of the Value-Added Tax Consolidation Act 2010.

8. The issue was summarised in the earlier iteration of the statement of claim by the plaintiff as:

> *"[…] Growers would no longer be required to pay VAT on their inputs, as they would be paid for by the Co-op, which, as a VAT registered entity, could recover the VAT formally paid to the* [Revenue Commissioners] *by the Grower. The recovered VAT would then be paid as a VAT bonus to the Growers in lieu of the price increase being sought. The Processors further communicated to the negotiating party that all future price increases would be secured through the Co-op and not through CBL, by the Co-op increasing the feed price and the flesh price to fund the agreed increases in price out of increases in the quantum of Flat Rate VAT recovered by the Co-op.*"

9. The plaintiff claimed that he had been advised by his own accountant that the use of the co-operative society for that purpose was fraudulent and that the plaintiff would have committed a crime had he participated. As a result, the plaintiff refused to participate in a co-op which was established in 2013. In 2015 the plaintiff ceased trading with the poultry processors involved. He claims that he sustained loss and damage as a result of his refusal to engage in what he believed to be VAT fraud. In very broad terms, the focus of the proceedings is on the response of the State, and particularly the Revenue Commissioners, to that scenario and his complaints.

10. Another feature of the manner in which the plaintiff addressed his concerns is that in 2018 he commenced separate proceedings (*Mohan & Ors v. Department of An Taoiseach & Ors*, 2018 6927 P). Those proceedings engage claims that emerged from much the same issues and overlap with some of the claims in these proceedings, but they are directed against a wider range of parties, including the Revenue Commissioners. Those proceedings remain extant and suggest that the loss and damage now claimed by the plaintiff are attributable to other parties.

11. As noted by Simons J., these proceedings were commenced on the 14 May 2020. The Revenue Commissioners delivered a defence in these proceedings on the 22 May 2021. The difficulty identified by Simons J. was that the case was presented as a claim for misfeasance in public office, but the plaintiff failed to plead the requisite ingredients of that tort. That issue crystallised when Owens J. refused the plaintiff's application for discovery in February 2024, finding that the shortcomings in the statement of claim were such that there was no basis for discovery, and the application was adjourned pending the outcome of an application to strike out that was proposed by the defendants.

12. The plaintiff's then solicitors indicated an intention to bring a motion to amend the proceedings, but that motion was not brought, and the solicitors came off record in July 2024. The defendant's strike out motion came on before Simons J. in January 2025. As recorded in his judgment, there was agreement that the ingredients of the tort of misfeasance in public office were set out in *Eustace v. Drogheda Borough Council* [2019] IEHC 455, which in turn considered *Kennedy v. Law Society of Ireland* [2005] IESC 23 and *Three Rivers District Council v. Governor and Company of the Bank of England (No.3)* [2003] 2 A.C. 1. Simons J. was satisfied for the reasons explained by him that the statement of claim was deficient and made clear that if the proceedings were to go to trial on the basis of the current pleadings (which remain the current pleadings) the action would have to be dismissed.

13. In addition, Simons J. noted that the claims against the Revenue and its officials related to events that occurred more than six years prior to the institution of the proceedings. Those events were claimed to have occurred principally in August / September 2014, and the complaints related to the responses of the Revenue to the issues raised by the plaintiff. That raised serious limitations issues. A final note is that the court commented on the "*non-linear and illogical structure of the statement of claim.*"

14. Having regard to the fact that the plaintiff then proposed to amend his statement of claim, the court on balance agreed to defer striking out the claim and to allow the application to amend to proceed. That was framed cautiously on the basis that a proposed amended statement of claim that had been prepared by the plaintiff was still deficient and still failed to plead the case properly. The court took a similar view in relation to the limitation period issues, noting that the proposed amendments may address that issue. Hence, as noted above, the court went no further than to allow an adjournment to facilitate the making of an application to amend.

SUBSEQUENT EVENTS

15. The plaintiff was permitted to make an application in proper form to amend the statement of claim, and that application was to be brought and served by the 27 March 2025. I pause to note that the plaintiff framed his subsequent actions as a response to the directions of Simons J. to amend the statement of claim. That framing is incorrect. The correct description of events is that Simons J. did not direct the plaintiff to amend his statement of claim. The direction was that *if* the plaintiff wanted the opportunity to apply to amend his statement of claim and thereby attempt to avoid the consequences of his deficient pleading, then that application was to be brought within a specified time-scale.

16. The application eventually came on for hearing before me on the 18 September 2025. At that hearing, it was clear that the proposed amendments were very strongly opposed by the defendants on substantial grounds. The plaintiff explained that he was continuing to seek out legal representation and expected to have that issue resolved. It was therefore apparent that even if the court permitted the amendment as it then was presented there was a strong prospect that there would be a further application to amend on foot of the receipt of legal advice.

17. In those premises, in order to ensure a fair opportunity to the plaintiff to present a properly formulated case, the court decided that the application to amend in effect should not proceed on that date and the plaintiff should have a final opportunity to obtain legal representation and prepare a proper draft amended statement of claim. Consequently, I made an order striking out the plaintiff's motion to amend his statement of claim while expressly permitting the plaintiff to file a subsequent motion to amend the statement of claim. The rationale of this approach, as considered in court with the parties was to provide the plaintiff with an opportunity to instruct legal representation. However, the court made clear that if legal representation could not be obtained, the proceedings will need to be progressed in some manner.

18. Throughout the course of events, the Revenue Commissioners did not expressly consent to the various adjournments but instead pragmatically accepted that it was appropriate to permit the plaintiff a reasonable opportunity to address his difficulties. That pragmatic course was both fair and reasonable, but at all times the Revenue Commissioners stressed their deep concerns not just about the delay and difficulties, but specifically about the manner in which the plaintiff utilised the court process to make adverse comments about the conduct of identified officials and lawyers.

19. The matter returned to court on a number of occasions and eventually the plaintiff retained solicitors and counsel. That legal team sought some time to obtain instructions, provide advice and formulate an amended statement of claim in proper form. The court made an "*unless*" type order on the 11 December 2025, effectively requiring the delivery of a draft amended statement of claim to the defendants before the 23 December 2025. The object of that course of action was to ensure that the defendants at least were in a position to form a view as to how they would approach the proposed application to amend. In the events, a document, in the form of a Revised Draft Amended Statement of Claim was furnished to the defendants on the 23 December 2025. On 28 January 2026, the court gave directions in relation to the issuing of a motion to amend.

20. Unfortunately, the relationship between the plaintiff and his legal representatives broke down and the solicitors applied to come off record by motion dated the 11 February 2026. That motion was heard on the 24 February 2026. The solicitors' application was grounded on a short affidavit that quite properly did not disclose the content of what had passed between the firm and their client, but which made clear that the relationship had broken down.

21. Nevertheless, the plaintiff took that opportunity to deliver a lengthy affidavit (44 pages) with extensive exhibits (circa 350 pages) which ventilated a large amount of commentary about the underlying claim and materials and discussions over which the plaintiff was entitled to assert privilege. I will not rehearse the detail of that affidavit save to note that it entirely supported the view that there was a fundamental difference of view about the case as between the plaintiff and his advisors. Frankly, this was not material that a plaintiff should have shared with the defendants or the court, and if he has a difficulty with the approach to his case advised by his then lawyers this was a matter for a different forum. In any event the court was fully satisfied that the application to come off record should be granted, and the order was made. To a very large extent, this meant that whatever progress had been achieved in the proceedings since September 2025 had been set at nought.

22. The plaintiff was afforded further time to prepare an amended statement of claim in the format that he wished to pursue and to bring an application to amend. That application encountered difficulties but eventually it was listed for the 21 April 2026.

GENERAL OBSERVATIONS

23. The proposed amendments involved the deletion of most of the existing statement of claim and its replacement with 513 paragraphs of closely typed material. The document produced before the court as the proposed amended statement of claim ran to 142 pages, which includes what the plaintiff refers to as a series of appendices. The application to amend was accompanied by 92 pages of written submissions.

24. It is important to pause at this stage to make some observations of general application to the situation that presented in connection with the application.

25. First, as noted above, it is almost impossible to make sense of or summarise the proposed claim within a reasonably concise judgment. The court has read the papers and will provide a high-level explanation for the decision that has been made.

26. Second, this is a case that, in the most general of terms, involves claims that for a very considerable period, emanations of the State and individual entities ignored or even encouraged and then covered up serious fraud. The extent of the issues and entities involved are extraordinary and it is clear that very serious allegations are levelled at many individuals and entities that are not parties to the proceedings. The claims are factually complicated and engage legal principles that are neither straightforward nor easily understood by the lay person.

27. Litigants are entitled to ignore their legal advice, to choose to represent themselves, and proceed to conduct proceedings in person. Insofar as reasonably practicable, the courts tend to afford litigants in person a degree of flexibility to reflect the fact that a person may have a case to agitate but lack the knowledge of the substantive law and practice and procedure to present or articulate it properly. The entitlement to act as a litigant in person does not exempt the litigant from the need to conduct the litigation properly; and the latitude afforded by courts cannot operate at the expense of treating the other party fairly or in a way that means legal principles and procedure are ignored.

28. Separately, the entitlement to act for oneself is not to be equated by a judicial imprimatur that this is a wise decision; very often it is far from wise. It has never been the case that litigation is a matter that can be conducted confidently without legal advice. The practice of law is complex and, among other matters, requires a firm grasp of the interlocking elements of substantive law, practice and procedure, and the laws of evidence. This is reflected in the fact that lawyers undergo extensive training and are subject to stringent regulation. Very few people would or should decide that they need their appendix removed without obtaining a medical view, let alone set about carrying out the operation by themselves. The entitlement to act as a litigant in person does not exempt the litigant from the need to conduct the litigation properly.

29. Third, there are two further guidelines that should be noted, and which will be adopted by the court in approaching this application. First, as noted by McGovern J. in *Doherty v. Minister for Justice, Equality and Law Reform* [2009] IEHC 246 at para. 14:

> "*Where the extent of the scandalous or vexatious pleading is sufficiently gross and extensive, it seems to me that it is not the function of the court to sift through the material in the statement of claim to see if, perhaps, somewhere within it, a claim can be found in proper form. The court is entitled to have regard to the document as a whole. There might well be cases where there is an isolated pleading here or there which may be scandalous or vexatious, but the greater part of the document contains pleadings in a proper form. In those cases, the courts can strike out the offending part of the pleadings.*"

30. While that case concerned an application involving slightly different concerns, for the purposes of this application, the point taken from the observations of McGovern J. is that it is not the task of the court to try to parse a deficient and prolix pleading to explore whether it can be shortened and reformulated to present a properly presented case. That is not the task of the court, and if it was undertaken, would involve the court in what in effect amounts to redrafting a pleading for the benefit of one party.

31. The second point relates to the degree of latitude that has been afforded to the plaintiff. Here the court is mindful of the observations of Butler J. in *Tesco Ireland v. Stateline* [2024] IECA 46 where she made the apposite comment at para 67, that, while the appellant there was entitled to be heard, "*the application was not an iterative one in which the court was obliged to enter into an exchange with the appellant identifying weaknesses in the appellant's case and affording the appellant an unlimited opportunity to mend its hand.*"

32. In this case, entirely properly in my view, Simons J. followed well established precedent and afforded the plaintiff an opportunity to apply to amend his statement of claim to address the issues that had been identified by the defendant. Since Simons J. gave judgment, the plaintiff retained and then parted ways with legal representatives and presented the defendants with a number of iterations of the proposed amended statement of claim. The plaintiff now has presented an entirely reformulated and far more extensive case. The process must be concluded and despite the difficulties that have been encountered the amendment must be addressed on its own terms. The court, having afforded the plaintiff ample opportunity to correct his pleadings, is not engaging in a dialogue or extensive back and forth with the aim of eventually obtaining a pleading that complies with the relevant legal requirements.

THE PROPOSED AMENDMENTS

33. The plaintiff has produced a vast amount of documentation and detail to the court, which he considered relevant to the claims that he seeks to make. The most recent documentation includes material that the plaintiff obtained from the European Commission DG for Taxation and Customs Union, which he contended supports his claim that Ireland accepted an overcompensation risk in 2016 and 2017.

34. In his written submissions, he framed his claims as stemming from the fact that since 2007 he had been advised that the VAT structures employed in the poultry/broiler sector involved fraud. He complained about the termination of a valuable contract with a poultry processor in 2016 and the apparent refusal of other processors to deal with him, and the consequent effects on his business and standing in the farming sector. The plaintiff claimed that his difficulties are attributable to the actions of the State in their oversight and complicity in the VAT regime with which he refused to participate. According to the plaintiff, every material factual allegation he has been making since 2014 has been confirmed by the State. He claimed that he is entitled to be compensated in the amount of circa €32 million. The scope of the proposed amendments is illustrated, but perhaps minimised, by his introduction to the draft amended statement of claim where it is said:

> "[The proceedings] *arise from the systematic misuse of the flat-rate VAT addition for farmers in the broiler sector over a period exceeding thirty years and from the coordinated actions of the Defendants in conceiving, implementing, maintaining, and defending that misuse, causing loss and damage to the Plaintiff ...*"

35. The introduction to the draft amended statement of claim outlined that it addresses the deficiencies identified by Simons J. by more detailed pleading of Francovich type claims (*Francovich v. Italy, Case C-6/90*) and misfeasance in public office claims, and sets out a response to Statute of Limitation issues by raising issues of discoverability and concealment points.

36. The plaintiff also contended that the case is strengthened by matters that he recently discovered from the European Commission and what he described as "*corrective admissions*" made by the Government. The plaintiff expressly acknowledged at para 6 of his proposed pleading that "*the amendments to this Statement of Claim are, in their cumulative effect, of such magnitude as to render it, in substance, a new pleading.*" Strikingly, the plaintiff purported to reserve the right to bring separate proceedings against individuals named in the draft amended statement of claim, "*if the outcome of these proceedings does not adequately compensate the Plaintiff for the totality of the loss and damage suffered.*"

37. The extent of the proposed pleading is highlighted by para 17 where the plaintiff states that his claim is not focussed on "*isolated events or episodic administrative failures*" but instead is a "*history of a coherent programme of action … over a period exceeding thirty four years*" from February 1991 to June 2025. Hence, the claim is not directed to specific actions, or not just restricted to specific actions, but seeks to encompass, as far as I can ascertain, the entire State policy relating to VAT in the poultry sector from 1991 to date. As such, the draft amended statement of claim sets out factual contentions that span 34 years of decision-making and actions, and suggests that what is in contemplation is more in the nature of a full-scale tribunal of inquiry process with extremely broad terms of reference rather than a legal case.

38. In parallel with the pleaded case relating to the overall government approach to VAT, the plaintiff has sought to plead a detailed narrative of his own business endeavours and the business endeavours of others, together with a narrative of the business practices of the poultry sector including matters relating to insurance issues. The claims identify multiple potential witnesses and their actions, including claims levelled at the legal representatives of the defendants and lawyers approached or retained by the plaintiff.

39. The appendices to the draft amended statement of claim are very lengthy and detailed. In his appendix titled "*Misfeasance Grid*" the plaintiff claims to have identified over eighty acts of misfeasance in public office. There is a second appendix that sets out "*supplementary particulars*" of the claims; a third appendix that sets out particulars in relation to claims concerning the plaintiff's business endeavours (which concern claims against entities that are not parties to the proceedings and about companies in which the plaintiff was an investor); a schedule setting out further particulars of what appear to be governmental and interdepartmental decision-making related to the VAT issues; a schedule setting out claims about the involvement of social partnership and industry decision making; and three lengthy appendices that provide further particulars dealing with a "*technical analysis*" of the "*rolling average system*"; a summary of the discovery that the plaintiff intended to seek; and particulars of Garda misfeasance.

40. A stark illustration of the breadth of the case can be extracted from the discovery proposed by the plaintiff in one of the appendices to the draft amended statement of claim. Without setting out an exhaustive account of what the plaintiff stated he wants to obtain, the discovery appendix sets out multiple categories of documents, including documents predating 1991, that will be sought from entities such as Enterprise Ireland, the Department of Agriculture, the Department of An Taoiseach, KPMG, the Competition and Consumer Protection Authority, Bank of Ireland, FBD Insurance plc, the Cabinet, co-operatives, and the Garda National Bureau of Criminal Investigations. The document concludes with a reservation of the right to seek further documents under a variety of headings.

DISCUSSION AND ARGUMENTS

41. The general principles relating to an application to amend a pleading are very well established. O. 28, r. 1 of the RSC gives the court the power to allow an amendment at any stage of the proceedings, subject to the proviso that the proposed amendments must be necessary for the purpose of determining the issues in controversy.

42. The Court of Appeal in *Stafford v. Rice & Ors* [2022] IECA 47 has reiterated the applicable principles, and those are set out by Collins J. at para. 23 of his judgment. What is permitted are amendments that could have been pleaded *ab initio*. The general approach is intended to be understood liberally, and, generally, the amendments must be directed to matters that are necessary to determine the real issues in controversy between the parties, being issues arising from the subject matter of the proceedings. There are unresolved questions as to how the court should approach a proposed amendment that would deprive the other party of the benefit of a defence under the Statute of Limitations.

43. Finally, while the court is not generally concerned with the prospects of the amended claims' success or failure at trial, the Court of Appeal noted at para. 23 (13), that:

> "*Where, however, it is manifest that an amended claim is doomed to fail, the amendment should not be permitted. Requiring a defendant to plead and defend such a claim may be seen as a form of prejudice*."

44. The latter point is particularly relevant to this application. A claim may be doomed to fail for a variety of reasons. This can be linked with the principle that the amendment must be something that could have been pleaded *ab initio*. I consider that it is not appropriate for the court to permit a party to amend pleadings if the result is that the consequent pleading is one that could not be allowed to proceed on the basis of the existing rules, i.e. by way of examples, it is a claim that very clearly would be struck out on the basis that it is scandalous, abusive, prolix, prejudicial, unnecessary or fails to disclose a reasonable cause of action, as those terms are understood in the case law relating to applications pursuant to Order 19, rules 28 and 29.

45. Moreover, the pleading must as a bare minimum comply with the basic requirements set out in Order 19, rule 3:

> "*Every pleading shall contain, and contain only, a statement in summary form of the material facts on which the party pleading relies for his claim or defence … but not the evidence by which they are to be proved.*"

46. Faced with a draft amended statement of claim of this type, the defendants quite properly in my view chose not to engage in a point-by-point analysis of the documents. Instead, the defendants began from the point that what was put before the court clearly did not comply with Order 19, rule 3, pointing to the well-established principles articulated in cases such as *McGee v. O'Reilly* [1996] 2 I.R. 229, *ASI Sugar Limited v. Greencore Group plc* (unreported High Court, Finnegan P., 11 February 2003) and *Begley v. Damesfield Ltd & Ors* [2020] IECA 171.

47. I am satisfied that this must be correct. The rules relating to how a case should be pleaded are not esoteric or exist for their own benefit, they are the product of extensive experience and are directed to ensuring that litigation is manageable and fair to both parties. This is not simply a situation where the proposed pleading contains material that blurs the line between statements of material facts and proposed evidence. To the extent that it is capable of being understood as a pleading or a description of the claims that the plaintiff seeks to progress, the draft amended statement of claim contains hundreds of pages of factual assertion and narrative with very little comprehensible linkage to properly formulated legal claims.

48. This is a problem that, if permitted to proceed, would lead to an entirely unmanageable pre-trial situation and, in all likelihood, an equally unmanageable trial. Any defendant, even the most resourced, that wished to dispute this claim would be faced with the almost impossible task of having to attempt to plead a defence to a document that is wildly prolix and largely incomprehensible. If the defendant chose simply to attempt to deliver a "traverse defence" this immediately will lead to a discovery request – already flagged in an appendix to the pleading – that would present extraordinary and enormously prejudicial challenges. In addition, it is hard to imagine the difficulty that would be encountered in preparing for trial by seeking to identify and preserve evidence, seeking to identify and locate potential witnesses or obtain expert witnesses.

49. Fundamentally, I am not expressing a concern that the litigation will be extensive, complex or difficult. Courts and litigants regularly have to deal with cases of enormous complexity. The problem here is that the draft amended statement of claim is so prolix and poorly pleaded that the court is fully satisfied that it will be impossible for the defendant to understand with any confidence the case that it is expected to meet, and that would lead to extreme unfairness and prejudice.

50. In as much as the court has been able to understand precisely what the plaintiff seeks to claim in the draft amended statement of claim after a number of readings, it is also reasonably clear that the plaintiff has not in fact addressed the concerns expressed by Simons J. regarding the existing statement of claim. The 2018 proceedings remain extant and overlap considerably with the present proceedings. The issue of causation in light of those extant proceedings remains very unclear. The misfeasance in public office elements also remain unclear, and the thrust of the claim fundamentally appears to be that identified Revenue officials unreasonably failed to exercise discretion rather than engaged in misfeasance; this in turn raises a very real issue about whether and to what extent the Order 84 time limits applicable to judicial review proceedings should apply here. Furthermore, the proposed amendments raise very serious issues regarding the operation of the Statute of Limitations.

51. Notwithstanding those serious deficiencies, the primary reasons why the court will not accede to the application to amend the statement of claim are that it is prolix, disregards the provisions of O.19, r. 3 of the RSC, is incapable of being properly pleaded to by the defendants, and, if permitted, highly prejudicial in terms of its effect on the proper future conduct of the litigation.

52. In those premises, the court will refuse the application to amend the statement of claim. That being so, it seems clear on the basis of the earlier judgment from Simons J. in these proceedings that the manner in which the existing statement of claim has been pleaded must also lead to the proceedings being struck out as bound to fail and / or failing to disclose a reasonable cause of action.

53. As this judgment is being delivered electronically my provisional view is that the defendants should be entitled to their costs to be adjudicated in default of agreement. However, in case the parties or either of them seek a different form of order I will list the matter before me for final orders at 10.30am on Tuesday, the 28 July 2026. While the plaintiff will be disappointed by this outcome, it has to be made clear that the purpose of the next hearing is solely to deal with final orders, and the court does not intend to entertain arguments regarding the substance of this judgment.