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<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS No: 19/109972/A01
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IN HIS MAJESTY’S COURT OF APPEAL IN NORTHERN IRELAND

IN THE MATTER OF THE ESTATE OF HUGH FITZPATRICK (DECEASED)

**The applicant appeared as a Litigant in Person
Mr Fletcher (instructed by Comerton & Hill Solicitors Ltd) for the Respondent**

Before: Keegan LCJ and Humphreys J

KEEGAN LCJ (delivering the ex-tempore judgment of the court)

Introduction

[1] We have had the opportunity to read the papers before we convened this hearing. We have also had the opportunity to hear from Mr Darren Fitzpatrick and Mr Fletcher. Therefore, we can provide a ruling in relation to this matter today.

[2] Mr Darren Fitzpatrick appears as a litigant in person and wishes to pursue an appeal from an order of Mr Justice Huddleston (“the judge”) of 17 June 2025 which was amended on 30 July 2025. This was an interlocutory order in an action concerning the estate of Hugh Fitzpatrick deceased brought by his wife Mary Fitzpatrick and children Martin Fitzpatrick, Elaine Hughes, Fiona Farrell, Shona Ward and Darren Fitzpatrick against Donard King as executor of the estate. The court ordered, upon hearing the second and sixth named plaintiffs and counsel for the defendant:

“That pursuant to Article 5 of the Administration of Estates (Northern Ireland) Order 1979 and the inherent jurisdiction of the court, James Albert Gordon Wilson ... be appointed administrator of the estate of Hugh Fitzpatrick, deceased ...”

[3] The plaintiffs dispute a will Hugh Fitzpatrick purported to make with a solicitor Donard King.

[4] We have a bundle filed by Mr Fitzpatrick which includes a notice setting out his grounds of appeal. We have accepted that as a valid notice and take no issue in relation to time.

The appeal

[5] The primary ground of appeal raised by Mr Fitzpatrick is that the order made by the judge is void as it proceeded on a basis of misrepresentation and procedural fraud because Mary Fitzpatrick, who died in July 2021, remained listed as a plaintiff in the original proceedings namely writ action 19/109972. So, the first substantive ground of appeal is that because Mary Fitzpatrick died after proceedings were issued and was not substituted as a plaintiff, the order of 17 June 2025 is void.

[6] The second ground of appeal is in relation to the appointment of Mr James Wilson as administrator *pendente lite* or in the meantime whilst the questions regarding Mr Hugh Fitzpatrick's estate which flow from validity or otherwise of the will remain undetermined. This was the order made on 17 June 2025 by the judge. Mr Fitzpatrick maintains that this appointment was unlawful.

[7] There are some other subsidiary grounds of appeal, none of which are critical, we consider, to these two substantive points upon which Mr Fitzpatrick has relied.

Our decision

[8] We are very clear that there is no merit in the first appeal ground, which is that the order is void due to the naming of a deceased plaintiff, Mary Fitzpatrick. The argument set out by Mr Fletcher is unassailable, namely that one deceased plaintiff in these proceedings does not invalidate the entire proceedings. There can validly be a substitution in any event, and an application is now before the court. The answer is found in is Order 2, rule 1 and Order 15, rule 6(1) as Mr Fletcher says, of the Rules of the Court of Judicature (Northern Ireland) 1980 ("the Rules") in that no cause of action is defeated by a procedural irregularity.

[9] The only authority relied on by Mr Fitzpatrick is a case of *Re Dalton* [2020] NICA 27 which is a decision of the Court of Appeal in a judicial review where a deceased applicant had to be substituted for the claim to proceed. Two purported paragraphs are relied on by Mr Fitzpatrick from that decision.

[10] The *Dalton* case is obviously very different from this case because here there are other plaintiffs who are not deceased. So, this is not applicable law. In any event, worryingly, Mr Fitzpatrick has quoted two paragraphs which do not actually appear in the judgment. He tells us that is "from the internet." The quotations are wrong, and so the internet is wrong. This is a warning to Mr Fitzpatrick and others that reliance on the internet for quotations is a dangerous enterprise, and this court will not countenance arguments being presented in this way.

[11] The first ground of appeal which asks us to void the judge's order because Mary Fitzpatrick remained named is entirely misconceived. The proceedings were lawfully brought in 2019 at a time when she was alive and she subsequently died. There should have been a substitution and there will be now. However, that does not invalidate the proceedings that were originally brought, and it does not invalidate the order under Order 15, rule 7 of the Rules as Mr Fitzpatrick maintains.

[12] Turning to the second ground of appeal the argument that the appointment of Mr Wilson was without lawful basis is also doomed to fail. That is because as Mr Fletcher says, on the day the order was made there was an identified executor, Mr King. However, given the challenge to the will the court decided, it seems to us, perfectly reasonably and within the judge's discretion, to appoint an administrator in the meantime. So, it is a perfectly lawful appointment. It also makes sense given the dispute within the family as to the will of Hugh Fitzpatrick and what should happen with the administration of the estate. This ground of appeal does not have any traction at all.

[13] We also find no merit in any of the other grounds of appeal in relation to unfiled documents or unlawful documents, or procedural unfairness, grounds 3 and 4. Grounds 5 and 6, have no coherence. Hence, all of the grounds of appeal are destined to fail for obvious legal reasons which are set out in Mr Fletcher's position paper. That deals with this appeal before the Court of Appeal, but we do wish to comment on the case more generally to hopefully assist Mr Fitzpatrick and his family.

[14] First, there seems to be a misconception that "there is nothing left to do" in this case because certain steps seem to have been taken in relation to Mary Fitzpatrick's estate by her executor. We want to dispel any notion that you can take lawful steps in relation to Mary Fitzpatrick's estate at present. She was a residuary beneficiary under Hugh Fitzpatrick's will. That Will is yet to be proven. As a result, the estate of Hugh Fitzpatrick remains to be administered. The submissions made by Mr Fletcher that Mr Wilson has lodged inhibitions with the Land Registry to prevent any dealing with the assets of Hugh Fitzpatrick confirms the current position. He has duties to protect the estate pending resolution of the issues which he is exercising.

Moving forward

[15] What is the issue in this case? Well, it is very simple. There is a dispute as to whether the document that we have seen and Mr Fitzpatrick has referred to, which purports to be a will of Hugh Fitzpatrick is valid. In many cases in our jurisdiction, arguments are raised about the validity of wills. That is why some members of this family brought a case as far back as 2019 to dispute the will. Certain steps were taken in relation to that case, including setting down, but it remains undetermined along with a further case brought by Mr Fitzpatrick in relation to land claiming proprietary estoppel.

[16] This case has taken too long to get to a position where the core issue remains undetermined. And so, what we propose to do is as follows. We dismiss this appeal, as we have said, which is totally without merit. However, we are going to issue some directions for the progression of the remaining cases before the court. There are two writs, the original writ that was issued disputing the will, and Mr Fitzpatrick writ claiming proprietary estoppel. They should be heard together before the Chancery Court alongside two applications now brought by Mr Wilson. One application is for substitution which is to regularise the position following the death of Mary Fitzpatrick. The other application is a dismiss application which Mr Fletcher accepts is not going to be pursued. In any event, all of the above will be listed before the Chancery Judge for case management on 8 December 2025. That will be before a different judge who will determine this case with a blank page.

[17] We ask Mr Wilson to give notice to anybody who is already a party to any of these actions or any potential beneficiaries that they can either write to the court in advance of 8 December 2025 setting out their position or appear on that date to make their point in relation to Hugh Fitzpatrick's estate. With good case management there is no reason why a final hearing of all of these matters cannot occur early in the new year. That is what needs to happen in this case.

[18] In the meantime, Mr Fitzpatrick and his family should be aware that Mr Wilson is validly appointed to protect the estate as administrator and there can be no other dealing with it. By that we include anything to do with Mary Fitzpatrick because her estate is reliant on what happens with Hugh Fitzpatrick's estate. We hope that much is clear.

Conclusion

[19] The appeal is dismissed. We will make an order for costs against Mr Fitzpatrick personally.