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*Judgment: approved by the court for handing down (subject to editorial corrections)**	*Delivered:*	**06/06/2025**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

FAMILY DIVISION
(MATRIMONIAL OFFICE)

Between:

MQ

Petitioner

and

AQ

Respondent

Ms Robinson (instructed by Ciaran Rafferty, Solicitors) for the Petitioner
The respondent acted as a litigant in person with Mr Junk as his McKenzie friend

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McBRIDE J

Introduction

[1] On 27 July 2020, the Court of Appeal ruled that Ground 8 of AQ's appeal against my judgment dated 23 November 2019 was established in part ([2020] NICA 41). The eighth ground of appeal contended that I had fallen into error of law in accepting the valuation report provided by Templar Consultants on behalf of MQ in respect of the Chapelside properties in London, in circumstances where AQ had not had sight of this valuation report until after the hearing and had, therefore, not been able to consider and respond to it. The Court of Appeal concluded that this amounted to procedural unfairness. In the exercise of its powers the Court of Appeal remitted the case for adjudication on this single ground of appeal.

[2] The purpose of the remittal was to give AQ an opportunity to consider and respond to the valuation report so that this court could thereafter consider whether, in light of his submissions, it should change its decision regarding the valuation to be placed on the Chapelside properties and if so, how this impacted on its decision regarding the division of assets.

Events since the Court of Appeal hearing

[3] There has been considerable delay in this case since it was originally remitted to this court. Initially, there was delay as AQ sought leave to appeal to the Supreme Court. This was refused in October 2021. On 1 November 2021 this court directed that MQ should provide the Templar Consultants' valuation report to AQ and he was given 21 days to provide written submissions in respect of that report. The valuation report was provided by MQ to AQ. AQ sought to engage an expert and directions were given on 7 December 2021 regarding time limits to obtain and share this report.

[4] Subsequently, AQ advised the court that he had been made bankrupt in London and indicated he was appealing the bankruptcy decision. He failed to lodge an appeal within the time limit and had to seek leave to extend time to appeal the bankruptcy order. For reasons, which were not the fault of AQ, there was very considerable delay in dealing with his application to extend time. Time was extended and his appeal was heard and dismissed in May 2023. The Trustee in Bankruptcy then proceeded to deal with the administration of his estate.

[5] Given the involvement of the Trustee in Bankruptcy, this court sought further detail in respect of the Trustee's attitude to participating in the proceedings in Northern Ireland. The Trustee in Bankruptcy confirmed in writing to this court that he would not be playing any part in these proceedings.

[6] On 12 December 2023, the court gave AQ further opportunity to make written submissions to this court about the valuation report of Templar Consultants.

[7] AQ failed to engage in the court proceedings. He failed to attend court, failed to give instructions to his McKenzie Friend, Mr Junk and failed to make any submissions on the Templar valuation.

[8] On 29 May 2024, the court gave AQ a further opportunity to file written submissions. No written submissions were received from AQ.

[9] The case was then fixed for hearing on 20 January 2025. At this hearing I heard submissions from MQ's representative, Ms Robinson of counsel, and I also had the benefit of written submissions made on MQ's behalf and gave an extempore ruling affirming the court order dated 23 October 2019 and reserving costs.

[10] In the ex tempore ruling I set out my reasons for affirming the order dated 23 October 2019 in the following terms:

> "[a] The Court of Appeal remitted this matter on the basis of procedural unfairness arising from the fact [AQ] did not have the opportunity to make submissions on the

final valuation report provided by Templar in respect of the Chapelside properties.

[b] [AQ] has now received the valuation report of Templar Consultants. Despite several court orders directing him to file written submissions in relation to this valuation report, he has failed to do so. More recently he has failed to attend court or give instructions to his McKenzie Friend.

[c] In the absence of any submissions from [AQ], or any new evidence, I consider that there is no basis upon which I should change my original view to accept the valuation report provided by Templar Consultants in respect of the Chapelside properties.

[d] Secondly, [AQ] is now bankrupt and all his assets vest in the Trustee in Bankruptcy. The Trustee in Bankruptcy has advised this court that he does not intend to participate in these proceedings and, therefore, no contrary submissions have been received from the Trustee in Bankruptcy regarding the valuation of Chapelside. For this reason, I also consider there is no reason to change my original decision to accept the Templar valuation report.

[e] Thirdly, the Chapelside properties are held jointly by [AQ] and his brother. [MQ] has no legal interest in these premises. In due course the Trustee in Bankruptcy will sell these properties and [AQ's] share will be used to pay his creditors.

[f] In these circumstances, I affirm my original order.

[g] MQ has now applied for consequential directions in relation to enforcement of the court's orders and, I direct, that the application for consequential directions be listed for review."

[11] Following the hearing on 10 January 2025, it was brought to my attention that AQ had written to the court prior to the 10 January hearing advising that he had only just become aware of the hearing date as he had had no communication from the court since May 2024. He advised that he had been unwell and was medically unfit to attend court. He then set out some submissions regarding the valuation of Chapelside.

[12] In his submissions he contended that the Templar valuation adopted the wrong valuation methodology and the court therefore erred in relying on this valuation and otherwise erred in not valuing the property based on a minority interest.

[13] In light of his correspondence I listed the case for directions on 7 February 2025. AQ wrote to the court on 6 February indicating he had not been formally advised of the hearing date and indicated he was medically unfit to travel to Belfast. A short medical report was enclosed from his GP stating he was not fit to travel nor fit to attend court.

[14] On 7 February 2025, I ordered that:

> "(1) [AQ] to provide a medical report to the court on or before the 25 February which states whether [AQ] is fit to attend court and participate in proceedings. In the event he is not fit to attend and participate the report should set out when he would be able to attend court and participate. The report should further advise what if any special measures would assist [AQ] in being able to attend and participate in court proceedings including attending remotely or by making written submissions.
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> (2) Liberty granted to Rafferty & Co solicitors to file reply to [AQ's] letter/submissions on or before 21 February 2025.
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> (3) This application shall be adjourned until 27 February at 10 am for review."

[15] This order was emailed by the court office to AQ on 11 February 2025 and sent in hard copy via post.

[16] On 21 February 2025, AQ wrote to the court attaching some medical records and reports. He stated that he would be better placed to state when he would be fit to attend court after he met his consultant on 6 March 2025.

[17] At review hearing on 27 February 2025, the court ordered that AQ provide a report from his consultant which set out when AQ would be able to attend court and detail what special measures would help him attend court. The report was required to be lodged by 20 March 2025.

[18] On 26 March, AQ corresponded with the court and provided some medical notes and a report which appeared to be from his consultant. This report did not address the matters required by the court order. In his correspondence AQ stated that he was undergoing further medical intervention and would be able to advise

after 14 April 2025 whether he was fit to attend court and what special measures would be required.

[19] On 27 March 25 the court ordered that a medical report be lodged on or before 28 April 2025 setting out when he would be fit to attend court and what special measures were required. The order further provided that the court would make a decision on 1 May 2025 regarding AQ's ability to attend court and further ordered that in the event the court determined he was fit to participate it would set a date for hearing. The case was adjourned to 1 May 2025.

[20] On 3 April, AQ sent in further medical evidence which did not fulfil the requirements of the court order.

[21] On 7 April 2025, AQ was advised by email by the court office that the court considered he had failed to comply with the orders dated 7 and 27 February 2025 and the court noted his email dated 26 March did not provide vouching documentation in relation to the assertions made in the letter. He was then provided with a copy of the court order dated 27 March and advised "In the event this order is not complied with Madam Justice McBride has asserted that the court will proceed to issue the judgment dated 29 (*sic)* 2025." On 1 May the case was adjourned and the parties were advised it was listed on 8 May.

[22] On 7 May, AQ corresponded with the court office advising he had had medical intervention on 24 April and disputed the court's finding he had failed to comply with its orders. He did not provide any updated medical information and advised he had difficulty obtaining a report from his consultant. He requested a delay of three months.

[23] On 8 May, AQ did not attend court. I confirmed my finding that AQ had failed to abide by the court orders requiring him to file medical evidence despite being given numerous opportunities to do so and had failed to adequately explain why he had not provided this information despite the passage of several months from the date this information was first requested. I considered his correspondence did not adequately explain why he had not requested this information earlier. Rather the emails indicated he had not taken proactive steps to obtain the medical information when the court had first required him to do so. I further considered that there should be finality in the litigation in light of the very substantial delay in proceedings to date and that the parties, including MQ, were entitled to have finality. Further, I considered that AQ had been provided with the Templar report and had provided written submissions on it and therefore the failure of procedural unfairness identified at the first hearing by the Court of Appeal had now been remedied.

[24] After considering the written submission he had filed in January and the submissions of MQ I determined that the court order dated 2019 stand for the reasons set out in my ex-tempore ruling. At this juncture I pause to note that AQ's

written submissions largely amounted to a rehearsal of arguments which were aired before and dismissed by the Court of Appeal

[25] On 9 May, AQ again wrote to the court stating he had attached evidence relating to his requests from the NHS for a report to comply with the court order. No evidence was attached. The court office advised the case had been finalised and the order would be issued in due course. Later correspondence from AQ indicated he had first requested a report from his consultant on 30 April 2025, thereby confirming the view I had reached that he had not requested the information sought by the court orders dating from 7 February 2025 in a timely manner and therefore confirmed my view that he had failed to abide by the court orders without good cause.

[26] I order as follows:

It is ordered that:

1. The order dated 23 October 2019 is affirmed.

2. The costs of this remitted action and the application for consequential directions shall be listed for hearing on (date).

3. Time for appeal runs from the date this order is emailed to the respondent AQ.

[27] I will now hear submissions in respect of costs and date for consequential directions.