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Update: My possession case sees significant development.

For immediate release

**Monday 6 October 2025.
Rhode,
Co. Offaly.**

Tom Roche hails registrar's decision, which reinforces Res Judicata Defence

Tullamore Circuit Court – Today, October 6th 2025 in the ongoing possession proceedings concerning my property, at Rathcobican, Rhode, Co. Offaly important directions were issued by the Offaly County Registrar that upholds my procedural position and defer the substantive legal arguments to a Circuit Court Judge. This represents a significant step forward in my defence against the current Plaintiff's claim.

Today's hearing reinforces that the Registrar lacks Jurisdiction on substantive issue: The County Registrar confirmed that my primary defence, centred on the principle of res judicata, constitutes a substantive legal issue., "substantive" law deals with the actual rights and obligations of the parties involved. It's about what the law says you can or cannot do, and whether a claim fundamentally exists.

As such, it falls outside the Registrar's jurisdiction to determine. This means the Registrar cannot rule on my argument that this entire claim for possession is barred because the exact same cause of action was definitively "Struck Out" with "No further Order" against the Plaintiff's predecessor in title PTSB back in 2015.

Critically, instead of sending both motions before the judge the Registrar was impeccable in his job by ensuring that the plaintiff answered my affidavits and no outstanding affidavits or replies were undealt with, this I must commend him for doing his job with passion in a fair just and reasonable way. The Registrar ordered the Plaintiff to file an affidavit in reply to my last affidavit (supplementary). This is a crucial procedural step they (the Plaintiffs) had previously failed to take, indicating a lack of proper engagement with my documented position.

Furthermore, the Registrar affirmed that, given my appearance in court and the formal filing of my Defence, the Registrar lacked the power under Order 18 of the Court Rules to grant the Plaintiff an immediate order for possession. My active participation and the lodging of a defence means the case cannot proceed to an order by default at this level.

My defence relies heavily on res judicata, Latin for "a matter is already judged" (equitable principle as a cause of action, estoppel means the plaintiff cannot go back over something already finished. They are estopped), this is a powerful legal principle that prevents the re-litigation of a claim already conclusively decided by a court. The 2015 court order, which unequivocally "Struck Out" the original bank's proceedings with "No further Order," serves as a final judgment. As the current Plaintiff is a successor in title to that original bank (PTSB), they are legally bound by that prior decision and cannot simply revive a claim that was already dismissed.

Today's outcome means the Plaintiff cannot obtain a quick or default possession order. They are now compelled to address my arguments properly, starting with responding to my affidavit. The case will be referred for hearing before a Circuit Court Judge, who will have the necessary jurisdiction to fully consider and rule on my substantive res judicata defence.

This development ensures that due process is followed and that the finality of previous court decisions is respected. I remain steadfast in my defence and confident that the legal principle of res judicata will ultimately lead to the striking out of this current claim.

Tom Roche