

Appeal No. VA89/0/064

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL  
AN tACHT LUACHÁLA, 1988  
VALUATION ACT, 1988**

**Des Moody**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Snooker Hall Main Street, Maynooth, Co. Kildare  
Quantum - No appearance by appellant

**B E F O R E**

**Henry Abbott**

**S.C. Chairman**

**Brian O'Farrell**

**Valuer**

**Veronica Gates**

**Barrister**

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 10TH DAY OF NOVEMBER, 1992**

By notice of appeal dated 4th August 1989, the appellant Mr Desmond Moody appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £80.00 on the above described hereditament.

The appeal was submitted by Mr Patrick Nelligan, Solicitor, on behalf of the appellant.

The appeal was listed for hearing before the Tribunal on 16th March 1990. A letter was received by facsimile on 15th March 1990 from Mr Brian Grogan of Alphonsus Grogan & Co., Solicitors, 33, Lower Ormond Quay, on behalf of Mr Brian Noone who is the owner of the subject premises

of which Mr Moody was a tenant. Mr Grogan stated " The Appellant's tenancy terminated on the 7th December 1989 but Mr Noone was not aware until four weeks ago, that an Appeal had been lodged for a revised valuation. We sought full details from the Appellant's Solicitors but were advised that all Documentation had been furnished by Mr Moody to our client. Mr Noone has informed us that he received nothing from Mr Moody and we have again demanded the Documentation and details relating to the Appeal.

Clearly, our client is not at present in a position to take over this Appeal and decide whether to further pursue it, without first having details of Mr Moody's claim. We therefore request an adjournment of the Hearing on the 16th instant for at least two months as we expect to have certain difficulties in obtaining Mr Moody's assistance."

The appeal was adjourned and by letter dated 30th April, 1990 the appeal was listed before the Tribunal for hearing on 21st May 1990. By letter dated 4th May and received in the Tribunal on 14th May 1990, Mr Grogan stated

" We acknowledge receipt of your correspondence of the 30th. ult. in connection with the above. As pointed out in ours of March 15th. last, Mr Moody is no longer in possession of these premises, as same have reverted to our client, Brian Noone, as Landlord. We have made every effort to obtain information from Mr Moody and his Solicitor as to the grounds of their appeal but have not been furnished with a satisfactory response. Our client is at present pursuing this matter with his own Auctioneer and Valuer and we hope to be in a position to revert to you shortly with a summary of evidence."

At the oral hearing on the 21st May, 1990, Mr Brian Grogan appeared on behalf of Mr Noone. Mr Pat Berkery appeared on behalf of the respondent. Mr Grogan said that his client Mr Brian Noone had taken over the appeal. He said that he now required time to instruct a valuer to carry

out an assessment of the building. This request for an adjournment was granted, although Mr. Berkery on behalf of the respondent stated that this was the second time that the case was adjourned and that the respondent had appeared on both occasions.

**ORAL HEARING:**

A further hearing took place on the 17th August, 1990 at which there was no appearance for the appellant. The Tribunal heard evidence from Mr. Berkery on the lines of his written submission which is attached herewith.

**DETERMINATION**

The Tribunal upholds the decision of the Commissioner of Valuation.