



## Does it Serve to Enquire?

### Obligations on a Summons Server to Make Reasonable Enquiries

June 2017

The recent decision in [Gladney v Raymond](#) (Unreported, High Court, Humphreys J., 29 May 2017) [2017] IEHC 347 provides welcome clarification and assistance to summons servers as to what a court will consider to be sufficient and reasonable enquires when seeking to serve proceedings on a defendant.

In *Gladney* following unsuccessful attempts to effect personal service of a summons and open enquires as to a defendant's whereabouts an application for substituted service was made. The court examined how detailed those enquiries must be and how specific must a plaintiff's affidavit evidence be in relation to the precise details of the local enquiries made?

#### Facts

The plaintiff in this case was the collector general for the Revenue Commissioners who was claiming €184,545.68 from the defendants. A summary summons was issued in December 2016 and attempts at personal service were made on three occasions between March and April 2017. In attempting to effect personal service no one answered the door when the summons server attended at the defendant's premises. The plaintiff's summons server made local enquiries by asking the neighbours to see if the defendant resided at the premises in question. Unable to effect personal service, the plaintiff then made an *ex parte* application for the summons to be delivered by post.

In clarifying the extent of enquiries which a summons server must

For further information on any of the issues discussed in this article please contact:



**[John O'Riordan](#)**

DD: + 353 (0)1 673 1792

[john.oriordan@dilloneustace.ie](mailto:john.oriordan@dilloneustace.ie)



**Laura Butler**

Litigation PSL

DD: + 353 (0)1 673 1850

[laura.butler@dilloneustace.ie](mailto:laura.butler@dilloneustace.ie)

make and addressing the question as to whether or not the summons server must obtain specific names of the neighbours who were approached in trying to locate a particular defendant the court noted three arguments as to why it would not be appropriate to obtain that information:

- 1) The grounds needed for a belief that the defendant is residing at a particular place are satisfied by a general local enquiry.
- 2) The need for specific names at the *ex parte* stage is unnecessary and in the court's view there is minimal gain in obtaining this additional granular detail.
- 3) It would not be appropriate to expose neighbours to possible blowback from angry defendants if their names were disclosed.

## Conclusion

In conclusion and offering clarification the court held that it is appropriate for summons servers to carry out general local enquiries only and that there is no need for specific names to be sought from any neighbours who were spoken to in assisting in the service of the summons.

**Dublin**

33 Sir John Rogerson's Quay, Dublin 2, Ireland. Tel: +353 1 667 0022 Fax: +353 1 667 0042.

**Cayman Islands**

Landmark Square, West Bay Road, PO Box 775, Grand Cayman KY1-9006, Cayman Islands. Tel: +1 345 949 0022 Fax: +1 345 945 0042.

**New York**

245 Park Avenue, 39th Floor, New York, NY 10167, U.S.A. Tel: +1 212 792 4166 Fax: +1 212 792 4167.

**Tokyo**

12th Floor, Yurakucho Itocia Building, 2-7-1 Yurakucho, Chiyoda-ku, Tokyo 100-0006, Japan. Tel: +813 6860 4885 Fax: +813 6860 4501.

**DISCLAIMER:**

This document is for information purposes only and does not purport to represent legal advice. If you have any queries or would like further information relating to any of the above matters, please refer to the contacts above or your usual contact in Dillon Eustace.

**Copyright Notice:**

© 2017 Dillon Eustace. All rights reserved.