

granted. In this case it has not been argued that System Sales is not ready and willing to perform the contract. But that issue is not to my mind determinative of the matter.

Disposal

[90] In all the circumstances I therefore hold that the plaintiff is not entitled to specific performance of the agreement and its application is dismissed with costs to the defendants to be agreed or taxed.

[92] The question of retention of the deposit and ancillary relief is to be raised at a later date and liberty to apply is given to either party in that regard.


Elneth O. Kentish
Judge of the High Court