JAMAICA

IN THE COURT OF APPEAL

CUPREME COURT CIVIL APPEAL NO: 63/76

BEFORE: The Hon. Mr. Justice Kerr, J.A.

The Hon. Mr. Justice Carberry, J.A.

The Hon. Mr. Justice White, J.A.

BETTIEEN

WALTER HOILETT ET UN

PLAINTIFFS/APPELLANTS

AIID

VINCENT M. CHARLES

DEFENDANT/RES PONDENT

II.C. Edwards Q.C. and Michael Williams for Plaintiffs/Appellants

D. Macaulay Q.C. and Dr. A. Edwards for Defendant/Respondent

7th July, 1930, 20th February, 11th, 12th May, 1981 & July 30, 1982

WHITE J.A.

We have considered the questions which were argued at the bearing of this appeal, and we have come to the conclusion that the appeal against the refusal of the learned trial judge to order specific performance on the claim is dismissed with costs to the respondent to be agreed or taxed. There will be judgment on the amended statement of claim for the appellants in the sum of \$14,500.00 being the amount prepaid on the agreement for sale with costs to be agreed or taxed. Interest awarded on \$4,500.00 at 10%. The appeal against the judgment on the counterclaim is dismissed with costs to the respondent to be agreed or taxed. Interest awarded at 10% on the sum of \$6,300.00. Possession to be given up on the 31st October, 1982.

Written reasons for judgment will be given.