

The
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No. 6

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

APRIL 6TH, 1920.

DIETT v. ORECHKIN.

Vendor and Purchaser—Agreement for Sale of Land—Provision for Reduction of Price on Payment of Full Balance on or before Day Named in Agreement—Offer to Pay after Day Named—Tender—Evidence—Necessity for Strict Compliance with Contract—Waiver—Action for Specific Performance—Counterclaim—Recovery of Instalments of Purchase-money, Interest, and Taxes—Appeal—Reduction of Amount Recovered on Counterclaim.

Appeal by the plaintiff from the judgment of KELLY, J., 17 O.W.N. 332.

The appeal was heard by MULOCK, C.J. Ex., RIDDELL, SUTHERLAND, and MASTEN, JJ.

H. J. Scott, K. C., for the appellant.

A. C. McMaster, for the defendant, respondent.

THE COURT reduced by \$36.72 the amount awarded to the defendant upon his counterclaim, and, with this variation, dismissed the appeal with costs.