

Doughan v Ley (1946) 71 CLR 142

<http://lawcasesummaries.com/knowledge-base/doughan-v-ley-1946-71-clr-142/>

Facts

- There was a contract between two parties to transfer the licence for a taxi.
- The contract was breached and the taxi licence was not transferred.
- There were hardly any taxi licenses available so the Plaintiff tried to seek specific performance
- It was argued that damages were sufficient

Held

- *Roper, Rich & Stark J:* The idea that chattels are not subject to specific performance have well known exceptions, such as a chattel of special, unique value. The taxi cab fits in this exception.
- *Dixon, McTiernan J:* As above, it does not need to be the *only* one, it just has to be rare
- The argument that the Court shouldn't have to supervise it isn't right as all they have to do is submit something to the Commissioner

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