

Smythe v Thomas (2008) Aust Contract R 90 – 271

<http://lawcasesummaries.com/knowledge-base/smythe-v-thomas-2008-aust-contract-r-90-271/>

Facts

- A plane is listed on eBay for a starting price of \$150,000 though the owner thinks it is worth more like \$250,000
- A man buys the plane for \$150,000
- The original owner says that he should not have to give away the plane because it was an “invitation to treat” not a binding contract
- He also says it would be ridiculous to think you could buy a plane off of eBay without inspecting it etc

Held

- *Rein AJ*: He knew how eBay worked so he should have known it was binding!
- He offered the plane at \$150,000 and that was a disclosed reserve
- There was nothing on the ad that said anything about it being an invitation to enter into further negotiations
- Therefore the court ordered specific performance because the item was very unique

Law case summary from www.lawcasesummaries.com