

AUGUSTA BARBOUR-TARPEH, JOHNNY BARBOUR, et al., Informants, v. **HIS HONOUR GEORGE S. B. TULAY**, Assigned Circuit Judge, Civil Law Court, Sixth Judicial Circuit, Montserrat County, **SAMFORD DENNIS** and **ESTHELLA DENNIS-TULAY**, Respondents.

JUDGMENT WITHOUT OPINION

Decided: July 14, 1989.

When this case was called for hearing, no one appeared for Informants notwithstanding the service of the notice of assignment on both parties as evidenced by the Marshal's returns.

Counsellor Moses Kron Yangbe appeared for respondents and requested Court for application of the Civil Procedure Law, Rev. Code 1:51.16, and to dismiss the information for failure of the informant to proceed.

After carefully considering the application coupled with the controlling statutes, it is hereby adjudged that the information be and the same is hereby dismissed and the Clerk of this Court is hereby ordered to send a mandate to the court below to resume jurisdiction over the case out of which this information grows and to proceed to enforce the mandate of this Court. Costs ruled against informants. And it is hereby so ordered.

NOTE: Mr. Justice Azango being related to one of the parties, recused himself; hence, did not sign this judgment.