

Mr. & Mrs. AMADU GAYFOLO, Appellants, v. **AHMED K. ALWAJEH**, Appellee.

JUDGMENT WITHOUT OPINION

Decided: December 1989.

At the call of this motion to dismiss the appeal, no one appeared for the appellant, but Counsellor E. Wade Appeleton appeared for the appellee and convinced this Court that counsel for appellant, Counsellor Alfred Flomo was timely notified and duly served with the notice of assignment as the returns of the marshal indicated. He therefore cited section 10.7 of the Civil Procedure Law, Rev. Code 1, which provides for the granting of the motion where the adversary was served with the motion papers and the notice for a hearing but did not appear for the hearing.

After a careful study of the motion and the laws cited, it is hereby adjudged that the appeal announced by the appellant in this case be, and the same is hereby dismissed to all intents and purposes.

The Clerk of this Court is hereby ordered to send a mandate to the lower court instructing the judge presiding therein to resume jurisdiction over the case and enforce its judgment. And it is hereby so ordered.