

**EUGENIO W. SARTORI**, Appellant, *v.* **SEVERIANO FEIJOO**, Appellee.

JUDGMENT WITHOUT OPINION

Decided December 18, 1985.

At the call of this case, Counsellor J. K. Burphy who represented the appellant and upon whom the notice of assignment was served and Returns served, failed to appear. Hence, Counsellor J. Emmanuel Berry who appeared for the appellee, moved the Court to dismiss the appeal for failure on the part of the appellant to appear and cited Civil Procedure Law, Rev. Code 1:51.16 as his reliance. After studying the motion as well as the Marshall's returns to the notice of assignment, it is hereby *adjudged* that the motion to dismiss the appellant's appeal for failure to appear at the call of the case be, and the same is hereby granted with cost against the appellant.

The Clerk of this Court is hereby commanded to send a mandate to the trial court to resume jurisdiction and enforce its judgment. And it is hereby so ordered.

NOTE: Mr. Justice Morris having been absent when this case was heard, did not sign this Judgment.