

**JAMES TEAH**, Appellant, v. **HIS HONOUR JAMES N. DOE**, Stipendiary Magistrate, Magisterial Court,

New Kru Town and **MADAM KAY JOH**, Appellees.

JUDGMENT WITHOUT OPINION

Decided: July 14, 1989.

At the call of this case movant/appellee brought to the attention of this Honourable Court through counsel that he had filed a motion to dismiss the appeal. Respondent/appellant was represented by Counsellor James D. Gordon of the Carloar, Gordon, Hne and Teewia Law offices and informed us that he concedes the legal soundness of Movant's Motion to dismiss and therefore waives further argument. The Motion in essence states that the appellant had failed to file his appeal bond with the Clerk of the trial court within 60 days, as required by statute, after the rendition of judgment and up to the present Appellant had still failed to file same which is a complete violation of the appeal procedure as is prescribed under the Civil Procedure Law, Rev. Code 1: 61.8. Hence this Honourable Court lacks jurisdiction over the subject-matter.

After careful consideration of the records, the law controlling together with the facts and circumstances in the case, it is hereby adjudged that the motion be and the same is hereby granted. The Clerk of this Court is instructed to send a mandate to the lower court ordering the judge presiding therein to resume jurisdiction over this cause and enforce this judgment. Costs against appellant. And it is hereby so ordered.