

J. WARIEBI & SONS CORPORATION, Appellant, v. **KISHIN T. VASNANI**,
Appellee.

JUDGMENT WITHOUT OPINION

Decided July 29, 1988.

At the call of this case, counsel for respondent/appellant brought to the attention of this Honourable Court that they had filed their resistance conceding that the ruling of the trial court was correct and that the said ruling should be complied with. Counsel for appellee/movant then placed on record that in view of the fact that no money judgment had been rendered by the trial court, he conceded the legal soundness of the respondent's returns and most respectfully prayed this Honourable Court to grant the motion with the proviso that an award will be inserted at the final determination of the case.

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

NOTE: His Honour Robert G. W. Azango, not being present when the case was heard due to ill health, did not sign this judgment.