

GEORGE GBARBA, et. al., Appellants, v. **GEORGE S. WILES,** Appellee.

JUDGMENT WITHOUT OPINION

Decided July 6, 1983.

When this case was called for hearing, no one appeared for the appellants. Counsellor Moses M. Agbaje appeared for the appellee and informed Court that he had filed a motion to dismiss the appeal for failure of the appellants to file an appeal bond. He further informed the Court that a copy of the said motion was served on one of the appellants but that they had not filed any resistance to said motion even though Counsellor David Gbala, counsel of records for the appellants was served with the notice of assignment as per the returns of the Marshal. He argued that the failure of the counsel for appellants to appear for the hearing of the appeal is also a ground for dismissal of the appeal and cited Civil Procedure Law, Rev. Code 1:51.8 and 51.16. After reviewing the records certified to this Court and considering the laws cited, it is hereby adjudged that the motion to dismiss the appeal for the appellants failure to proceed, coupled with the failure of the appellants to appear for the hearing of said motion be, and same is hereby granted with costs against the appellants.

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

NOTE: Messrs. Justices Boimah K. Morris and Frank W. Smith did not sit on the hearing of this case; hence, they did not sign this judgment.