

BLAMA KAIDII VARMUYAH, alias KAIDII VARNEY CORNEH et al, Appellants, *v.*
THE RE-ORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAYS SAINTS,
by and through its President, BARCLAY NYENFUAH, Appellee.

JUDGMENT WITHOUT OPINION

Decided: June 14, 1979.

When this case was called, Counsellor Roosevelt Bortue appeared for the appellants. Counsellor Edward S. Carlor appeared for the appellees, and filed motion for this Court to refuse jurisdiction on the ground that appellants had failed to file a motion for new trial following the jury's verdict in the trial court.

Appellants' counsel resisted the motion and contended that the failure to file a motion for new trial in the court below is not a ground for dismissal of appeal in the Supreme Court. We are in agreement with this position, and rely upon the below quoted statute:

“The following acts shall be necessary for the completion of an appeal:

(a) Announcement of the taking of an appeal

(b) Filing of the bill of exceptions

(c) Filing of an appeal bond

(d) Service and filing of notice of completion of appeal

Failure to comply with any of these requirements within the time allowed by statute shall be ground for dismissal of the appeal.” Civil Procedure Law, Revised Code 1: 51.4”

We have no law which makes the failure to file motion for new trial, a ground for dismissal of appeal; nor is there any decided case of this Court which would authorize us to dismiss and appeal on this ground. The Supreme Court cannot dismiss an appeal on any or for any reason not specifically authorized by law. It is therefore adjudged that the motion for us to refuse jurisdiction as filed by the appellees should be and the same is hereby denied. The Clerk of this Court is ordered to re-docket this case for hearing at the ensuing October Term of this Court. Costs are to abide final determination. And it is so ordered.