

ELSIE K. BEDELL, Appellant, v. WAHFREY A.
BEDELL, Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT,
MONTERRADO COUNTY.

Argued April 29, 1970. Date of decision not indicated.

1. The Supreme Court is only authorized to consider motions to dismiss appeals under the new Civil Procedure Law on the grounds provided for, and cannot consider applications for an order directing the lower court to resume jurisdiction and enforce its judgment for failure of an appellant to comply with appeal procedures. Civil Procedure Law, L. 1963-64, ch. III, § 5116.

At the call of the case for hearing an application for an order directed to the lower court to resume jurisdiction, on the ground of failure to timely perfect the appeal, appellant did not appear. The Court, however, refused to entertain the *application* and *denied* it, for the reason that appellee had not availed himself of the appropriate procedure.

No appearance for appellant. *Nete-Sie Brownell* for appellee.

MR. JUSTICE WARDSWORTH delivered the opinion of the Court.

Appellee filed an application in this Court for an order to the trial court directing it to resume jurisdiction and enforce its judgment.

At the call of the case for hearing, it having been duly assigned and bulletined, the appellant failed to appear.

Appellee's application alleged failure to timely comply with the appeal procedures.

Under the new Civil Procedure Law, as referred to by appellee in his application under review, there is no provision which authorizes this Court to issue an order to

the court below commanding it to resume jurisdiction and enforce its judgment based on the ground set forth in appellee's application herein. This Court is only authorized to dismiss appeals on the grounds set forth in our Civil Procedure Law, L. 1963-64, ch. III, § 5716.

Further, the record in the case under consideration has not been transmitted to this Court as required.

Therefore, in view of the foregoing, the application of appellee is hereby denied, with costs against appellee. And it is hereby so ordered.

Motion denied.