

NASR BROS., by and through HAWAF NASR,
manager, Appellant, v. MOBIL OIL LIBERIA, INC.,
by and through its managers, R. L. SMICK and
J. A. L. SHOESMITH, Appellee.

APPEAL FROM THE CIRCUIT COURT (VENUE NOT INDICATED).

Argued October 22, 1969. Decided January 29, 1970.

1. When both parties to an appeal stipulate that for the sake of justice the case should be remanded for a new trial, and so request the Supreme Court, the Court will so order, and reverse the lower court's judgment for such purpose.

After judgment had been entered against plaintiff and an appeal taken, both parties stipulated in open Court before argument on the appeal, that for the sake of justice the case should be retried, and they requested the Supreme Court to so order. For the sake of justice the Supreme Court accepted the joint application, and *remanded the case after reversing the judgment for that purpose.*

Wellington K. Neufville and *P. Amos George* for appellant. *Morgan, Grimes and Harmon, John W. Stewart*, of counsel, for appellee.

MR. JUSTICE ROBERTS delivered the opinion of the court.

The appellant took an appeal from a judgment entered for the defendant in the lower court. At the call of the case for hearing, counsellor Wellington K. Neufville and P. Amos George appeared for the appellant. Counsellor John W. Stewart appeared for the appellee.

When the Court was about to entertain argument, counsellor P. Amos George requested the Court to record the following submission:

“Counsellor P. Amos George, one of counsel for the appellant, wishes to bring to the knowledge of the Court that the parties hereto, after a review of the record, jointly request this Court to remand the case for a new trial so that transparent justice may be meted out to both parties, and submits.”

Counsellor Stewart assured the Court that appellee interposed no objections and were in consonance with the application.

The joint application leaves this Court with no alternative but to reverse the judgment of the court below and remand the case for a new trial. Costs are to abide final determination of the case. The clerk of this Court is hereby ordered to inform the court below of this judgment. And it is hereby so ordered.

Remanded, by stipulation of the parties, and judgment reversed therefor.