

DAVID W. MENSAH, Appellant, v. THE ESTATE
OF THE RICHARD A. HENRIES, Appellee.

JUDGMENT WITHOUT OPINION

Decided December 29, 1988.

At the call of this motion Counsellors George E. Henries and E. Winfred Smallwood appeared for the appellee/movant and no one appeared for the appellant/respondent. Counsel for movant thereupon cited the Civil Procedure Law, Rev. Code 1:10.7, and presented copies of receipts for the service of both the motion served on respondent's counsel, Counsellor Alfred B. Flomo and the notice of assignment in support of the said citation.

After a careful consideration of the motion with its adjuncts and of the provisions of Civil Procedure Law, Rev. Code 1:10.7, it is hereby adjudged that the motion should be and the same is hereby granted and the appeal dismissed. The Clerk of this Court is hereby ordered to send a mandate to the court below commanding the judge presiding therein to resume jurisdiction over this matter and enforce its judgment. Costs disallowed. And it is hereby so ordered.

NOTE: Mr. Justice Belleh being absent when this case was determined did not sign this judgment.