



SUPREME COURT OF GEORGIA
Case No. S19C1292

December 23, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

TALIB HUSSAIN v. MARIETTA HALAL MEAT et al.

The Supreme Court today denied the petition for certiorari in this case.

All the Justices concur, except Bethel, J., disqualified, and Ellington, J., not participating.

Court of Appeals Case No. A19A0043

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa D. Barnes
Clerk

**FOURTH DIVISION
GOBEIL,
COOMER and HODGES, JJ.**

NOTICE: Motions for reconsideration must be physically received in our clerk's office within ten days of the date of decision to be deemed timely filed.
<http://www.gaappeals.us/rules>

May 17, 2019

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A19A0043. HUSSAIN v. MARIETTA HALAL MEAT et al.

COOMER, Judge.

Talib Hussain filed suit in the State Court of Cobb County against Waqas Keen d/b/a Marietta Halal Meat and Najco, Inc. for breach of contract, wrongful eviction, trespass, and interference with and deprivation of personality. His claims arose from a dispute over a commercial lease. Following a bench trial, the claims against Waquas Keen d/b/a Marietta Halal Meat were dismissed and judgment was entered in favor of the Najco, Inc. Hussain appealed to the Superior Court of Cobb County, which determined that it did not have jurisdiction and transferred the case to this Court. Hussain, now appearing pro se, seemingly argues that the evidence did not support the verdict. Because Hussain's claims require consideration of the evidence presented at trial and he did not include a trial transcript in the appellate record, we affirm.

The appellant has the burden to show error by the record. *McClaskey v. Jiffy Lube, Inc.*, 197 Ga. App. 537, 537 (398 SE2d 825) (1990).

Where an appeal is taken which draws in question the transcript of the evidence and proceedings, it shall be the duty of the appellant to have the transcript prepared at his expense. Thus, where the transcript is necessary for review and appellant omits it from the record on appeal, the appellate court must assume the judgment below was correct and affirm.

Brown v. Franchiseur, 247 Ga. 463, 464 (277 SE2d 16) (1981) (citations and punctuation omitted). See also OCGA § 5-6-41 (c).

Because Hussain affirmatively instructed the trial court clerk to omit the transcript from the record on appeal, and his arguments address the sufficiency of the evidence, we must affirm. See *Oliver v. Green*, 240 Ga. App. 439, 439 (523 SE2d 68) (1999).

Judgment affirmed. Gobeil, and Hodges, JJ., concur.

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

TALIB HUSSAIN,

Plaintiff,

v.

WAQAS KEEN d/b/a MARIETTA
HALAL MEAT, and,
NAJCO, INC.,

Defendants.

CIVIL ACTION
FILE NO. 2012 A 3593-2

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FINAL JUDGMENT

This matter having come before the Court for a non-jury trial and, after hearing all of the evidence, the Court rules as follows:

1. As to the claims of Plaintiff Talib Hussain against Defendant Waqas Keen d/b/a Marietta Halal Meat those claims are hereby DISMISSED because the evidence presented does not support the causes of action alleged by the Plaintiff and final judgment is hereby entered in favor of the Defendant Waqas Keen d/b/a Marietta Halal Meat;
2. As to the claims of Plaintiff Talib Hussain against Defendant NAJCO, Inc., the Court enters final judgment in favor of Defendant NAJCO, Inc.; and
3. As to the counterclaims brought by Plaintiff-in-Counterclaim NAJCO, Inc. against Defendant-in-Counterclaim Talib Hussain, the Court finds in favor of Plaintiff-in-Counterclaim NAJCO, Inc. and enters final judgment in favor of NAJCO, Inc. against Defendant Talib Hussain in the amount of \$5,610.00.

IT IS SO ORDERED this 15th day of Nov, 2017.



Honorable Maria B. Golick
Judge, State Court of Cobb County

Prepared and presented by:

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