

**Appendix A - Supreme Court Of Georgia
Order Denying Application Of Certiorari On
March 5, 2018 (S18C0099)**



SUPREME COURT OF GEORGIA
Case No. S18C0099

Atlanta, March 05, 2018

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

AKASH DIXIT v. TANYA SINGH DIXIT

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

Court of Appeals Case No. A17A2036

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 N. Barnes
, Clerk

**Appendix B - Supreme Court Of Georgia
Order Denying Reconsideration Of Denial Of
Application Of Certiorari On March 29, 2018
(S18C0099)**



SUPREME COURT OF GEORGIA
Case No. S18C0099

Atlanta, March 29, 2018

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

AKASH DIXIT v. TANYA SINGH DIXIT

**Upon consideration of the Motion for Reconsideration filed in this case, it is
ordered that it be hereby denied.**

All the Justices concur.

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 N. Barnes
, Clerk

**Appendix C - Georgia Court Of Appeals Order
Dismissing Appeal On July 31, 2017
(A17A2036)**

Court of Appeals of the State of Georgia

ATLANTA, July 31, 2017

The Court of Appeals hereby passes the following order:

A17A2036. AKASH DIXIT v. TANYA SINGH DIXIT.

On March 13, 2017, the superior court entered final judgment in this divorce case. On April 3, Akash Dixit filed a motion for new trial. On April 12, Akash Dixit filed a notice of appeal to this Court.¹ The motion for new trial remains pending below.

In a civil case, “[a] notice of appeal from the judgment, filed while a motion for new trial is pending, and unaccompanied by a proper certificate for immediate review, confers no jurisdiction in the appellate court and results in a dismissal of the appeal.” *Griffin v. Loper*, 209 Ga. App. 504, 504 (433 SE2d 653) (1993), citing *Auld v. Weaver*, 196 Ga. App. 782, 782-783 (397 SE2d 51) (1990); see also *Threatt v. Forsyth County*, 250 Ga. App. 838, 844 (2) (552 SE2d 123) (2001). Because Akash Dixit’s motion for new trial was pending when he filed his notice of appeal, and he did not include a certificate of immediate review pursuant to OCGA § 5-6-34 (b), this appeal is hereby DISMISSED for lack of jurisdiction. If the superior court denies

¹ Although the notice of appeal states that both parties seek an appeal, the notice was signed only by Akash Dixit.

Akash Dixit's motion for new trial, he may file another notice of appeal within 30 days of that ruling.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/31/2017

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

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

Stephen E. Castor, Clerk.

**Appendix D – Georgia Court Of Appeals Order
Dismissing Appeal On August 4, 2017
(A17A2036)**

Court of Appeals of the State of Georgia

ATLANTA, August 04, 2017

The Court of Appeals hereby passes the following order:

A17A2036. AKASH DIXIT v. TANYA SINGH DIXIT.

Akash Dixit seeks reconsideration of our dismissal of his direct appeal in this divorce case. We dismissed the appeal because Akash Dixit's motion for new trial was pending below when he filed his notice of appeal, thus rendering the appeal interlocutory. In his motion for reconsideration, Akash Dixit states that the trial court has now denied his motion for new trial, and he asks that this appeal "be allowed to continue."

"Where the notice of appeal specifies that the appeal is taken from an order which is not appealable and where the appeal is in fact taken from such an order, the appeal is subject to dismissal." *Southwest Health & Wellness v. Work*, 282 Ga. App. 619, 622 (1) (b) (639 SE2d 570) (2006) (punctuation omitted). Akash Dixit's notice of appeal indicated that he was appealing from the divorce judgment, as well as three prior orders. These orders were not then final because the motion for new trial remained pending. See *Griffin v. Loper*, 209 Ga. App. 504, 504 (433 SE2d 653) (1993). The trial court's denial of the motion for new trial after Akash Dixit filed a notice of appeal does not change the interlocutory nature of the orders specified in the notice and cannot revive this appeal. See *Richardson v. General Motors Corp.*, 221 Ga. App. 583 (472 SE2d 143) (1996) (interlocutory appeal dismissed despite final order entered after notice of appeal was filed). Accordingly, Akash Dixit's motion for reconsideration is hereby DENIED.

We note that our order dismissing this appeal inadvertently provided incorrect information to Akash Dixit. We stated that he could file another notice of appeal if the trial court denied his motion for new trial. In fact, Akash Dixit has no right of

direct appeal here because this is a divorce case. See OCGA § 5-6-35 (a) (2). Instead, he must file an application for discretionary appeal to obtain appellate review in this case. *Id.*; see also *Walker v. Estate of Mays*, 279 Ga. 652, 653-654 (619 SE2d 679) (2005).¹



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/04/2017

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

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

Stephen E. Castor

, Clerk.

¹ Applications for discretionary appeal must be filed in the appellate court within 30 days of entry of the order to be appealed. OCGA § 5-6-35 (d). Accordingly, if Akash Dixit wishes to appeal the order denying his motion for new trial, he must file an application for discretionary appeal on or before August 17, 2017. Alternatively, Akash Dixit may apply to this Court on or before August 17, 2017, for an extension of up to 30 days to file a discretionary application. See OCGA § 5-6-39; *Gable v. State*, 290 Ga. 81, 82-85 (2) (a) (720 SE2d 170) (2011).

**Appendix E - Georgia Superior Court, Fulton
County, Divorce Decree on March 14, 2017 5a**

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TANYA SINGH DIXIT :
Plaintiff, :
vs. : CIVIL ACTION FILE
AKASH DIXIT : NO. 2015CV266330
Defendant. :
:

FINAL JUDGMENT AND DECREE OF DIVORCE

The above-styled matter having been scheduled for a final trial before this Court on March 9, 2017; and TANYA DIXIT (hereinafter sometimes referred to as the "Wife") having appeared with her legal counsel; and AKASH DIXIT (hereinafter sometimes referred to as the "Husband") having appeared *pro se*; and after the introduction of testimony, other evidence, and legal argument, the Court finds as follows, to-wit:

FINDINGS OF FACT

1.

That the parties were married on or about April 30, 2010.

2.

That the parties have one (1) minor child, to-wit: ANUDVEG DIXIT, born in 2011.

3.

That the parties own a residence located at 1107 Mecaslin Street, Atlanta, Fulton County, Georgia, which was purchased in 2011. This property does not have a mortgage or other encumbrances attached to it.

4.

That the parties both resided in Fulton County, Georgia; although, they both traveled elsewhere for temporary assignments, they had always demonstrated an intent to return to their residence in Fulton County, Georgia as their domicile. Even during a temporary assignment to the State of Michigan, the Husband retained his Georgia driver's license. The parties were living in Fulton County, Georgia at the time that they separated. Moreover, this Court finds that both parties were domiciled in the State of Georgia for the requisite amount of time prior to this action being filed.

5.

That the Husband's conduct and demeanor toward the Wife were shameful, disgraceful, and appalling, not only in what he did to her and what he said to her, but also with regard to the things that he said about her to their minor child.

6.

That the Wife testified that the Husband hit her on at least two (2) occasions; the Husband did not deny these allegations. In addition, the Husband admitted to pushing the Wife.

7.

That on or about May 30, 2015, the Husband abandoned his job, abandoned his home, abandoned the Wife without warning or notice to the Wife of what he was doing, and took the parties' minor child to a place that was beyond the Wife's reach. This was accomplished to gain an unfair legal advantage over her.

8.

That over the ensuing twenty-one (21) months, the Husband denied the Wife with any regular access to their minor child, except for a few visits (one (1) hour in duration) and several telephone calls.

9.

That the Husband's conduct caused the Wife to lose her ability to legally remain in the United States where she had been lawfully living for the previous twelve (12) years.

10.

That the Husband has demonstrated a willingness and a propensity to remove the minor child from the United States without telling the Wife where he's going or what he's doing.

CONCLUSION OF LAW

That jurisdiction and venue are proper in this Court.

That the Husband is guilty of physical cruelty towards the Wife (consisting of the wilful infliction of pain, bodily or mental upon the Wife, such as reasonably justified her apprehension of danger to life, limb, and health), and is a ground for divorce pursuant to O.C.G.A. § 19-5-3(10).

That the Husband is guilty of mental cruelty towards the Wife (consisting of the wilful infliction of pain, bodily or mental upon the Wife, such as reasonably justified her apprehension of danger to life, limb, and health), and is a ground for divorce pursuant to O.C.G.A. § 19-5-3(10).

That the parties' marriage is irretrievably broken without a hope of reconciliation, and is a ground for divorce pursuant to O.C.G.A. § 19-5-3(13).

That pursuant to O.C.G.A. § 19-9-3(a)(2), it is the duty of this Court to exercise its discretion to look to and determine solely what is for the best interest of the parties' minor child and what will best promote his welfare and happiness and to make its award accordingly. This Court has considered and applied those factors set forth in O.C.G.A. § 19-9-3(a)(3) which weigh heavily in favor of the Wife.

That this Court has the duty to equitably divide the assets and debts of the parties that were obtained during the course of the marriage.

IT IS THEREFORE HEREBY ORDERED AND ADJUDGED:

1.

That upon consideration of this case upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted, that is to say, a divorce *a vinculo matrimonii*, between the parties to the above-stated case, pursuant to O.C.G.A. §§ 19-5-3(10) and 19-5-3(13).

2.

That the marriage contract heretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

3.

That the parties, in the future shall be held and considered as separate and distinct persons altogether unconnected by any nuptial union or civil contract, whatsoever.

4.

That the Plaintiff and Defendant shall have the right to remarry.

5.

That the Wife is hereby awarded sole physical and legal custody of the parties' minor child, ANUDVEG DIXIT, born in 2011. Custody, parenting time, and visitation is hereby further defined in the Permanent Parenting Plan Order contemporaneously filed with this Decree. Each party is hereby ordered to fully comply with the terms and provisions of said Permanent Parenting Plan Order. This Court is cognizant that the Wife's situation is uncertain, as she may be required to leave the United States, but remains steadfast in its belief that its custody award is in the best interests of the minor child even if she should be required to leave the United States. If the Wife leaves the United States with the minor child, such relocation shall not serve as a basis for a modification of custody or restraining order.

6.

Within seventy-two (72) hours of this Decree, the Wife shall take the minor child to a psychologist, licensed clinical social worker, or psychiatrist trained in dealing with children and separation issues.

7.

That the Husband shall make the following periodic payments to the Wife for the support and maintenance of the minor child, to-wit:

(a) The sum of \$725.00 per month, commencing April 1, 2017, and payable on or before the first (1st) day of each month thereafter until terminated by the terms of this Decree. Said support shall be paid via direct deposit into a bank account of the Wife's choosing.

(b) Said payments shall continue until modified by a court of competent jurisdiction or until the minor child attains the age of eighteen (18) years, marries, dies, or becomes emancipated, whichever event shall first occur; provided, however, that should the minor child still be attending high school when he attains the age of eighteen (18) years, child support shall continue to be paid by the Husband until the minor child graduates from high school, but not beyond the age of twenty (20) years.

(c) Whenever, in violation of the terms of this order there shall have been a failure to make the support payments due hereunder so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may be collected by the process of continuing garnishment for support.

(d) Neither of the parties have requested an income deduction order at this time; thus, based upon the circumstances of this case, an income deduction order is not necessary and shall not be issued by the Court, pursuant to O.C.G.A. §19-6-32, at this time.

8.

Any insurance deductible amount or other medical, dental, psychological, drug, or other health-related expense not covered by any insurance shall be divided between the Husband and Wife as follows, to-wit: Husband shall pay 76.84 percent and the Wife shall pay 23.16 percent of such expenses, as detailed on the Child Support Worksheet, contemporaneously filed herewith. The party paying such health related expense and seeking reimbursement shall have thirty (30) days from the date such payment is made in which to provide the other party with a medical statement for services rendered, as well as documentation of payment made; such information may be provided by e-mail. If such party does not seek reimbursement within said thirty (30) days after payment has been made, that party will waive any right to seek reimbursement of that expense. Thereafter, the party receiving such request for reimbursement shall have thirty (30) days in which to provide the other party with his/her portion of such expense.

9.

Effective immediately, the parties' real property located at or about 1107 Mecaslin Street, Atlanta, Fulton County, Georgia, is hereby awarded to the Wife along with the equity contained therein as well as its contents except for those items

described in Paragraph 10, *infra*. The Wife is entitled to sole and exclusive use and possession of said real property. As the Husband did not want to sign a deed to transfer this real property to the Wife, this Court will execute a Judicial Deed contemporaneously herewith, transferring his interest therein to the Wife as of March 9, 2017.

10.

(a) Within twenty-four (24) hours of the date of this Decree, the Husband shall provide the Wife with her passport, her original birth certificate, the minor child's passport, the minor child's birth certificate, and any other important papers belonging to her or the minor child, including but not limited to any immigration papers, visa applications, medical/dental records, etc.

(b) Within seventy-two (72) hours of this Decree, the Husband shall be entitled to enter the former marital residence for two (2) hours to collect his clothes and personal documents only; the Husband shall be accompanied by law enforcement (at his sole expense, if any) during this personal property retrieval. Prior to such retrieval, the Husband shall submit a list to the Wife's attorney, listing the specific items that he intends to retrieve from the former marital residence.

(c) Except as otherwise provided by this Decree, the Husband is awarded all of the tangible, marital, personal property presently in his possession, custody, or control.

(d) Except as otherwise provided by this Decree, the Wife is awarded all of the tangible, marital, personal property presently in her possession, custody, or control.

11.

Each party shall be solely entitled to his/her individual bank accounts, mutual fund accounts, stocks, bonds, certificates of deposit, as well as all retirement, pension or profit sharing plans, including but not limited to any Keogh Plan, 401(k), IRA or other pension plans.

12.

Each party shall be solely and exclusively responsible and liable for those debts incurred in his/her individual name or pursuant to his/her individual credit. Neither party shall hereafter incur, or in any way or manner cause to be incurred, any indebtedness of whatsoever nature, in the name or on the credit of the other party. All joint accounts on which both parties are liable (and not merely authorized signatories) shall be closed by the parties as soon as practical and possible. Each party shall indemnify and hold the other party harmless from any and all liability, loss, damage, claim, demand, cost or judgment arising out of such party's failure or refusal to make payment on said debt as required by the creditor, or any assignee thereof.

13.

Each party is hereby restrained and enjoined from doing, or attempting to do, or threatening to do, any act of injuring, maltreating, vilifying, molesting, or harassing the other party or the minor child of the parties, whether at home, the workplace, or elsewhere. In addition, the Husband is hereby absolutely restrained and enjoined from accessing any online accounts, profiles, or other websites (including the Wife's I-94

online records) that are in the Wife's name.

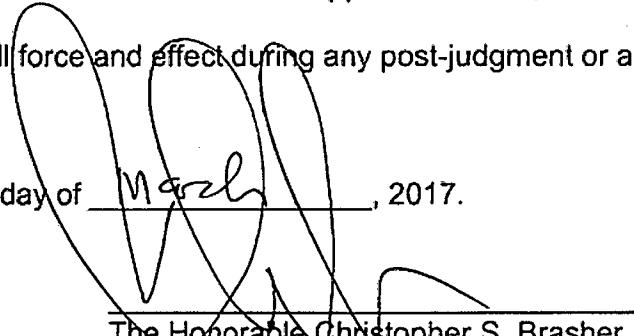
14.

At trial, the Plaintiff tendered the *Statement of Gregory D. Golden Regarding Plaintiff's Prayer for Attorney's Fees*, which included billing statements and time slips in support thereof. The Plaintiff's request for attorney's fees and expenses of litigation is reserved for additional consideration.

15.

As the Husband has expressed an intent to seek appellate review, the terms in this Decree shall remain in full force and effect during any post-judgment or appellate review in this matter.

SO ORDERED this 14 day of March, 2017.


The Honorable Christopher S. Brasher
Judge, Fulton County Superior Court

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**Additional material
from this filing is
available in the
Clerk's Office.**