

RECORD IMPOUNDED

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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1099-16T1

R.P.,

Plaintiff-Respondent,

v.

P.K.,

Defendant-Appellant.

Submitted February 12, 2018 - Decided March 29, 2018

Before Judges Accurso and DeAlmeida.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Middlesex
County, Docket No. FM-12-0652-16.

P.K., appellant pro se.

R.P., respondent pro se.

PER CURIAM

Defendant P.K. appeals from a final restraining order entered September 22, 2015 and an October 11, 2016 final judgment of divorce, which awarded plaintiff R.P. primary custody of the parties two young children, term alimony, child support and equitable distribution in accordance with R. 5:5-10

following the dismissal of defendant's pleadings for violation of court orders. He raises the following issues on appeal:

I. Should this Court Nullify/Vacate the Judgment of divorce (JOD) and [Final Restraining Order/Amended Final Restraining Order] which are granted as ex-parte on Oct/11/2016?

II. Should this Court grant custody to Appellant when the best interest of evolution [sic] is favor to appellant and avoid abduction?

III. For contingency fee, could the plaintiff attorney compel the Trial Judge for granting divorce?

IV. Should this plaintiff attorney entitle the attorney fee from Defendant?

V. Should the plaintiff attorney responsible for the damages and compensation for the defendant and his family?

VI. Should other than spouse, 3rd party could be added as party in matrimonial case?

VII. Should Trial Court restrain parent seeing Kids more than 3 months?

VIII. Should the History of Domestic Violence, advantage for wife?

Defendant's appeal of the final restraining order entered in September 2015 is grossly out of time, depriving us of jurisdiction to consider the merits. See R. 2:4-1(a) and R. 2:4-4(a); In re Hill, 241 N.J. Super. 367, 372 (App. Div.

1990). We thus confine ourselves to consideration of his claims with regard to the judgment of divorce.

Our review of even that judgment, however, has been severely constricted by defendant. Although his appeal of the divorce judgment was timely, his brief is largely unintelligible. Contrary to defendant's claims, neither the final restraining order nor the judgment of divorce was entered ex parte. Defendant participated in both proceedings, representing himself and refusing the assistance of the Tamil interpreters present in court, although English is plainly not his first language.

Having reviewed both briefs he filed in this court, we find it difficult to identify with any degree of confidence the legal errors he alleges the court made in entering the divorce judgment. As best we can discern, defendant claims plaintiff, her family, her attorney and others conspired to bring a "dowry case/domestic violence case" to avenge some perceived disrespect on his part, with the goal of using his alimony and child support to assist plaintiff's brother to "make[] black money thru approving govt contracts in India" and facilitating the abduction of his children to India, "child abduction heaven."

There is nothing in the record to support his claims. Defendant made repeated motions for summary judgment seeking millions in damages, which were denied for lack of proof. His pleadings were dismissed after he failed to comply with court orders compelling discovery and his attendance at economic mediation. Plaintiff served him with a notice for final judgment under R. 5:5-10, and he appeared at the default hearing, although his participation was limited to cross-examination of plaintiff and argument challenging her proofs. See Scott v. Scott, 190 N.J. Super. 189, 195-96 (Ch. Div. 1983). As to defendant's claims that plaintiff intended to "abduct" the children, we note that plaintiff has taken the children to visit their grandmother in India since the divorce and returned with them to New Jersey.

Defendant made even our review of the judge's decision difficult by his failure to supply us with the complete transcript of her ruling, after being advised by the court reporter he had ordered the wrong day. Although we are not "obliged to attempt review of an issue when the relevant portions of the record are not included," Cnty. Hosp. Grp., Inc. v. Blume Goldfaden Berkowitz Donnelly Fried & Forte, P.C., 381 N.J. Super. 119, 127 (App. Div. 2005), we secured the recording of the part of the judge's decision defendant

failed to provide to permit us to review the one claim he does make clearly, his objection to the court's award of an attorney's fee of \$15,000 to plaintiff.

Having now reviewed the judge's ruling in its entirety, we are satisfied it was well-considered and sound. The judge did not simply enter plaintiff's proposed judgment, but considered her proofs and made findings of fact, guided by the applicable factors contained in N.J.S.A. 2A:34-23.1 and N.J.S.A. 2A:34-23. The judge refused plaintiff's claim for equitable distribution of property in India and certain business accounts maintained by defendant and limited her alimony to a term of five years. The provisions for custody and parenting time were based on a best interest evaluation, and while ordering that defendant's parenting time would continue to be supervised, the judge made provision for reconsideration of that order following a risk assessment and home inspection.

The \$15,000 fee award of which defendant complains, included \$5000 ordered in 2015, which remained unpaid at the time of the entry of the judgment. The judge made clear the additional \$10,000 in fees was based on costs plaintiff incurred as a result of defendant's repeated course of filing frivolous motions in which he challenged the court's

jurisdiction, attempted to join other parties and claimed millions in unspecified damages. We are convinced the award is reasonable, well-supported by the record, and that the court did not abuse its considerable discretion in entering it. See Mani v. Mani, 183 N.J. 70, 93-95 (2005). We do not consider plaintiff's request for \$13,037.50 in additional fees as she has not filed a cross-appeal.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION