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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-2106-16T2

SASIREKHA MAGUDAPATHI,

Plaintiff-Appellant,

v.

RANGARAJAN R. CALYANAKOTI,

Defendant-Respondent.

Submitted February 7, 2018 – Decided March 13, 2018

Before Judges Currier and Geiger.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Somerset
County, Docket No. FM-18-0639-15.

Deborah A. Rose, attorney for appellant.

Respondent has not filed a brief.

PER CURIAM

Plaintiff, Sasirekha Magudapathi, appeals from the provision of a November 15, 2016 order denying her application to enforce an equitable distribution term in the parties' marital settlement agreement (MSA). Because we find that the Family Part judge placed

a burden on plaintiff to provide documents and proofs not in her possession or control, we reverse.

Since the parties divorced in October 2015, they have filed numerous post-judgment motions for enforcement of various provisions of the MSA. The subject of this appeal is plaintiff's motion to compel defendant, Rangarajan Calyanakoti, to provide her share of the equitable distribution of several bank accounts. Defendant's CIS reflected a joint bank account held with plaintiff and two other accounts in his name only.¹ The MSA required all bank accounts and assets to be divided equally.

During oral argument before the trial court, the self-represented parties discussed their myriad of disputes. When asked about the two bank accounts, defendant did not provide a direct answer, but advised the court that he had statements for the two accounts. In a November 15, 2016 order, the judge denied plaintiff's application, stating: "Plaintiff has produced no objective proof that their assets were not already equitably distributed at the time of the divorce."

With plaintiff's subsequent motion for reconsideration, she attached defendant's CIS indicating two accounts open in his name, one of which he estimated held \$35,000 in January 2015. Defendant

¹ Plaintiff clarified during oral argument that she was seeking the equitable distribution of only defendant's two accounts.

responded in a certification that the parties had split the accounts "in preparation of the divorce." The judge ruled that

[Plaintiff] has not provided the [c]ourt with any objective proof that these items were not equitably distributed, such as a copy of the parties' MSA or any document that shows what items were subject to equitable distribution and divided between the parties at the time of the divorce. . . . Moreover, Plaintiff has had possession of Defendant's CIS prior to entering the DJOD. This negates, objectively, any claim that Defendant was hiding the funds in the accounts enumerated by Plaintiff because they were clearly listed in his CIS.

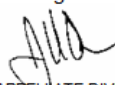
Plaintiff's motion for reconsideration was denied.

Although mindful of the substantial deference we accord to a Family Part judge's findings of fact, we are constrained to find that the issued orders did not address plaintiff's very specific argument. It is undisputed that defendant had sole access to the two accounts in his name. Therefore, plaintiff could not provide proofs to the court as to the status of those accounts. Plaintiff did not contend that defendant was "hiding" the monies in those accounts; she asserted rather that he had not distributed her share pursuant to the MSA. Defendant's dismissive approach of the issue during oral argument and in his responding certifications is unacceptable. He must provide the statements he concedes he possesses to demonstrate his compliance with the equitable distribution of the two accounts.

It was an abuse of discretion to deny plaintiff's request for the equitable distribution of the bank accounts controlled solely by defendant. We, therefore, reverse these relevant portions of the applicable orders and remand for the entry of an order requiring defendant to produce to plaintiff the pertinent bank statements demonstrating the alleged distribution to her of his accounts.

Reversed and remanded. We do not retain jurisdiction.

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


CLERK OF THE APPELLATE DIVISION