

Dismissed and Memorandum Opinion filed September 22, 2022.



In The

Fourteenth Court of Appeals

NO. 14-21-00351-CV

KEERTHANA ANGAL, Appellant

V.

VINODH ANGAL, Appellee

**On Appeal from the 328th District Court
Fort Bend County, Texas
Trial Court Cause No. 20-DCV-278098**

MEMORANDUM OPINION

This is an attempted appeal from a final divorce decree signed February 12, 2021. Appellant Keerthana Angal filed a motion to set aside the decree, or motion for new trial, arguing in part that postjudgment timetables should be extended because she did not receive notice of the final decree. *See* Tex. R. Civ. P. 306a; Tex. R. Civ. P. 320.

Under Rule 306a, “The date of judgment or order is signed as shown of record shall determine the beginning of the periods prescribed by these rules for

the court's plenary power to grant a new trial or to vacate, modify, correct or reform a judgment or order and for filing in the trial court the various documents that these rules authorize a party to file within such periods including, but not limited to, motions for new trial[.]” Tex. R. Civ. P. 306a(1).

However, if after 20 days, the party adversely affected by the judgment has neither received notice from the clerk or received actual notice, “all the periods mentioned in paragraph (1) shall begin on the date that such party or his attorney received such notice or acquired actual knowledge of the signing, whichever occurred first, but in no event shall such periods begin more than ninety days after the original judgment or other appealable order was signed.” Tex. R. Civ. P. 306a(4). We assume for purposes of considering our jurisdiction that appellant first received notice of the trial court's final decree on March 11, 2021, as she averred in her affidavit and in her hearing testimony. Because appellant established that she first received actual notice more than 20 days after the final decree was signed, but not more than 90 days, we treat March 11, 2021 as the date of the final decree for the purpose of calculating postjudgment and appellate deadlines.

Appellant timely filed her motion for new trial on April 7, 2021. *See* Tex. R. Civ. P. 329b(a). If any party timely files a motion for new trial, the notice of appeal must be filed within 90 days after the judgment was signed (or here, the date of actual notice). *See* Tex. R. App. P. 26.1(a)(1). The deadline for filing a notice of appeal was therefore June 9, 2021. A motion to extend time is implied if the notice of appeal is filed within the fifteen-day period in which an appellant may move for such an extension, but once that period has passed, “a party can no longer invoke the appellate court's jurisdiction.” *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). The last day when appellant could invoke appellate jurisdiction was June 24, 2021. She did not file the notice of appeal until June 25, 2021.

On September 2, 2022, notification was transmitted to all parties that the appeal was subject to involuntary dismissal without further notice for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant filed a response and argued her notice of appeal was timely because it was filed less than 30 days after the trial court denied her motion for new trial. However, the timeline for appellant's notice of appeal is calculated from the date the final divorce decree was signed (or here, the date of actual notice) rather than the denial of her motion for new trial. *See* Tex. R. App. P. 26.1(a). Appellant's response does not demonstrate that this court has subject-matter jurisdiction to entertain the appeal.

Accordingly, the appeal is dismissed for want of jurisdiction.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Bourliot and Spain.