

Court of Appeals of the State of Georgia

ATLANTA, July 13, 2026

The Court of Appeals hereby passes the following order:

A26A2437. NIHARIKA INVESTMENTS, LLC v. INTERSTATE FIRE AND CASUALTY COMPANY.

In this civil action for damages, the trial court entered default judgment against Niharika Investments, LLC in the amount of \$45,281.50. Niharika moved to set aside the judgment under OCGA § 9-11-60(d), but the trial court denied the motion in an order entered on January 28, 2026. Niharika filed a motion for reconsideration, which the trial court also denied. On May 27, 2026, Niharika filed a notice of appeal to this Court. We lack jurisdiction for two reasons.

First, an appeal from the denial of a motion to set aside under OCGA § 9-11-60(d) must be brought by application for discretionary review. See OCGA § 5-6-35(a)(8), (b); *Jim Ellis Atlanta v. Adamson*, 283 Ga. App. 116, 116 (640 SE2d 688) (2006). Compliance with the discretionary appeal procedure is jurisdictional. *Smoak v. Dep't of Human Res.*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996).

Second, even if Niharika had a right of direct appeal here, this appeal is untimely. A notice of appeal must be filed within 30 days of entry of the order to be appealed. OCGA § 5-6-38(a). The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon this Court. *Perry v. Paul Hastings, LLP*, 362 Ga. App. 140, 141 (866 SE2d 855) (2021). A motion for reconsideration does not extend the time for filing a notice of appeal, and the denial of such a motion is not itself an appealable judgment. *Mosher v. Mosher*, 378 Ga. App. 187, 189 (919 SE2d 831) (2025). Because Niharika's notice of appeal was filed four months after entry of the trial court's order denying the motion to set aside, the appeal is untimely.

For these reasons, this appeal is hereby DISMISSED for lack of jurisdiction.



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Clerk's Office, Atlanta, 07/13/2026

*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.*

Christina Bailey Smith

, Clerk.