

Chue Hon San v Wong Yim Yen (Alicia Israel, intervener)
[2013] SGHC 257

Case Number : Divorce Suit No 2708 of 2011 (Registrar's Appeal from Subordinate Courts No 46 of 2013)
Decision Date : 22 November 2013
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : The appellant/husband in person; Adriene Cheong (Harry Elias Partnership LLP) for the respondent/wife; Raymond Yeo (Raymond Yeo) for the intervener/daughter.
Parties : Chue Hon San — Wong Yim Yen (Alicia Israel, intervener)

Family Law – Matrimonial assets – Division

22 November 2013

Choo Han Teck J:

1 This was an appeal against an order made by the Family Court in the parties' divorce concerning the division of proceeds from the sale of their HDB flat. The appellant/husband and the respondent/wife are both 71 years old. They registered their marriage on 18 July 1966. The wife claims that a traditional marriage according to Chinese customary rites took place in 1962, but that is not material to the appeal. They have six adult children between the ages of 40 and 49. One of their daughters was the intervener in the divorce proceedings. Interim judgment was granted on 3 February 2012.

2 The HDB flat in question was purchased in 2003 by the husband, the wife and the daughter who intervened in the ancillary matters heard below. All three of them used their CPF monies. The daughter contributed more than \$100,000, the husband contributed \$5,000 and the wife contributed \$4,266. When the daughter married in August 2007 she withdrew her name from the flat. As a consequence, she was obliged to return \$119,232.29 to the CPF, being the amount of CPF monies which she used to pay for the flat plus accrued interest. She did so by taking a loan from her husband. She intervened in the ancillary matters to claim \$119,232.29 out of the proceeds from the sale of the flat. She did not claim any proprietary interest in the flat.

3 On 26 March 2013 the Family Court gave its decision in the ancillary matters. The court ordered that the flat be sold, and that \$119,232.29 be paid to the daughter. Of the sale proceeds remaining after payment of sale expenses and refunds to the parties' CPF accounts, \$110,000 was to be paid to the husband and the rest would go to the wife. At the hearing before me, counsel estimated that the wife would receive \$259,537. In his grounds of decision the judge below explained that the wife's portion consisted of lump sum maintenance in addition to her share of the matrimonial assets. In his view, the wife was entitled to lump sum maintenance of \$60,000, being \$1,000 a month for five years.

4 Before me the husband asked for his portion to be increased to \$200,000 so that he could purchase a studio flat. He said that he was no longer working as a taxi driver. He also said that none of the six children were willing to support him financially because their allegiance belonged to the wife, a point which the wife did not dispute. In my opinion, these circumstances were relevant to the

question of how much maintenance he ought to pay to the wife. The husband might be able to compel the children to support him financially under the Maintenance of Parents Act (Cap 167B, 1996 Rev Ed), but that is in the nature of a last resort, to be avoided as far as possible. In the first place, I accepted that the husband's financial situation was not the healthiest, given his unemployment and the improbability of his job prospects being promising at his age. On the other hand, the wife could expect all the children to help her meet her expenses whereas the husband could not expect similar help. I am therefore of the opinion thought that it would be inappropriate to order that the husband pay the wife any substantial maintenance. I was of the view that the husband should pay the wife nominal maintenance of \$1 a month in lieu of \$60,000 by way of lump sum maintenance.

5 I thus ordered that the husband's portion of proceeds from the sale of the flat be increased from \$110,000 to \$170,000. In effect, this would mean dividing the proceeds in the proportions of 46% to the husband and 54% to the wife. I thought that this was reasonable. I made no order as to costs.