

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2024] SGHCF 26

Registrar's Appeal from the Family Justice Courts No 5 of 2024

Between

WWG

... Appellant

And

WWH

... Respondent

JUDGMENT

[Family Law — Matrimonial assets]
[Injunctions — Interlocutory injunction]

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WWG

v

WWH

[2024] SGHCF 26

General Division of the High Court (Family Division) — Registrar's Appeal
from the Family Justice Courts No 5 of 2024

Choo Han Teck J

25 July 2024

30 July 2024

Judgment reserved.

Choo Han Teck J:

1 The appellant (“the Wife”) and the respondent (“the Husband”) were married on 22 May 2011. The Wife filed for divorce on 20 December 2021 and obtained interim judgment on 1 February 2024 but the ancillary matters have not been determined. This is an appeal arising from an interlocutory application by the Wife for an injunction against the Husband to restrain him from selling one of their properties, “Property A”. The application was dismissed by the District Judge below (“the DJ”). Property A is a condominium in the sole name of the Husband. The parties agree that Property A is a matrimonial asset.

2 Counsel for the Wife submitted that the Husband plans to use the proceeds from the sale to pay off his credit card debt. The debt arose from his high-risk trading activities on a trading platform called PLUS500SG. The Wife fears that the net proceeds from the sale, amounting to \$354,309.50, will not be

enough to clear his debt of \$476,728.67. She claims that the Husband has a gambling problem. In my view, these are not relevant to whether the court should grant the injunction. What the Wife must show is that the sale of Property A would prejudice her. One important consideration is whether there are adequate matrimonial assets remaining which can satisfy the likely division proportion a court will make in favour of the non-disposing party. The DJ and counsel for both parties cited my decision in *Lee Chi Lena v Chien Chuen Chi Jeffrey (Qian Jie, co-defendant)* [2011] SGHC 91 at [7] in support. The relevant portion of that paragraph is:

Given the time lag between the initiation of matrimonial proceedings and a final judgment of divorce, disposing matrimonial assets and translating them into new assets by the parties in the ordinary course of living and investment is frequently necessary, especially when each of them are seeking to begin a new life. Thus it cannot be that every decision to dispose of a matrimonial asset by one spouse is susceptible to injunctive intervention by the other spouse. A balance must be struck. Therefore, whether or not an injunction will be granted depends on whether the other spouse will be prejudiced by such a disposition. In determining whether there is prejudice in this context, the court should take into account whether there are adequate matrimonial assets which will remain to satisfy the likely division proportion a court will make in favour of the non-disposing party. Hence, in a case where there is only one matrimonial asset of substantial value and a husband wishes to dispose of it, a court should allow a wife's application for an injunction because there are no adequate remaining assets to satisfy a likely award in her favour in those circumstances. On the present facts, however, that is not the case.

3 The Husband argues that the estimated value of the matrimonial pool is around \$2,285,030. The sum of \$354,309.50 is around 15.5% of the matrimonial pool. The Husband says that the Wife has failed to prove that he will not be entitled to even 15.5% of the matrimonial pool. I agree with the Husband that the Wife must prove the latter to show that she would be prejudiced if Property A is sold.

4 Before me, counsel for the Wife submitted that the matrimonial pool is not worth \$2,285,030 and that the Wife ought to get 70–80% of the assets. Counsel was unable to give any estimate of the value of the matrimonial assets, even on a *prima facie* basis. The Wife bears the burden of showing that the remaining matrimonial assets cannot satisfy the division proportion that she would likely receive. She has failed to provide any evidence on the value of the matrimonial pool. I am thus left with the Husband’s figure of \$2,285,030, which I accept at this juncture because it does not appear unreasonable on the basis of the declared assets generally. Even on the Wife’s own case on the division ratio (that is, 70–80% in her favour), and taking that case at its highest, the Husband would still be entitled to 20% of the matrimonial pool. Taking the Wife’s case at probably its highest, namely that she would be entitled to 70-80% of the assets, there would still be adequate assets remaining to satisfy her share. Thus, she has not shown, even on a *prima facie* basis, that the Husband would not be entitled to \$354,309.50, or 15.5%, of the matrimonial pool.

5 Accordingly, the Wife is not entitled to the injunction and her appeal is dismissed. I will hear the parties on costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Rajwin Singh Sandhu (Rajwin & Yong LLP) for the appellant
Poh Jun Zhe Malcus (Chun Ting Fai & Co) for the respondent.
