

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 20

Divorce (Transferred) No 1861 of 2015
(Summonses Nos 300 of 2024 and 22 of 2025)

Between

UBQ

... Plaintiff

And

UBR

... Defendant

JUDGMENT

[Family Law — Maintenance — Child]
[Family Law — Maintenance — Wife]

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UBQ
v
UBR

[2025] SGHCF 20

General Division of the High Court (Family Division) — Divorce
(Transferred) No 1861 of 2015 (Summonses Nos 300 of 2024 and 22 of 2025)
Choo Han Teck J
18 February 2025, 3 March 2025

7 March 2025

Judgment reserved.

Choo Han Teck J:

1 The main application before me is HCF/SUM 300/2024 in which the applicant (the defendant wife in the divorce action, *ie*, HCF/DT 1861/2015) is applying to vary the order regarding maintenance for herself and the two sons of the marriage. The respondent (the plaintiff husband in HCF/DT 1861/2015) is applying in HCF/SUM 22/2025 to strike out, or alternatively, to reply to the applicant's affidavit dated 17 January 2025 with his affidavit dated 21 January 2025.

2 The parties married in May 2006 in America. The applicant is a 53-year-old American, and presently unemployed although she had worked in the career services centre of an established university in New York until 2008. The respondent is a 56-year-old Canadian who works at a sovereign wealth fund in

Singapore. Their sons are 15 and 17 years old, respectively. Both are schooling in Singapore.

3 Theirs was a long and acrimonious divorce. Married for nine years, they spent the next ten in and out of the Family Courts. They filed numerous applications and cross-applications before, during, and after the ancillary proceedings. Tan Puay Boon JC delivered a 112-page judgment determining the ancillary matters on 21 September 2020. The parties had also appeared in the Appellate Division of the High Court as well as the Court of Appeal. All those matters have ended. The application before me is a fresh application, and so is the respondent's reactive application in HCF/SUM 22/2025 which is to strike out large portions of the applicant's affidavit. From the history of this case, it appears that no tit goes without a tat. The parties are, as always, each determined to have the last word.

4 After ten years of litigation when what needed to be said has been said, and what needed to be determined has been determined, the applicant now wants the order regarding maintenance to be varied. Tan JC ordered the respondent to pay S\$2,500 monthly for the maintenance of each of the sons. In addition, he has to pay the full costs of their education, health, and enrichment costs. He is also to pay S\$10,000 for each child's travel expenses every year.

5 As for the applicant, Tan JC's order was as follows:

"...the [respondent] is to pay S\$6,000.00 per month for a period of 48 months; and monthly rent for the [applicant's] accommodation, capped at the rent paid by the [respondent] for his apartment, for a period of 48 months. The order for monthly maintenance is backdated by 24 months, and the [respondent] is in maintenance arrears of S\$144,000.00."

The applicant requested for further arguments on 5 October 2020 in relation to Tan JC's judgment, but the request was rejected by the court three days later. The parties also brought an appeal and cross-appeal regarding Tan JC's orders, but both parties eventually withdrew their respective appeals.

6 This present application for a variation of Tan JC's orders was filed a mere four days before the applicant's spousal maintenance was due to expire. The applicant wants the maintenance for the younger son to be increased from S\$2,500 to S\$6,500, and for the elder son, from S\$2,500 to S\$8,000. She also wants the annual travel expenses for each child to be increased from S\$10,000 to S\$20,000. As to her own maintenance, the applicant wants the S\$6,000 per month, initially ordered to continue for 48 months, to be varied to "in perpetuity". In the alternative, she wants the order to be extended by at least five years to ensure that she can continue to care for the sons while they study in Singapore. On top of that, she wants the respondent to pay for her "full health and medical costs", and S\$7,000 per month for her and the children's rent. She specifies that this value "may be increased up to 10% per lease renewal", with any increase exceeding 10% to be agreed by parties. Part of her arguments before me is that Tan JC's orders did not address the question of having the respondent pay a share of the rent for the children. The applicant also laments the fact that she had to pay legal costs. She did not elaborate but it appears that it related to costs ordered against her by an American court where the respondent filed an application to have the sons return to Singapore. The court there granted his application on the ground of child abduction and ordered costs of approximately S\$110,000 against the applicant.

7 The applicant claims that the sons' expenses are high as they require more clothing and personal items as they grow older. The costs of flight tickets have also increased as they are no longer children. Furthermore, both sons have

depression and anxiety, leading one of them to have suicidal ideation. This has led to higher transport expenses as they have to take private transport to and from their tuition classes, weekly therapy sessions and medical appointments. She says that the sons' psychiatric problems were brought about by the litigation between their parents, that is, the applicant and the respondent.

8 This is not an appeal against the maintenance orders made by Tan JC in 2020. That process is over. Nonetheless, the law allows the court to vary the maintenance if the applicant can show a material change in circumstances. To the extent that a successful appeal results in a variation of the original orders as does a variation order, there is an overlap between an appeal and an application for a variation. There are differences between the two processes. There is a time limit of 28 days for a party to file an appeal: see O 19 r 25(1) of the Rules of Court 2021. An appeal is a matter of right so long as it is filed in time. Beyond the time limited for an appeal, the applicant seeking to vary the order has to show a material change in circumstances after the time for appeal had expired. Generally, the closer the application is to the time limited for appeal, the more difficult it is to persuade the court that there has been a material change.

9 Another difference is that an appellant is entitled to appeal against any or all the orders below. In an application to vary, a party is generally not allowed to vary by asking for a fresh relief that was not argued previously. In this regard, the applicant's application for the respondent to contribute to the children's share of rent is more properly the subject of an appeal and not one for a variation of the original orders. That application will not be allowed.

10 The applicant says that she needs an increase in the maintenance for her sons and herself because the rent for their apartment is high, even though she had managed to negotiate with the landlord to lower it. She was paying S\$7,300

in 2022, but the landlord had reduced it to S\$7,000. They live in a condominium in the central region of Singapore, near a members-only social club (the “XXX Club”) where she seems to have spent a lot of time. She is unemployed and cannot find a job. Her sons’ medical bills especially for psychiatric care are high. The applicant says that the elder son, now 17 years old, no longer wants to see the respondent and therefore, he spends more time with her, thus increasing the burden of costs on her. She says that this shift in the son’s attitude to access “was not envisioned by JC Tan”. She says that instead of sharing parental duties equally, she has become the “full-time caregiver to a high-needs teenager who refused school for an entire semester and required extensive mental health support as a condition of his continued enrolment”.

11 The applicant claims that she has no breaks from parenting and that limits her ability to find employment. The applicant claims to “have no competitive edge over Singaporeans” and has difficulty securing high-paying employment. At the same time, she claims that the conditions of her employment pass do not permit her to engage in low-paying jobs. These are not new matters, of course, and ought to have been the subject of appeal of Tan JC’s 2020 orders.

12 The applicant says that she has nonetheless been active in the professional community, “taking on leadership roles that would enhance [her] visibility and demonstrate current capabilities”. She serves on multiple committees and volunteers with community organisations. These roles, she says, have allowed her to “work alongside and develop relationships with high-level executives and decision-makers in the Singapore expat business community”. She claims that her “networking efforts have been comprehensive and strategic”, and she has “connected with CEOs, senior executives, and business leaders”. It is through these that she “learned that for professional roles

matching [her] current qualifications, the market salary would not meet the Employment Pass requirements for foreign workers”.

13 The applicant also claims to have made hundreds of applications in search of employment. Despite her networking, and her qualification as a Chartered Professional Accountant (“CPA”), the applicant has not shown evidence of actual job applications. Furthermore, networking takes time, but she was obliged to find work when the divorce was made absolute, not after years of networking. The respondent says that part of the reason that the applicant has not found a job may be because she had let her CPA qualification lapse and did nothing to renew her CPA licence until she filed HCF/SUM 300/2024. The applicant admits in her submissions that she is trying to bring this “up to speed”. She claims that she has never been a chartered accountant because public accounting was not a career she enjoyed or excelled at. Nevertheless, she now thinks that any job that may employ her is worth pursuing. More importantly, the respondent points out that all the applicant’s efforts to find a job were made after the 48 months or were feeble efforts in sending her out-of-date resume to her friends overseas. There is no evidence of a formal job application and its rejection.

14 The respondent claims that the applicant was not seriously setting herself to be financially independent after the expiry of 48 months. He says that she spends too much time socialising at the XXX Club and playing tennis. He says she paid for 89 tennis sessions in nine months in 2024, and when she had used up the maximum allocated sessions, she booked sessions under their sons’ names — neither of them plays tennis. The applicant retorts that her socialising at the XXX Club was a form of looking for work. The respondent also says that the applicant cannot find a job in Singapore because she spends two to three

months a year back in America for holiday. But the applicant says that the travels were necessary “to preserve [their] children’s mental well-being”.

15 In my view, the burden is on the applicant to show that she had taken reasonable steps to find gainful employment. I am not satisfied that there has been a material change to justify any variation of the maintenance orders for herself. Running out of money can be said to be a change in circumstances, but it is not a material change so far as the law is concerned. If a spouse is given a million dollars in maintenance and she spends it all in the casino within a month, that is no less a material change of circumstances — going from being solvent to broke. But I cannot see any court giving her more maintenance on that account.

16 Much of the rest of the applicant’s submission concerns matters which she claims were not considered by Tan JC (such as adjustments for inflation or growth) or matters that she ascribed to assumptions made by Tan JC, such as her finding a job in America after four years.

17 I agree with the respondent that it is clear from the judgment of Tan JC that the respondent had transferred at least S\$1,060,965 to the applicant from March 2015 to March 2018 in addition to the maintenance paid over the 48 months and the applicant’s award of S\$393,912.82 being her share of the matrimonial assets. Tan JC also backdated the maintenance order by 24 months, which meant that the applicant would have received 72 months (or 6 years) of maintenance since 2020 (see [5] above). This amounts to a substantial sum of S\$432,000. The 48 months of maintenance was clearly a limit with the view that the applicant should take steps to be self-sufficient thereafter. The applicant in this case is professionally qualified, and Tan JC’s order was to help the

applicant maintain financial stability for a few years as she finds a job and gradually assimilates back into the workforce.

18 The remaining issue concerns the increase sought for the sons' maintenance. They were about 10 and 12 years old in 2020. The maintenance of S\$2,500 to each of them is, in my view, generous, especially when the expenses for education, enrichment and health are borne separately by the father. They are also given S\$10,000 travel expenses each year. I think that the award is generous then because even today, at 15 and 17 years of age, I do not think that these amounts are inadequate.

19 The applicant persistently refers to the sons' depression and insinuates that they need special care. The respondent rejects that suggestion. He claims that they are both well-adjusted and normal youths. He says before me that, "Even now, as we speak, the two boys are on holiday. One is hiking in Nepal and the other in Yunnan." The applicant has not discharged her burden of persuading the court that there is a material change in circumstances concerning the sons' welfare, financial and otherwise. Apart from the fact that there was no material change, filing at the last minute before the expiry of the spousal maintenance order does not help the applicant's cause. On the contrary, it brought her lack of effort into focus. The kind of order made by JC Tan requires a change of circumstances, but not of the sort that the applicant had in mind. The order requires her to change her circumstances within four years by investing well and getting a job. She has done neither, so nothing has changed.

20 For the reasons above, HCF/SUM 300/2024 is dismissed. I have read through the respondent's application to strike out many parts of the applicant's last affidavit. However, I am of the view that the application is not relevant

given my views on HCF/SUM 300/2024. I will thus make no order on HCF/SUM 22/2025.

- Sgd -
Choo Han Teck
Judge of the High Court

The plaintiff/husband in person;
the defendant/wife in person.
