

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 37

Divorce (Transferred) No 2875 of 2023

Between

XOA

... Plaintiff

And

XOB

... Defendant

JUDGMENT

[Family Law — Matrimonial assets — Division]
[Family Law — Maintenance — Wife]
[Family Law — Maintenance — Child]

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XOA

v

XOB

[2025] SGHCF 37

General Division of the High Court (Family Division) — Divorce
(Transferred) No 2875 of 2023
Choo Han Teck J
21 May 2025

20 June 2025

Judgment reserved.

Choo Han Teck J:

1 The parties married on 27 December 1994. Their marriage lasted about 29 years and interim judgment (“IJ”) was granted on 23 January 2024. Both are Singapore citizens. The plaintiff (the “Husband”), aged 53, works for a statutory board and receives a monthly income of about \$32,000. The defendant (the “Wife”), aged 56, was a director at an educational institute with a monthly income of about \$18,000 before she was terminated from her job in December 2024 and is now unemployed. Their incomes include rental income from a condominium property owned by the parties (the “Condominium”). They have a 27-year-old son (“C1”) and a 22-year-old son (“C2”). The matters before me are the division of matrimonial assets, maintenance for the Wife and maintenance for C2’s tertiary education.

Division of matrimonial assets

2 The Wife’s counsel, Ms Tan, informed the court that the parties have agreed to value their pool of matrimonial assets at approximately \$9.3m and therefore I will not make findings on the identification and valuation of each disputed asset. It is undisputed that *ANJ v ANK* [2015] 4 SLR 1043 (“*ANJ v ANK*”) applies because this is a dual-income marriage.

3 Regarding the parties’ direct contributions, I shall first address the parties’ respective financial contributions to the matrimonial home. The Husband’s position is that he contributed \$528,199 from his Central Provident Fund (“CPF”), \$200,000 as a gift from his cousin and \$166,674.01 as a gift from his late parents (in total \$894,873.01), whereas the Wife contributed \$509,100 from her CPF. The Wife says that the Husband paid \$528,100 while she paid \$519,000 from their respective CPF accounts. The parties’ CPF statements indicate that the Wife withdrew \$519,100 and the Husband withdrew \$528,100 for the matrimonial home. Therefore, the only issue is whether there were monetary gifts from the Husband’s cousin and his late parents which were used towards purchasing their home — and if so, to whom were the gifts made and what was the value of the gifts?

4 The Wife acknowledges that the parties received additional funds from the Husband’s cousin and the sale of the Husband’s late parents’ Housing Development Board (“HDB”) flat. However, her position is that the court should disregard the Husband’s “bare allegation” regarding these gifts as there is no documentary proof of the same. She says that if the court nevertheless chooses to account for these unsubstantiated sums, they should be equally attributed to both parties as they were intended to “bless” them in their marriage. The Wife claims to have had a close relationship with the Husband’s cousin and

the Husband's late parents. The Husband has adduced a HDB letter dated 8 February 2001 indicating that the amount payable to the Husband's mother from the resale of her HDB flat was \$166,674.01.

5 Regarding the alleged gifts, I am unable to include either sum in calculating the parties' direct contributions. I acknowledge that the Husband may face practical difficulties in producing documentary evidence as two decades have passed since the alleged gifts were made, but this does not completely dispense with the need for proof of such contributions. The alleged gift of \$200,000 from the Husband's cousin is not substantiated by any bank statements, cheques, documents nor affidavits by the said cousin. The sum claimed is substantial, and a bare assertion without any supporting evidence is insufficient to discharge the Husband's burden of proof. As for the purported gift of \$166,674.01, the HDB letter merely proves the parents' receipt of the money from the sale of the flat. There is no evidence showing that this sum or any part of it was given to either or both parties, or that it was used towards the matrimonial home.

6 In any event, even if I find that the \$166,674.01 ought to be accounted for, there is no evidence of the parents' intention at the time of the gift. It is not clear whether the \$166,674.01 was a gift simpliciter, or a gift intended to assist the parties with their joint purchase of a property. If it were the latter case, the High Court has found that in the absence of clear and credible evidence to the contrary, a parent's contribution towards the purchase of his or her child's matrimonial home is presumed to be for the benefit of both the husband and the wife: see *Ang Teng Siong v Lee Su Min* [2000] 1 SLR(R) 908 at [28]–[29]. I will therefore only take into account the parties' respective CPF contributions in calculating their direct financial contributions to the matrimonial home.

7 The Wife has a Mercedes A180 valued at \$55,035.40 and the Husband has a BMW 520i valued at \$29,500. The BMW 520i had been scrapped and replaced with another car but the parties have agreed to include the old value as part of their calculations. The Wife claims to have contributed solely to the Mercedes A180 while the Husband contributed solely to the BMW 520i. The Husband, however, says that there is no discernible way to determine the direct contributions as they were managed collectively as a whole from their income and savings. He suggests an apportionment of 60% (to the Husband) and 40% (to the Wife) based on their respective income ratio from 2006 to 2024. The Wife has also adduced a table showing the parties' annual income from 2012 to 2024, and the ratio is roughly 60:40 in the Husband's favour as well. As the parties used the cars interchangeably during the marriage and there is no evidence of either party's exact contribution to each car, I accept the Husband's suggestion of attributing 60% of the contributions to him and 40% of the contributions to the Wife. I shall adopt the same ratio for the parties' joint DBS account which has \$0.96 since there is no documentary evidence on this account.

8 Having regard to each party's position in the joint summary and the corresponding documentary evidence, this is my decision on their respective direct contributions.

S/N	Item	Husband's direct contributions	Wife's direct contributions
1	Matrimonial home	\$528,100 (CPF)	\$519,100 (CPF)
2	Condominium	\$154,736 (CPF)	\$276,932 (CPF)
3	Joint DBS account	\$0.57	\$0.39
4	CPF accounts	\$455,693.37	\$486,282.08

5	Mercedes A180	\$33,021.24	\$22,014.16
6	BMW 520i	\$17,700	\$11,800
7	Bank accounts	\$69,554.19 + \$681.98 + \$500 + \$70,755.47 = \$141,491.64	\$3,002,114.16 (including S/N 9)
8	Insurance policies	\$108,312.04 + \$35,903.10 + \$41,019.62 + \$81,277.66 + \$449,902.32 = \$716,414.74	\$1,104,294
9	Investment and shares	\$50,362.93 + \$1,902.91 + \$84,986.41 + \$8,040 + \$110,863.79 + \$164,139.71 + \$39,791.44 + \$2,782 = \$462,869.19	See S/N 7
10	Unit trusts	\$52,265.84	\$0
11	Loans / liabilities	(\$430,652)	(\$2,886,381.28)
Total		\$2,131,641	\$2,536,155.51

9 In determining direct contributions, the parties' financial contributions to the properties are often pro-rated to the respective net values of the properties. However, as neither party made such calculations in their joint summary, I take it that they have agreed to value their direct contributions to the matrimonial home and Condominium without pro-rating to the net value of each property. Therefore, the ratio of direct contributions is roughly 46:54 in the Wife's favour.

10 Next, I turn to the parties' indirect contributions. The Husband seeks a 60:40 division in his favour, whereas the Wife wants a 70:30 split in her favour. The Husband says that he made substantial indirect contributions as the family's primary decision-maker and caregiver. His involvement in the children's upbringing has been consistent since they were young. He took care of them, was present at their developmental milestones and organised sports activities with them. Even as the children grew older, he always took the effort to check in on them and ensure their wellbeing. He relies on the children's decision to reside with him after the divorce as evidence of the strong familial bonds he has cultivated over 26 years. Beyond his parental duties, the Husband contends that he managed most household responsibilities such as marketing, home maintenance and repairs whenever he was not at work. He also provided significant spousal support by ferrying the Wife around and supporting her career development.

11 The Wife asserts that, on the contrary, she was the primary caregiver. She managed all aspects of the children's development, from medical care to the selection of their schools and the organisation of their birthday celebrations. Apart from that, she ran the household by supervising the domestic helpers, coordinating property renovations and overseeing the family's finances. According to the Wife, she also supported the Husband by singlehandedly taking care of the family during his frequent overseas work trips. She says that he has been overseas for at least two weeks every September for the past 26 years. Notably, he was deployed to France for three months in 2003, and to the United States for two months in 1999. These absences coincided with critical periods of the children's early years, and the Wife had to take care of them independently while he was away. The Husband disputes the exact periods of

his absences and says that the Wife had similar work-related travel commitments.

12 The Wife’s caregiving duties extended to the Husband’s parents. She says that she employed and trained helpers for her father-in-law’s palliative care in 1998 when the Husband was building his career. After that, she took care of her mother-in-law for more than a decade. The Husband’s mother stayed in the parties’ matrimonial home after the Husband’s father died. She suffered two strokes in the span of eight years and the Wife claims to have brought her for all her hospital appointments, purchased medical equipment and paid to train the domestic helpers to care for her until she died in 2019. The Wife says that she had a close relationship with the children until September 2023 but is now estranged from them due to the Husband’s “brainwash[ing]”. Both parties have also levied allegations of abuse against each other and obtained cross personal protection orders.

13 The calculation of indirect contributions in divorce proceedings is not an arithmetic exercise, and precision is impossible because indirect contributions encompass intangible aspects such as care and support for the family — all of which, as can be seen here, rest on fragile evidence recalled with patchy memories. Having reviewed the evidence, I am inclined towards an equal division of their indirect contributions, especially given their long marriage. Both parties successfully maintained their demanding careers while contributing significantly to the family. Throughout various phases of their marriage, they adapted their roles to support the family, be it in the day-to-day management of the household or the children’s care. Although they may differ in their accounts of who bore greater responsibility for various aspects of family care, what is clear is that both parties remained actively involved in their children’s lives and the running of the household.

14 In a dual-income marriage spanning almost three decades, it would neither be fair nor practical, without convincing evidence, to say that one party's contributions materially outweighed the other's. The parties' respective contributions naturally ebbed and flowed through different phases of their lives together. The reality of a dual-career household is that parties often make different sacrifices at different times, with their contributions complementing rather than competing with each other. I therefore find that a 50:50 division of indirect contributions would be just and equitable in the circumstances. There is no reason to depart from the default position of assigning equal weight to direct and indirect contributions. Hence, at this juncture, the overall ratio is 48:52 in the Wife's favour.

15 The Wife claims that a 10% uplift should be granted in her favour for the Husband's "persistent delays and blatant breaches" of the discovery order made by the Assistant Registrar on 8 September 2024 ("Discovery Order"). According to the Wife, she filed FC/SUM 2230/2024 ("SUM 2230") for discovery and interrogatories after the Husband persistently refused to respond to her requests for discovery and interrogatories. The Husband was given four weeks to file his compliance affidavit and ordered to pay costs of \$1,500 (all-in) to the Wife within seven days of the Discovery Order. Under the Discovery Order, the Husband was to disclose the statements of his DBS Multiplier Account ending 3791 ("Account 3791") and DBS My Account ending 8089 ("Account 8089"). He was also to disclose the statements for his DBS SRS account ending 0223 ("Account 0223") for August 2022, December 2022, February 2023, April 2023, June 2023, August 2023, October 2023, December 2023, January 2024 and February 2024. However, the Husband breached the Discovery Order by unilaterally redacting copies of his bank statements for

Account 3791 and Account 8089. He also only provided the statements for Account 0223 as at 29 February 2024 and 22 September 2024.

16 Moreover, he had not paid the ordered costs until his non-compliance was raised to the Assistant Registrar at a case conference on 4 October 2024. It was only at that same case conference that the Husband made a belated request to file his own discovery application. Although the application was granted, costs of \$1,200 (all-in) was ordered against him for the delay. The Husband's counsel argued that the redactions in the bank statements were necessary to protect the identities of the recipients and/or senders as the Wife had allegedly harassed people in contact with the Husband in the past. The Husband also claimed that he had been informed by DBS bank that no monthly statements were available for Account 0223. However, he did not adduce any letter from DBS bank to substantiate his claim.

17 In my view, the Husband's refusal to fully and frankly disclose his assets in accordance with the Discovery Order is unacceptable. To draw an adverse inference against him, there must be a substratum of evidence that establishes a *prima facie* case against the Husband and he must have had some particular access to the information he is said to be withholding: see *UZN v UZM* [2021] 1 SLR 426 at [60]. Although the Husband had disclosed the bank statements for Account 3791 and Account 8089, they were extensively redacted. Even if the quantum was not redacted and only the names of the recipients and senders were, such redaction was not permitted and should not have been done without leave of court. More importantly, there is no information on the balance in Account 0223 prior to 2024. In the circumstances, I am of the view that there is evidence of a *prima facie* case of concealment. I will thus award an uplift of 5% in favour of the Wife. The final division ratio is therefore 43:57 in the Wife's favour.

Maintenance

18 I turn next to the issue of spousal maintenance. The court's power to grant spousal maintenance is supplementary to its power to divide matrimonial assets, and so the court will consider the value of assets to which the Wife is entitled after division to determine the quantum of maintenance, if any.

19 The Wife wants the Husband to pay her a monthly sum of \$2,500 for ten years as she was terminated from her job on 31 December 2024 and has been unsuccessful in her attempts to seek employment. The Husband does not agree to pay spousal maintenance as the Wife has been supporting herself throughout the marriage. He says that her share of the matrimonial assets after division will give her sufficient funds and she will also earn a monthly passive income from her investments. In my view, the Wife has been capable of supporting herself over the years and will receive a substantial sum after division. Although she recently lost her job, she still has several years before she reaches the retirement age and should be able to find employment that is commensurate with her work experience. Therefore, I shall not order spousal maintenance.

20 As for child maintenance, the Husband wants the Wife to equally bear the expenses of C2's tertiary education. C2 is set to commence his undergraduate studies in a local university this year. The Husband says that these expenses include C2's hostel fees and other related expenses such as flight tickets and lodging for his overseas exchanges. I make no orders on child maintenance as C2 is now above 21 years old. He ought to apply to the court by himself should he wish to seek maintenance from the Wife.

Conclusion and costs

21 The parties have raised other miscellaneous issues, including the transfer of the matrimonial home and the Condominium, the repayment of a loan extended to C1 and the transfer of specific insurance policies to C1 and C2's names. I will make no orders on these matters. The parties should, with the help of their solicitors, work out the details of how to implement the court's division orders: *WVS v WVT* [2024] SGHC(A) 35 at [45]. They may then submit a draft order to the court. I shall grant liberty to apply should the parties be unable to agree.

22 Apart from that, the Wife wants the Husband to reimburse her for the \$4,200 fees she incurred in hiring a private investigator to gather evidence of his alleged infidelity. If the investigation report assisted the Wife in getting the IJ, she should be entitled to the investigator's reasonable fees. However, in this case, the District Judge had granted the IJ on the basis that both parties had behaved in such a way that the other party could not reasonably be expected to live with them. In other words, both parties had succeeded in their respective claims. There is thus no reason to grant the Wife's claim for her private investigator fees.

23 Generally, parties in divorce proceedings are ordered to bear their own costs. This is in line with the no-fault basis that underlies Singapore's jurisprudence on divorce: *AQT v AQU* [2011] SGHC 138 at [57]. In this case, however, the Husband has wilfully refused to disclose information in breach of the Discovery Order. He has also caused delay to the proceedings by making a belated discovery application. His initial excuse in SUM 2230 was that the Wife had stolen the documents requested for when she left the matrimonial home in May 2023 and that the parties were attempting to resolve matters amicably

between themselves which led to the delay in his responses to the Wife's requests. These reasons are not supported by evidence and in any event, there is no justification for the Husband's non-compliance after the Discovery Order was made by the AR. The Husband was also not entitled to redact documents without the leave of court. Such conduct impedes the expedient dispensation of justice and undermines respect for legal processes. Parties are to submit on costs within 14 days of this judgment.

- Sgd -
Choo Han Teck
Judge of the High Court

Joseph Ignatius (Ignatius J & Associates) for the plaintiff/husband;
Tan Siew Kim and Loo Liang Zhi (Sterling Law Corporation) for the
defendant/wife.
