IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 62

District Court Appeal No 74 of 2024
(Summons No 376 of 2024)

Between

XCG

… *Appellant*

And

XCF

… *Respondent*

JUDGMENT

[Civil Procedure— Appeals — Adducing fresh evidence]
[Family Law — Divorce — Ancillary matters — Division of matrimonial assets]
[Family Law — Divorce — Ancillary matters — Spousal maintenance]

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XCG
v
XCF and another matter

[2025] SGHCF 62

General Division of the High Court (Family Division) — District Court Appeal No 74 of 2024 and Summons No 376 of 2024
Choo Han Teck J
22 October 2025

4 November 2025 Judgment reserved.

Choo Han Teck J:

1 The Appellant in HCF/DCA 74/2024 ("DCA 74") is the wife of the Respondent. They are aged 66 and 68, respectively. They were married in March 1983, and divorced in 2022. The interim judgment ("IJ") was granted in July 2022. The marriage lasted 39 years.

2 The ancillary matters were heard on 2 August 2023. The District Judge ("DJ") delivered judgment on 19 September 2023. The parties accepted that it was just and equitable to divide the matrimonial assets equally. The DJ assessed the pool of matrimonial assets to be S$669,433.44, but she declined to draw an adverse inference against the Respondent, and did not make a finding that there has been dissipation of monies. The DJ then determined the division of matrimonial assets, but she declined to order spousal maintenance.

3 In this appeal, the Appellant is appealing against the DJ's decision, on the grounds that the court:

(a) erred in the calculations regarding the division of matrimonial assets;

(b) erred in finding that the marriage was a "single income marriage";

(c) failed to draw an adverse inference against the Respondent and consequently failed to increase the Appellant's share; and

(d) failed to order maintenance or include the Appellant's entitlement to maintenance in the division of matrimonial assets.

4 The Appellant applied by HCF/SUM 376/2024 ("SUM 376") for leave to adduce fresh evidence. I will first address SUM 376. The Appellant seeks to adduce 20 items of fresh evidence. It is her case that these items of evidence qualify under the test laid out in *Ladd v Marshall* [1954] 1 WLR 1489 ("*Ladd v Marshall* test").

5 The list of the items of evidence she is trying to adduce are:

(a) An undated document showing that [Company A] is in the business of importing crude oil from Nigeria to Indonesia;

(b) A consultant/mandate letter dated 18 January 2017 from [Company B] appointing the Respondent as consultant to represent [Company B] in China;

(c) A consultant/mandate letter dated 17 November 2017 from [Company C] appointing the Respondent as consultant to represent [Company C] in China and Asia Pacific Region;

(d) A Sale and Purchase Agreement dated 3 July 2020 showing the Respondent to receive a commission of US$1 per BBL. The agreement is for sale of 2,000,000 BBL followed by 4,000,000 of crude oil, totalling 6,000,000 BBL;

(e) A letter from [Company C] dated 24 August 2020 stating that payments are to be made to the Respondent;

(f) An Internation Chamber of Commerce (ICC) Agreement dated 19 September 2020 between [Company D] (in Brazil) and [Company E] (in China) naming the Respondent as beneficiary;

(g) A letter dated 28 September 2020 from [Company F] (in Singapore and USA) to [Company G] (in Canada) signed by the Respondent in his capacity as Associate, Asia Region;

(h) An International Chamber of Commerce Agreement dated 8 October 2020 between [Company H] (in Singapore) and [Company I] (in Hong Kong) naming the Respondent as "Buyer Mandate" or beneficiary of commission;

(i) A Sale and Purchase Agreement dated 6 December 2020 between [Company J] (in Nigeria) and [Company K] (in China) whereby the Respondent's email address is stated as one of Buyer's email addresses;

(j) A letter dated 6 January 2021 from [Company K] (in China) whereby the Respondent's email address is stated their Shipping/Clearance agent;

(k) An International Chamber of Commerce (ICC) Sale and [Company L] (in Malaysia) jointly with [Company M] (in Singapore) dated 24 January 2024 naming the Respondent as one of the Seller's Representatives;

(l) An audio recording and transcript of the Respondent's conference call with potential crude oil buyers on 11 November 2023. During this call, the Respondent stated that he already sold 100,000 [barrels] to a European buyer;

(m) The Respondent's diary and hand-written notes recording/detailing his business transactions, contracts and contacts;

(n) An ATM card from Ping An Bank (in China);

(o) An ATM card from HSBC Bank (either in Hong Kong or Singapore);

(p) An ATM card from CitiBank (in Singapore);

(q) An ATM/debit card from DBS Bank (in Singapore);

(r) A summary of the Appellant's bank statements from 2008 to 2010 showing that the Respondent did not regularly maintain the family;

(s) Testimonial from the parties' son; and

(t) The Respondent's Accounting and Corporate Regulatory Authority ("ACRA") "People Profile".

6 The Appellant's case is that items (a) to (q) were not available prior to the AM hearing. She said she was only able to obtain them when she was trying

to gather information about the Respondent's financial means after he had moved out of the matrimonial flat, leaving his personal belongings behind. Specifically, she recorded (l), on 23 November 2023, after the AM hearing. For items (r) and (s), she acknowledges that they were available, but she was not advised by her previous solicitors of the relevance or importance in the proceedings. Further, item (t) was also acknowledged to be available prior to the AM hearing, but the Appellant says that she was unaware that she was able to obtain the "People Profile" on the ACRA website.

7 I am of the view that the evidence she seeks to adduce do not satisfy the *Ladd v Marshall* test. For items (a) to (k) and (m) to (t), they were available to the Appellant at the time of the AM hearing. The Appellant, who was represented at the AM hearing, should have obtained an order for discovery. Specifically, for items (r), (s) and (t), the Appellant claims that her solicitors did not advise her on their relevance, and she was unaware that she could obtain the "People Profile" of the Respondent. However, I am not persuaded by that argument. She was advised to seek interrogatories in relation to the Respondent's financial status, and yet now claims that she was not advised as to the importance of certain pieces of evidence. These documents could have, and likely would have been obtained with reasonable diligence on the part of the Appellant at the time of the AM hearing. In any event, I find that they are not material to the hearing. The items sought to be adduced concern a range of dates, which can only show possible sources of revenue at those specific times. Nothing about them relate to the expenses and liabilities of the Respondent. Thus, they do not establish the Respondent's financial position at the time of the AM hearing. For item (l), the Appellant also sought to adduce an audio recording of a phone call that post-dates the AM hearing. Although this was not available during the AM hearing, it is irrelevant. The financial status of the

parties are assessed at the time of the AM hearing. Evidence after that date is not relevant. Furthermore, the content of the phone call does not relate to the financial status of the Respondent. It only reveals a discussion about possible business dealings. I find that the items of evidence do not satisfy the *Ladd v Marshall* test. SUM 376 is therefore dismissed.

8 The Appellant requested permission to file further evidence after I had reserved judgment. Once judgment is reserved, no further applications, evidence, or submissions ought to be made. Accordingly, I have directed the registry to reject the request by letter, which is not proper application. There is already an application to adduce fresh evidence under consideration. A party in such circumstances should not vex the court by asking to have more evidence admitted.

9 As to the first point of the appeal in DCA 74, The formula for the division of matrimonial assets relied by the lower court at [25] was flawed, and it was recognised by the learned DJ herself in the FC/SUM 3513/2024, which was the Respondent's summons for amendment of the ancillary orders issued. However, because HCF/DCA 74/2024 was filed by the Appellant, under Part 8 r 11 of the Family Justice (General) Rules 2024, the DJ was unable to make amendments to her orders. Had the error been corrected, the division of matrimonial assets would be:

> Total asset pool = nett sales proceeds of flat + [Respondent's] assets valued at $169,978.04+ [Appellant's] assets valued at $149,455.40.
>
> [Respondent's] share = (50% of Total asset pool) minus ($169,978.04 + CPF refunds)

> [Appellant's] share = (50% of Total asset pool) minus ($149,455.40 + CPF refunds)
>
> With the "nett sale proceeds of flat" being defined as the sales proceeds after deduction of any agent's commission and sales related expenses. For avoidance of doubt, parties are still equally responsible for the payment of any outstanding service and conversancy charges; outstanding property tax and any other payments for the sale to be concluded.

However, it is not necessary to have this point corrected by way of an appeal. I agree with counsel for the Respondent, Mr David Tan, that the error was an accidental slip. The Appellant ought not to have objected to an amendment by the learned DJ and insisting that it should be corrected on appeal. That is a more costly and lengthier route to the same outcome.

10 Next, I disagree with the Appellant that the DJ made an error in classifying the marriage as a "single income marriage". At the appeal, the Appellant contended that her solicitors did not obtain her approval to consent to the classification of the marriage as a "single income marriage". The Appellant's case is that she was working throughout the marriage because the Respondent did not provide her a monthly allowance. Contrary to the finding of the learned DJ below, the Appellant asserts that her CPF balance of S$150,000 is proof that she has been working throughout the marriage, and thus, the marriage should be classified as a "dual income marriage.

11 However, I am not persuaded by the Appellant's assertions. First, it is a bare assertion that her lawyers had not obtained her approval when asserting that she had agreed to a 50:50 division on the basis of a long single income

marriage. Even though she had by then approached her then counsel, Mr Fernandez to investigate the allegations against those lawyers. However, even after Mr Fernandez's investigation nothing was produced to show that the lawyers misrepresented the Appellant's position.

12 Second, I find that the Appellant's argument does not render the marriage a "dual-income" one. As noted by this court in *UBM v UBN* [2017] SGHCF 13 ("*UBM*") at [50], in accordance with the spirit of the judgment in *TNL v TNK and another appeal and another matter* [2017] 1 SLR 609 ("*TNL*"), a single-income marriage is one where one party is the primary income earner and the other is primarily the homemaker. Here, it is clear that the Appellant was primarily the homemaker, and the Respondent was the primary income earner. Although the Appellant asserts that the Respondent did not provide for her, the evidence suggest otherwise. It was not disputed that the Respondent financed most of the properties that were acquired during the marriage. Based on the affidavits of the Respondent, which were uncontested, sale and rental proceeds of the properties were either shared in some way with the Appellant. For example, when the Appellant sold off the parties' Yishun property, he had handed the cheque of S$200,000 to the Appellant to deposit into her account. This corroborates the evidence that the Respondent was the primary income earner of the family. It was held in *UBM* at [52], that this is a qualitative assessment of the roles played by each spouse in the marriage relative to the other. In my view, it is clear that the relative roles each party played indicates that this was a single-income marriage. Further, although the Appellant has a CPF balance of $150,000, this does not serve as evidence that she was the primary bread winner. As noted by the DJ, the amount amortised over the length of the 39-year marriage, is around $3,846 per year, with a cumulative total of

$320 accrued to all three CPF accounts each month. This cannot be said to be a significant income. Accordingly, this point of appeal is dismissed.

13 More importantly, even on appeal, the Appellant was only able to say, without documentary proof, that she had carried on random business such as running a beauty salon, but there is no evidence of a steady stream of regular income from her alleged businesses.

14 I also find no need to disturb the DJ's refusal to draw an adverse inference against the Respondent. The Appellant's main argument is that the Respondent had renewed his business registration on ACRA, suggesting that he has an ongoing business which was not disclosed in the Respondent's assets and means. Renewing the ACRA registration alone does not prove to its viability or profitability. I find that, that alone, is insufficient to draw an adverse inference; see *USB v USA* [2020] SGCA 57 at [46]. The Appellant also seeks to rely on the fresh items of evidence she sought to adduce in SUM 376 to substantiate her claim. However, as I decided above at [7], these items of evidence did not satisfy the *Ladd v Marshall* test, and accordingly, should not be assessed by this court. However, even if we take the Appellant's case at its highest, at [7], the evidence all deal with a range of dates and not with the assets and means at the time of the AM hearing. I agree with the DJ's observations that "just because he may [have] enjoyed success in his career overseas, does not equate to him having substantial savings at the end of his career". Accordingly, no adverse inference is drawn.

15 Lastly, as to spousal maintenance, I agree with the DJ that it is unnecessary. Spousal maintenance is intended to even out the financial inequalities between the spouses, taking into account any economic prejudice suffered by the wife during the marriage: *Tan Sue-Ann Melissa v Lim Siang Bok*

Dennis [2004] 3 SLR(R) 376 at [27]. Here, even though it seems that the Respondent was the primary income earner throughout the marriage, there remains little to no inequality now. The Respondent, now 68 and retired, does not have much assets, and has no income. An order of maintenance would not be appropriate. Also, the power to order spousal maintenance is only supplementary to the power to order division of matrimonial assets: *ATE v ATD* [2016] SGCA 2 at [33]. The court will take into account "all the circumstances of the case" pursuant to s 114(1) of the Women's Charter 1961 (2020 Rev Ed), including the parties' income, present and anticipated financial position. In my view, the division in this case is fair, and adequate for the Appellant to sustain herself. She will receive 50% of the entire pool of matrimonial assets. They also have two married adult children. Accordingly, I find that the division was sufficient to allow her to sustain herself, and also even out the inequality between the parties.

16 Save for the finding in [9] above, the Appellant's appeal is dismissed in its entirety. Parties are to bear their own costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Appellant in person;
Tan Sia Khoon Kelvin David (Vicki Heng Law Corporation) for the respondent.