

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 63

Registrar's Appeal No 27 of 2025

Between

XQN

... Appellant

And

XQO

... Respondent

JUDGMENT

[Family Law] — [Matrimonial proceedings] — [Ancillary Matters]
[Conflict of Laws] — [Anti-suit injunction]

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XQN

v

XQO

[2025] SGHCF 63

General Division of the High Court (Family Division) — Registrar's Appeal
No 27 of 2025

Choo Han Teck J
4 November 2025

12 November 2025

Judgment reserved

Choo Han Teck J:

1 The Husband and Wife, both Singapore citizens, were married on 30 August 2019 in Singapore. The Husband, aged 37, works as a compliance manager in Singapore. The Wife, aged 34, works as a part-time nurse in Ontario, Canada. They have a son born in 2021, and a daughter in 2024, both were born in Singapore. The family emigrated to Canada in March 2022. Ms Lim, counsel for the Husband says that the Husband and Wife as well as the son were granted permanent residency status in Canada in January 2022.

2 The family decided to return to Singapore in October 2023 to have the daughter born here. At that time neither parent was working. However, by the time the daughter was born in February 2024, the marriage was already breaking down and they divorced in Singapore on 12 June 2024, on the Husband's application, but interim judgment was entered by consent on 25 November

2024. The ancillary matters have not been settled by the Family Justice Court yet, and the case is ongoing

3 However, on 9 January 2025, the Wife commenced an action in Ontario for “temporary and final orders” relating to custody, care and control and maintenance of the children. (“First Ontario Application”).

4 In response, in Singapore, the Husband applied by Summons 940 of 2025 for an injunction against the Wife to restrain her “from continuing with or taking any further steps in the proceedings commenced [in Ontario]”. On her part, the Wife applies through Summons 1243 of 2025 for a stay of the divorce proceedings (FC/D 2786 of 2024). The applications were heard on 18 July 2025 by the DJ below. The learned DJ below dismissed both applications on 22 August 2025.

5 After the DJ dismissed both applications the Wife applied to the Ontario courts on 29 August 2025 for “temporary orders” relating to custody, care and control and maintenance of the children. (“Second Ontario Application”)

6 On 3 September 2025, the Husband filed the notice of appeal against the learned DJ’s dismissal of his application. Mr Ong, counsel for the Wife says that the Wife is not appealing.

7 Between the notice of appeal and the hearing of the appeals before me, the Wife obtained the “parenting order” from an Ontario Court on 1 October 2025 in respect of the Second Ontario Application. The order appears to be an interim order and consists of two parts. The first sets out orders described as “with prejudice” and the second with orders described as “without prejudice”.

8 Under the “with prejudice” orders, the Wife was granted “sole decision-making responsibility” for the children, who “shall reside in the [Wife’s] primary care”. The Wife may travel outside of Canada with the children without consent from the Husband, but the Husband may not remove them from the Province of Ontario without written consent or a court order. The Husband was granted “virtual parenting time with the children on a weekly basis, on Sundays at 9:00 a.m. (EST), for *up to* 30 minutes given the children’s young ages”.

9 The “without prejudice” orders were made by the Ontario court for \$800 monthly to be paid by the Husband for child support, and from 1 August 2025, he has to pay half of the children’s expenses.

10 Costs of \$6,000 were ordered against the Husband for that motion. At the time, he also owed the Wife costs of \$18,000 for a previous matter heard in Ontario. Ms Lim says that the Husband was unable to appeal against the court order until the costs ordered in both proceedings were paid. He has since paid those costs and is presently taking steps to appeal against the “parenting order”.

11 In my view, the DJ should have granted the Husband’s application for an anti-suit injunction but only against the First Ontario Application. Anti-suit injunctions are extraordinary applications that a court will not likely grant. Only in clear cases in which a court here is satisfied that this is the appropriate forum, and there is evidence that one of the parties is preparing to commence proceedings elsewhere with the intention of frustrating the proceedings here, or, hoping to find a more favourable jurisdiction — the act of forum shopping — it may be restrained by an order enjoining it from maintain or continuing with the proceedings in the foreign jurisdiction.

12 Where, as in this case, insofar as proceedings elsewhere (the Second Ontario Application) had begun, although after the Singapore action, and the court there had issued orders pursuant to the application, an injunction order here will not be appropriate because the respondent party in the foreign jurisdiction should appeal against the foreign order there, or apply to set it aside on the ground that Singapore proceedings had already begun and that the Singapore court is the more appropriate forum. However, it appears that the First Ontario Application has not proceeded beyond the filing stage, I would allow the Husband's appeal and order that the Wife not to proceed further with that application in Ontario. This is to ensure that there are no conflicting decisions from the Ontario Court and our Family Justice Court.

13 Save in regard to the First Ontario Application (where no orders have been issued there), we should not make orders interfering with the orders already made (the Second Ontario Application). This is part of the doctrine of comity. The aggrieved party has to persuade the foreign court that it is not in the interests of justice to allow those proceedings to continue. In this case, the Ontario court appears to have made orders regarding a part of the Singapore proceedings, namely, the custody, care and control of the children. Therefore, in these circumstances, an injunction against the Wife from proceeding with the Ontario orders is not the appropriate remedy, and the Husband's application for an anti-suit injunction for the Second Ontario Application is rightfully dismissed.

14 However, the doctrine of comity must not result in our court surrendering its sovereignty. In my view, the Wife had consented to the divorce, and the interim judgment was accordingly given. What remains are the usual ancillary matters of the division of matrimonial assets, maintenance, and, custody, care and control of the children. Having accepted that this is not only

the appropriate jurisdiction to hear these matters, and in my view, it is, and having obtained interim judgment, the Wife has no basis to ask that the proceedings here be stayed just because she has obtained an order on a part of the matters that are still to be heard here. She has, wisely, decided against appealing against the dismissal of her application to stay the proceedings in Singapore.

15 Parties are to submit on the question of costs within 10 days.

- Sgd -
Choo Han Teck
Judge of the High Court

Lim Bee Li, Wong Zhen Yang and Kurzbock Kenn Tsang Yu Han
(Chevalier Law LLC) for appellant
Desmond Ong Yong Cheng (DMO Law Corporation) for respondent.
