

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGHCF 1

District Court Appeal No 65 of 2025
(Summons No 312 of 2025)

Between

XGO

... Appellant

And

XGN

... Respondent

JUDGMENT

[Family Law — Matrimonial proceedings — Stay of execution of judgment]

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XGO

v

XGN

[2026] SGHCF 1

General Division of the High Court (Family Division) — District Court
Appeal No 65 (Summons No 312 of 2025)
Choo Han Teck J
16 January 2026

20 January 2026

Judgment reserved.

Choo Han Teck J:

1 The applicant father applies for a stay of execution of my judgment in this action, delivered on 24 October 2025. The facts are set out in greater detail in the judgment.

2 Briefly, both the applicant and the respondent are Indonesian citizens. The respondent filed for divorce in the South Jakarta District Court (“SJDC”) in June 2023, but her application was dismissed. She appealed to the Jakarta High Court which reversed the SJDC’s order and granted her a divorce with custody of the child. The applicant appealed to the Indonesian Supreme Court and his appeal was dismissed with a written judgment handed down on 6 January 2025.

3 The respondent took the child to Singapore on 14 May 2024 and applied on 15 July 2024 to settle the terms of access to the child. On 17 September 2024, the applicant filed his own application for joint custody and unsupervised access. On 4 February 2025, the applicant applied to restrain the respondent from taking the child away from Singapore pending further orders. On 19 March 2025, the respondent applied to strike out both applications by the applicant.

4 On 13 May 2025, the District Court below made orders relating to the respondent's application for custody, care and control, and access. The District Court also ordered that neither party may unilaterally take the child out of Singapore nor apply for a new passport for the child. The applicant and the respondent both appealed.

5 It was not disputed that until the Indonesian Supreme Court has reached a verdict, the orders of the lower court in Indonesia are not binding. Hence, when the applications in Singapore were filed, there were no binding court orders.

6 However, by 6 January 2025 the Indonesian Supreme Court delivered its judgment in favour of the respondent.

7 For the reasons in my judgment on appeal, I allowed the respondent's appeal and dismissed the applicant's appeal. The applicant now appeals against my judgment and applies in this application for a stay of execution of the judgment pending appeal.

8 The crux of his application is that his appeal will be rendered nugatory were he to succeed on appeal as the respondent may leave Singapore with the child before the appeal concludes and not return. He relies on the orders of the

court below — which had been overturned on appeal before me. His counsel, Ms Yoon, submitted that the Appellate Division is sympathetic to the applicant because without a restraining order, the applicant would not know where the child is.

9 Counsel pointed out that although the respondent had appealed against the District Court's order regarding custody, she did not appeal against the issue of whether the court had jurisdiction to grant the orders.

10 In this case, I am of the view that the likelihood of the applicant's success on appeal is low and on further examination of the merits, they appear even dimmer because the applicant is not only attempting to overturn my judgment but also that of the Indonesian Supreme Court which there is no further appeal that either party may make.

11 The applicant's request to prevent the respondent from taking the child to Indonesia would require Singapore courts to restrict the citizenship rights of Indonesian nationals to return to their home country, which, under the circumstances of this case, would be more appropriately dealt with by the Indonesian courts.

12 It is clear that the Singapore courts have jurisdiction to hear applications such as the ones made in this case. The real issue is whether we would make substantive orders on the merits that lie more appropriately with the Indonesian Courts. We will exercise our jurisdiction and make substantive orders in appropriate cases, but this is not one of them. Any substantive orders that contradict those made by the Indonesian Supreme Court will only result in intractable conflict.

13 Ms Yoon conceded that the applicant had not applied to vary the orders made by the Indonesian Courts, now formalised in the judgment of its Supreme Court.

14 I am thus of the view that all substantive matters in this case lie with the Indonesian Courts. The proper recourse is for the applicant to apply to the Indonesian Courts because what remains are enforcement orders.

15 To that end, to help preserve his rights without going too far in interfering with the Indonesian Supreme Court's orders, I will order that the respondent notify the applicant as to the whereabouts of herself and the child so that the applicant may make his applications in the right forum.

16 Subject to the above, the application for stay is dismissed with no order as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Yoon Min Joo and Tan Yin Theng Sarah (Rajah & Tann
Singapore LLP) for the appellant;
Rezza Gaznavi (Mahmood Gaznavi Chambers LLC) for the
respondent.