

AOB v AOC
[2015] SGHC 13

Case Number : Divorce (Transferred) No 2059 of 2011
Decision Date : 20 January 2015
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Low Chai Chong and Alvin Liong (Rodyk & Davidson LLP) for the plaintiff/wife;
Ivan Cheong Zhihui (Harry Elias Partnership) for the defendant/ husband.
Parties : AOB — AOC

Family law – Child – Maintenance of child

Family law – Custody – Care and control

Family law – Maintenance – Wife

Family law – Matrimonial assets – Division

20 January 2015

Judgment reserved

Choo Han Teck J:

1 The plaintiff/wife is a 50 year old Singapore citizen. She says that she is “presently unemployed and just started a consultancy business”. The defendant/husband is a 54 year old Singapore citizen who works as a managing director of two private limited companies. These two companies are in the information technology business, selling hardware which protects the computer system from being hacked into. I shall refer to these two companies in this judgment as Company A and Company B. The parties are in agreement that his take-home monthly income is \$43,978.

2 The parties married on 30 March 1990. The wife filed a writ for divorce on 29 April 2011 on the basis that the husband behaved in a manner such that it is unreasonable for her to live with him under s 95(3)(b) of the Women’s Charter (Cap 353, 2009 Rev Ed) (“WC”). The husband filed his defence on 25 May 2011. Interim judgment for divorce was granted by the District Court on 10 October 2011. The length of the marriage is about 21½ years.

3 There are two children in this marriage: (1) a 19 year old son who is currently serving national service; and (2) 18 year old daughter who is currently in Secondary 3. The wife moved out of the matrimonial home. The parties do not agree on when she moved out. The husband says she moved out on 19 February 2011 without his knowledge while he was away on a business trip. The wife says she moved out in August 2010.

4 I start with the first issue before me, namely the issue of care, control and access of the two children. The parties are in agreement that they should have joint custody over their children. But they differ on control and access. The wife in [96] of her first affidavit dated 1 December 2011 says that she wants joint care and control of the children as she is “looking after both the children”. She says that she continued to do grocery shopping, ferry the children for their classes, cook for them, take them to their medical appointments and pays for their tuition classes as she lives less than

15 minutes from the matrimonial home. The wife avers that the husband "hardly spends time with the children".

5 The husband disagrees and wants sole care and control of the children with reasonable access to the wife. In [10] of their written submissions, the husband's lawyers argue that joint care and control is not in the children's best interests as "interactions between the parties are rather acrimonious and that such a living arrangement would be disruptive to the existing familial living arrangements that the children are already accustomed to". In this regard, the husband relies on the following facts to substantiate why he should have care and control over the children:

- (a) First, the wife "unilaterally chose to abandon the family and left the matrimonial home";
- (b) Second, the children have always been and continue to reside in the matrimonial home with his mother and brother. The husband says that the children have been living in that matrimonial home since it was purchased in 1999, and have been living in it for most of their lives;
- (c) Third, the wife has to travel frequently for work. The husband says that the wife has since started her own businesses and opened multiple companies in her name from September 2013;
- (d) Fourth, the wife was not the primary caregiver for the children who is looked after by his mother with the assistance of two maids during the day (presumably while he is at work). The husband says that he had to employ two maids instead of one because his mother suffers from Alzheimer's disease and needs extra help;
- (e) Fifth, the children have been hurt by his wife's decision to abandon the marriage and the family. The husband states in [40]-[41] of his 2nd affidavit dated 20 March 2013 that he has had to attend to the children's emotional needs and settle everything down after the wife left so abruptly;
- (f) Sixth, the children are currently 19 and 18 years old and are able to express their independent opinions; and
- (g) Seventh, the husband says he has been the sole caregiver and looking after the children's needs since the wife left the matrimonial home.

With regard to (d), I doubt that the husband's mother is able to care for the children if she suffers from Alzheimer's disease and needs help herself.

6 In my view, joint care and control is neither appropriate nor in the children's best interests in this case. Shared care and control would be extremely disruptive to the children as they have been living in the matrimonial home since 1999. The husband will continue to care and control over the children. More importantly, the children here are almost of adult age.

7 I also refrain from making an order for access in favour of the wife as I am of the view that it is pointless to. The children are already grown up and should be able to choose independently whether and when they would like to meet their mother. Furthermore, the son is in national service. Making an order for access may result in a conflict with his national service duties.

8 I now deal with the children's maintenance. In this case, the husband is seeking maintenance for the children from the wife (and not the other way round as is often the case). The husband asserts that the children's monthly expenses amount to \$9,287.74 and says that the amount should

be increased \$200 every month "due to their increased expenses as the children grow up". The husband goes on to say that these expenses exclude the children's current school fees which are debited directly via GIRO from the wife's bank account. The wife's lawyers made no submissions on the amount of maintenance she should provide for the children. The family may, however, benefit from counselling with the view of re-establishing the strained relationship between mother and children.

9 The \$9,287.74 is the sum of two parts. First, the children's monthly personal expenses "excluding their share of the household expenses and the maid's expenses as of 28 November 2011" which he says amount to \$5,610.66 (the husband says that the daughter's monthly maintenance is \$3,630.83, whereas that for the son is \$1,979.83). The second part is "the children's share of the increased household expenses". The husband says that this amounts to \$3,373.08. The husband arrives at the figure of \$3,373.08 by taking two-sevenths of the total household expense (which the husband says amounts to \$11,805.80). The \$11,805.80 is the sum of \$11,005.80, which are the expenses for two cars and \$800. It is not at all clear from the husband's submissions what expense this \$800 is for. There are a total of seven members in living in the matrimonial home: (1) the husband's mother; (2) the husband's brother; (3) the two children; (4) two maids; and (5) the husband himself.

10 The husband also asserts that the wife's contribution to the children's expenses has been minimal and that she has a "joint obligation" to contribute to the children's expenses. In this regard, the husband's lawyers make these four points:

- (a) First, the wife does not pay for any of the children's enrichment and tuition expenses;
- (b) Second, the wife has not contributed to the children's expenses (save for their school fees) since February 2011;
- (c) Third, the husband has always been paying for the family expenses and for most of the children's expenses throughout the marriage; and
- (d) Fourth, the wife is a "capable businesswoman who has set up a number of companies, at least one of which is based overseas and is well able to continue to contribute to the children's expenses"

The husband's lawyers submit that it would be "equitable" for the husband to bear 60% of the children's expenses and for the wife to bear the remaining 40%. This means that the wife should pay a monthly sum of \$3,700 for the children's expenses (this is 40% of the \$9,287.74). The husband's lawyers propose that the children's school fees should be born equally by the parties, and that the maintenance should be backdated to 10 October 2011, the date of the interim judgment.

11 Sections 68 and 69(2) of the WC provide that parents have to maintain their children. Section 68 of the WC reads:

Duty of parents to maintain children

68. Except where an agreement or order of court otherwise provides, it shall be the duty of a parent to maintain or contribute to the maintenance of his or her children, whether they are in his or her custody or the custody of any other person, and whether they are legitimate or illegitimate, either by providing them with such accommodation, clothing, food and education as may be reasonable having regard to his or her means and station in life or by paying the cost

thereof.

Section 69(2) of the WC reads:

Court may order maintenance of wife and children

69.—...

(2) The court may, on due proof that a parent has neglected or refused to provide reasonable maintenance for his child who is unable to maintain himself, order that parent to pay a monthly allowance or a lump sum for the maintenance of that child.

Section 69(4) of the WC goes on to provide a list of non-exhaustive considerations that a court should take into account when ordering maintenance.

12 I find it hard to believe that the children's expenses amount to \$9,287.74 monthly. I am of the view that the children's expenses have been inflated by the husband for the following reasons:

(a) First, a large part of the household expenses of \$11,805.80 is used for the loan instalments and the upkeep of two cars (a Honda CRV and an Aston Martin). The monthly expenses for both cars alone amount to \$11,005.80. I find that it is not right to attribute the cost of the upkeep of two cars as part of the monthly expenses for the children. In particular, the Aston Martin, being a luxury car, is the more expensive car to upkeep as its insurance, road tax, maintenance and monthly loan instalments are more expensive. To illustrate, a monthly loan instalment of \$7,275 is payable for the Aston Martin, whereas the monthly instalments for the Honda CRV amount to \$1,186; and

(b) Second, the children's monthly personal expenses appear to be inflated too. This is because he includes these one-off expenses: (1) a piano for the daughter (\$9,000, amounting to \$750 monthly); (2) a computer tablet for the daughter (\$2,000, amounting to \$166.67 monthly); and (3) computer for the son (\$2,000, amounting to \$166.67 monthly).

13 I note that the husband asserts in his affidavit of assets and means dated 25 November 2011 that he spends \$200 per month for each of the two children for outings to places such as the Bird Park and the Science Centre – which may have been many years ago when they were younger. He appears to have miscalculated this figure as he states in that same affidavit that the yearly expense for these outings for each child is \$1,200. This works out to \$100 (and not \$200) per month for each child.

14 I also decline to increase the monthly expenses by \$200 per month for what the husband says are increased expenses for the children as this would result in an exponential increase in the amount of maintenance - the monthly maintenance payable would increase by \$2,400 every year. The husband's lawyers did not explain (besides a bald assertion that the increase is needed due to "increased expenses") why such a large increase is necessary.

15 I find that the monthly expenses of the two children to be \$5,252.94. This is the sum total of the following:

(a) \$925.62 (two-sevenths of the household expenses which the husband states in his affidavit of assets and means dated 25 November 2011);

(b) \$1,713.16 (son's personal expenses, after deducting \$166.67 for the one-off expense of a computer (see above: [13(b)]) and \$100 to account for the calculation error for weekend outings (see above: [14])) from the \$1,979.83 figure provided by the husband); and

(c) \$2,614.16 (daughter's personal expenses, after deducting (1) \$166.67 for the one-off expense of a computer tablet (see above: [13(b)]); (2) \$750 for the one-off expense of a piano (see above: [13(b)]); and (3) \$ 100 to account for the calculation error for weekend outings (see above: [14]) from the \$3,630.83 figure provided by the husband).

The daughter's personal expenses are much more than those of the son's as she attends more enrichment classes (for violin and mathematics) than the son does.

16 In determining the amount of maintenance, the court has to have regard to the list of non-exhaustive considerations provided under s 69(4) of the WC That provision reads:

(4) The court, when ordering maintenance for a wife or child under this section, shall have regard to all the circumstances of the case including the following matters:

(a) the financial needs of the wife or child;

(b) the income, earning capacity (if any), property and other financial resources of the wife or child;

(c) any physical or mental disability of the wife or child;

(d) the age of each party to the marriage and the duration of the marriage;

(e) the contributions made by each of the parties to the marriage to the welfare of the family, including any contribution made by looking after the home or caring for the family;

(f) the standard of living enjoyed by the wife or child before the husband or parent, as the case may be, neglected or refused to provide reasonable maintenance for the wife or child;

(g) in the case of a child, the manner in which he was being, and in which the parties to the marriage expected him to be, educated or trained; and

(h) the conduct of each of the parties to the marriage, if the conduct is such that it would in the opinion of the court be inequitable to disregard it.

17 The wife's lawyers say that the wife is "presently unemployed, and just started a consultancy business". This suggests that she may not have the means to provide maintenance for the two children (s 69(4)(b) of the WC). The husband's lawyers dispute this, and say that the wife "has not been forthcoming with regards to her income and means". In this regard, the husband's lawyers submit that the wife only disclosed at the eleventh hour that she is a director of at least five companies. The husband's lawyers assert that the wife earns an income from these companies. Even though the wife claims that these companies do not have any business activities, and she therefore draws no income from them, the husband's lawyers argue that this is "inherently unbelievable" as she is a "savvy and enterprising businesswoman with good business acumen". Furthermore, there is "objective evidence available on the public domain" that "undermines the wife's claim":

(a) First, the wife is the CEO, chairman and founder of a group of companies and is the

“creator and organiser” of a two day “crowd funding” conference held from 4 to 5 August 2014 at the Marina Bay Sands Expo and Convention Centre;

(b) Second, the wife’s profile on the website for “crowdfunding” conference states that she is a capable businesswoman. It reads:

[Wife’s name]

CEO & Founder, [group company name] and Creator of [name of “crowdfunding” conference]

As CEO, Chairman and Founder of [group company name], and with a passion of driving global crowdfunding, [Wife’s name] took lead to create the [name of crowdfunding conference]. Branded in Singapore, she enrolled the support of the international practitioners to join force to promote Crowdfunding as industry to sync with international development.

[Wife’s name] is committed to support Asia potential and innovation leveraging on crowdfunding as strong alternatives funding for startup, innovators and entrepreneurs; creatively even existing business expansion worthiness. She has clarity on where Asia CROWDFUNDING will goes and takes every effort to work closely with the ground to raise awareness. She was invited to conduct focus-group workshops with different agencies to support her belief in having a robust ecosystem to serve the fresh field in crowdfunding in all industry.

[Wife’s name] has worked with Asean government and enterprises to address major ICT, cyber-security and forensic. She also drove initiatives with top CIOs as International Liaison Officer for CIO16 Association of Thailand as well to support Thailand to develop the new ASEAN CIO Association.

Her skills set was acquired through her experience working in various industries’ successes. Her commitment to develop strong network was showcase over the years through conferences, events and activities. Bridging relationship, entrepreneurial leadership and continuous business engagement are strength of hers.

A proven track record since 2001 in driving a regional distribution house for cyber-security and forensic. She has developed a distribution channel of 700 resellers and more than 10,000 enterprises across ASEAN. Today, she is looked upon as pioneer in the industry for cutting edge technology development and drawing the world best resources to where the needs are. A firm believer of good business practices by means of building TRUST, INTEGRITY & ETHICS, [wife’s name] is highly sort after for business collaborations and idea manifestations.

(c) Third, the wife’s group of companies has three office locations: (1) its headquarters in Singapore; (2) a secretariat also in Singapore; and (3) a branch office in Bangkok, Thailand.

18 I accept the submissions made by the husband’s lawyers that the wife has the means to provide maintenance for the children. She is a woman of means and has income. In the absence of details on her exact income, I fix monthly maintenance for the children payable by her at \$2,500. In my view, this is a reasonable amount of maintenance that she has the means to pay.

19 I now deal with the issue of whether the maintenance for the children should be backdated to the date of the interim judgment (10 October 2011). In *Lee Siew Choo v Ling Chin Thor* [2014] SGHC 185, I held the following (at [15]):

A backdated order for maintenance ensures that the parent in default pays for the child's needs right from the outset instead of from only the time maintenance is sought. It is a practical and pragmatic tool that, if used judiciously and as the circumstances warrant, can vindicate parental responsibility for a child's needs.

That case also enumerated other a list of considerations that a court should have regard to, in deciding whether to grant an order for backdated maintenance (at [16]).

20 In the present case, I am not prepared to backdate maintenance. I do not accept the husband's assertion that the wife did not provide for the children even she moved out of the matrimonial home. The wife has provided receipts showing the expenses she incurred in respect of the children in her affidavit dated 1 December 2011. She cannot be said to have been derelict in her parental responsibility to provide for the children.

21 I now deal with the division of matrimonial assets. I start with the matrimonial home. The wife says that the property is now worth \$2.15m. The husband says that the property is worth \$1.7m, but that same figure was given in his 2011 affidavit of assets and means. It does not take into account the increase in property value. There is a dispute over the financial contributions made by the respective parties. The wife says that she contributed \$302,171.78 whereas the husband contributed \$370,430. The husband says that his financial contributions amount to \$562,778 (the sum of his CPF contribution amounting to \$292,778, \$180,000 down-payment and \$90,000 renovation costs) and the wife's is just \$236,066. The parties have not furnished sufficient documentary proof to substantiate their respective claims. In any event, it is clear that the husband contributed more financially towards the matrimonial home. The monies in the parties' UOB joint account is also part of the pool of matrimonial assets. The husband says that there is just \$79,893.27 as at 31 January 2012. The wife however, attributes a value of \$608,047. This is because she alleges that there was dissipation in the monies on the husband's part.

22 The other assets in the matrimonial pool are those in the parties' own names. I start with the assets in the husband's names. They are:

- (a) Aston Martin;
- (b) Honda CRV;
- (c) Shares in Company A;
- (d) Shares in Company B;
- (e) Monies in Standard Chartered Bank accounts (accounts A, B and C);
- (f) Monies in OCBC current account;
- (g) Insurance policy with Prudential Singapore;
- (h) CPF monies; and
- (i) National Service Resort club membership

The husband says that the value of his assets is \$2,944,111.69 but the wife says that his assets are worth \$4,885,858.42. I do not accept the figure provided by the husband as I am of the view that he

has under-declared his assets. He failed to declare \$200,682.03 in Standard Chartered Bank account A. He also under-declared the value of his shares in Company A. He says that they are worth just \$1,259,759. However, the wife's accountant Mr Yin Kum Choy points out that they are worth \$2,713,469. The wife's figure is not correct either. This is because she has failed to take into account outstanding loans on both the Aston Martin and Honda CRV. I determine the value of the husband's assets at \$4,474,457.42. This is the sum total of the following:

- (a) Aston Martin (\$114,461 after deducting the outstanding loan of \$385,539);
- (b) Honda CRV (\$33,958 after deducting the outstanding loan of \$26,042);
- (c) Shares in Company A (\$2,713,469);
- (d) Shares in Company B (\$350,706);
- (e) Monies in Standard Chartered Bank accounts (accounts A (\$3,021.09), C (\$200,682.03) and C (\$537,938.85));
- (f) Monies in OCBC current account (\$30,571.23);
- (g) Insurance policy with Prudential Singapore (\$10,086.99);
- (h) CPF monies (\$475,383.23); and
- (i) National Service Resort club membership (\$4,000).

23 The assets in the wife's sole name are:

- (a) Shares in Company B;
- (b) CPF monies;
- (c) Monies in OCBC accounts (account D, E and F); and
- (d) BMW car.

The wife says that the value of her assets is \$764,833.85 but the husband says that she has they are worth at least \$857,855.85. The husband accuses the wife of not being "less than forthcoming" in declaring her assets. In this regard, his lawyers argue the following:

- (a) First, wife is dishonest. This is because that the wife failed to disclose the existence of her Siam Commercial Bank Public Company Limited Savings Account until she was confronted by the husband with documentary evidence. The husband's lawyers argue that the wife could not be said to have forgotten about that since she receives her monthly salary from Thailand in this bank account. The husband's lawyers say that there is still a significant balance of \$82,837.80 (after conversion into Singapore Dollars) in that account as of November 2011;
- (b) Second, the wife was evasive in her replies to the husband's requests that she account for the various large withdrawals and deposits from her bank accounts, in particular, OCBC bank account no F. There were four withdrawals from that OCBC bank account that remain unaccounted for: (1) a cashier's order for \$18,000 on 3 April 2011; (2) another cashier's order for \$20,000 on 8 May 2011; (3) a purchase for \$45,048.13 on 30 November 2010 and (4) another

purchase for \$7,030 on 11 January 2011. With regard to (1) and (2), the husband says that the wife conveniently forgets what the money is used for. With regard to (3) and (4), the husband says that the wife merely repeated her "frivolous claims" that the monies were used to pay her staff in Thailand;

(c) Third, the wife failed, neglected and/or refused to comply with the orders for discovery in Summons No 11126 of 2014. These include:

(i) An order for the wife to furnish monthly statements for OCBC account E from 1 January 2009 to 8 January 2011, 1 March 2011 to 10 August 2011 and January 2012. The wife only provided the statements for three months (25 March 2011 to 20 May 2011);

(ii) An order for the wife to furnish monthly statements for OCBC account D for the period 1 January 2009 to mid-September 2010, October 2010 and January 2012. The wife did not provide any statements for this period; and

(iii) An order that the wife produce bank statements for OCBC account F for the period 1 January 2009 to 12 December 2009;

(d) Fourth, the wife did not disclose the fact that she held a job and was not unemployed; and

(e) Fifth, the wife failed to disclose the cash value of her insurance policies and her country club membership.

The husband's lawyers urge me to draw an adverse inference against the wife, by reducing the wife's share of the known matrimonial assets by 5% to 10%.

24 The wife's lawyers say that large sums of money were withdrawn from the UOB joint account close to when the writ for divorce was filed (on 28 April 2011). Counsel for the wife thus urged me to draw an adverse inference against the husband. To illustrate, counsel for the wife point out the following:

(a) The joint account had \$646,627 on 12 February 2010, but by end December 2011, there was just \$189,087 left. In particular, the wife's lawyers singled out three withdrawals made during this period where large sums of \$141,000, \$90,000 and \$50,000 were withdrawn. There was no explanation by the husband as to how the \$141,000 was used. The explanations given for the \$90,000 and \$50,000 withdrawals were not satisfactory either. The husband says that the monies were used for the operating expenses of one of his two companies, and has provided copies of that company's ledger as proof. However, there is no corresponding deposit for those amounts on the dates when these monies were withdrawn. There were instead deposits for much lesser amounts of \$39,603.96 and \$7,118.15 on those dates; and

(b) \$100,000 was withdrawn from that bank account on 27 January 2012 for alleged renovations and household expenses. The wife says that there is "not a shred of documentary evidence to support this";

The wife does not state a specific figure in her counsel's written submissions on how much has been dissipated by the husband. I accept that that might not be possible for her, and so have taken this factor into account.

25 It is not just the money in the joint account that has been dissipated. The wife's lawyers also say that the husband dissipated his earnings and deliberately incurred a loss \$183,000 by selling his Lamborghini in just less than six months from purchasing it. In his affidavit dated 20 February 2011, the husband state the following (at [18]):

I purchased a Lamborghini Gallardo on 31 March 2011 for the sum of S\$798,000.00 which I subsequently sold on 19 May 2011 for the price of S\$615,000.00. I incurred a loss of S\$183,000.00.

26 Having regard to the evidence, I accept the arguments that there was dissipation on the husband's part. It may be speculative to say that the husband's loss of \$183,000 is borne out of a desire to dissipate assets. Nonetheless, I am satisfied that there is dissipation as the husband has withdrawn large sums of monies from bank accounts with hardly any explanation or proper documentation to substantiate the reason for withdrawing these monies.

27 In my view, both husband and wife have failed to provide full and frank disclosure of their respective assets. However, it seems pointless to draw an adverse inference against both of them. An adverse inference drawn against one party could be negated by one drawn against the other party, especially in a situation such as this where it is difficult to determine if one party has under-declared more than the other. It is difficult to make such a determination because neither of the parties' lawyers has submitted on the amount under-declared.

28 I am of the view that an equal division in this case would be just and equitable. The parties have been married for more than 20 years. Equality of division is neither ideal nor the norm (*Lock Yeng Fun v Chua Hock Chye* [2007] 3 SLR(R) 520 at [55]), but for long marriages such as this, the courts tend to lean towards equality of division. That is because there is no formula or means to determine the differential between the financial and non-financial contribution of the parties with precision. An equal division is also probably the closest the court can effect the parties' declaration in their matrimonial vow of treating themselves as one. Thus in the absence of a better formula, the court will consider equality as justice. The Court of Appeal in *Koh Bee Choo v Choo Chai Huah* [2007] SGCA 21 approved the High Court order of equal division where the homemaker wife of 22 years who brought up the couple's three sons. Similarly, the High Court in *MZ v NA* [2006] SGHC 95 also refused to interfere with the District Court order that the homemaker wife (of 20 years, and who brought up the couple's two children) should get just as much as the husband of their matrimonial assets.

29 I make no order for maintenance in this case. Maintenance of an ex-wife supplements the division of matrimonial assets and is awarded only to even out any financial inequities after division (*BG v BF* [2007] 3 SLR(R) 233 at [74]-[75]). In my view, the financial inequities are evened out in the division of matrimonial assets. Furthermore, the wife is also able to adequately provide for herself. As mentioned, she is a woman of means. She is 50 years old and can continue to work.

30 This is not an exceptional case in which maintenance for the wife is denied. I provide three instances to illustrate. First, in *Chan Choy Ling v Chua Che Teck* [1994] SGHC 194, the wife – who was earning \$5,900 a month – sought spousal maintenance from her husband – who was earning \$4,082 (and imprisoned for a period). The judge held “justice would not have been done by ordering any maintenance for the wife”. Second, *AAE v AAF* [2009] 3 SLR(R) 827, the wife's application for maintenance was rejected, in particular because the High Court found she “deliberately misled” the District Judge in her application for interim maintenance, by making herself out to be a housewife with no income. On the contrary, the High Court found that she was financially independent (at [22]-[24]). More recently, in *Anthony Guo Ninqun v Chan Wing Sun* [2014] SGHC 56, the High Court denied maintenance to the wife (who claimed \$6,500 a month) holding that “she [was] an able and

enterprising individual with good business acumen”, and would have been able to enjoy economic independence to support her lifestyle (at [124]).

31 My orders are therefore as follows:

- (a) The husband will have care and control over the children;
- (b) No order as to access with liberty to apply;
- (c) The wife is to pay \$2,500 as monthly maintenance for the children;
- (d) The husband is to purchase the wife’s share (50%) in the matrimonial home at current market value, and with liberty to apply;
- (e) The rest of the other assets are to be divided equally; and
- (f) No maintenance for the wife.

32 I will hear the parties on (1) costs; (2) the mode of payment of the backdated maintenance for children; and (3) the manner of dividing the matrimonial assets if they are unable to agree.

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