

IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2024] SGHC 139

Divorce (Transferred) No 3269 of 2010
(Summons No 235 of 2024)

Between

DIL

... Plaintiff/Respondent

And

DIM

... Defendant/Applicant

JUDGMENT

[Family Law — Maintenance — Wife]

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**DIL
v
DIM**

[2024] SGHC 139

General Division of the High Court — Divorce (T) No 3269 of 2010
(Summons No 235 of 2024)
Choo Han Teck J
29 April, 23 May 2024

30 May 2024

Judgment reserved.

Choo Han Teck J:

1 The parties were married on 22 July 1988 and divorced in 2012. On 29 October 2012, the defendant Husband was ordered to pay maintenance of \$1,200 to the plaintiff Wife. HC/SUM 235/2024 is his application to rescind that maintenance order.

2 The Husband, aged 65, retired in July 2023. He remarried in 2017 and has a daughter from that marriage. The Wife, aged 69, has been unemployed since 2017. She was diagnosed with a slipped disc in 2010, and was unable to work because she could not stand for long. They have two children from their marriage. The son, aged 33, lives in the United States of America. He graduated from Boston University in 2017 and has stayed in intermittent contact with his parents. He is in the final year of his Doctor of Philosophy degree (PhD) while taking up part-time jobs. The Husband was last in contact with the son in

November 2022, when the son was working as a Graduate Research Assistant for a research laboratory in Indiana. He has since left that job, and his parents do not know where he is nor what he does now.

3 The daughter, aged 29, is working as a brand manager in Singapore and she also operates her own business. She graduated from the University College of London in 2017 and briefly lived with her father and his new family until December 2020. She then stayed with her mother until she moved out to a shared apartment with her colleague in March 2022. She was in intermittent contact with the parties after that, but they have not heard from her since May 2023.

4 Both the children benefitted from an education fund created by the parties in the divorce. The education fund totalled \$600,000 and was intended for the children's overseas tertiary education. The son has also received further financial aid from the parties, as he was not doing well in the USA. In 2022, the Husband transferred USD \$20,000 to the son, and the Wife transferred \$13,729.77 to him as recently as October 2023.

5 The Husband's daughter from his second marriage is six years old. The second wife is a Chinese citizen, aged 38. She is unemployed, but the Husband says that she is hoping to return to work, perhaps as a pre-school teacher or Chinese tutor, to provide for the household. Otherwise, they have only about \$500,000 from his CPF savings and the sale of his company's shares to live on. Their household expenses are about \$7,000 per month. On this basis, he seeks to rescind the maintenance order as the circumstances have changed, and he is no longer able to maintain the Wife at \$1,200 per month. The Husband is, however, willing to provide \$600 a month for the next two years.

6 The Wife says that the Husband's retirement is self-induced, and in any event, it does not amount to a material change in circumstances. She claims that he has substantial savings in his CPF and bank accounts, and that he holds company shares that are of substantial value. Thus, she says that he has sufficient funds to continue to provide monthly maintenance.

7 At the hearing on 29 April 2024, I directed parties to file further affidavits on their present incomes and savings, given that both parties were able to send a substantial sum of money to their son in 2022 and late 2023 respectively. I also directed parties to provide more information on their children's whereabouts and current incomes.

8 The law of maintenance does not seek to create situations of life-long dependency by former wives on maintenance from their former husbands. They are expected to regain some level of financial self-sufficiency. However, we cannot expect the Wife in this case at the age of 69 to find employment now, especially given her medical condition. The same can be said for the Husband. He is entitled to retire as he wishes, given his age. The question is whether this change in circumstances is material to justify a rescission of the maintenance order. The answer, I think, is obvious. I am satisfied that the Husband is no longer able to maintain the Wife and his present family. From full employment to no employment is clearly a change of circumstances when the husband is no longer in a position to seek new work, whether on account of age or infirmity.

9 Although the Husband has disclosed his CPF and bank account savings to be of a greater sum than the Wife's, I am satisfied that these monies are also essential to providing for his new family and daughter. It is inexplicable that the two adult children seem to have vanished at a time when they are needed most. The responsibility for providing for the financial needs of the parents ought to

be partially borne by their children, especially after they had benefitted tremendously from the tertiary education fund set up by their parents. It is a pity that their son and daughter, one with a PhD and the other a university degree, are unable to contribute even a token sum towards their aged parents' upkeep. The summons before me is not an appropriate summons for this court to make any order against the children. In the circumstances, I order that the maintenance be varied to \$600 per month, for a reduced period of two years with effect from June 2024. The Husband's second wife should, of course, continue to look for gainful employment.

10 I make no order as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Mohamed Baiross and Uthai Quek Liuyong (I.R.B Law LLP) for the
plaintiff/respondent;
Tan Wei En and Andy Chiok Beng Piow (AM Legal LLC) for the
defendant/applicant.
