

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

[2026] SGHCR 3

Originating Claim No 610 of 2025 (Summons No 2641 of 2025)

Between

WWL

... Claimant

And

- (1) AAE
- (2) WWK

... Defendants

GROUND OF DECISION

[Civil Procedure — Stay of proceedings — Case management stay]

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WWL
v
AAE and another

[2026] SGHCR 3

General Division of the High Court — Originating Claim No 610 of 2025
(Summons No 2641 of 2025)
Gerome Goh Teng Jun AR
18 and 26 November 2025

16 February 2026

Gerome Goh Teng Jun AR:

1 In HC/OC 610/2025 (“OC 610”), the claimant, [WWL] (“Husband”), sought a declaration that the second defendant, [WWK] (“Wife”), was the beneficial owner of a private property (“Property”) held in the name of the defendants’ father (“Father”) prior to his demise. The Husband and the Wife were married in 1993 and interim judgment for the divorce was granted in their divorce proceedings, HCF/DT 1206/2020, on 21 October 2020. The Wife was the daughter and legal representative of the Father. The first defendant, [AAE] (“Sister”), was the Wife’s sister and also a legal representative of the Father’s estate.

2 The Husband sought in OC 610 a declaration that the Father held the Property on behalf of the Wife who was the beneficial owner of the Property

prior to the Father's demise. The Husband claimed that the Wife paid substantial amounts of the purchase price of the Property during the marriage and used the Father's name to keep it out of the pool of matrimonial assets for division and to avoid paying additional buyer stamp duty. Therefore, she beneficially owned the Property from the time of acquisition by reason of a resulting trust or common intention constructive trust.

3 HC/SUM 2641/2025 ("SUM 2641") was the Wife's application for OC 610 to be struck out pursuant to O 9 r 16(1)(b) or O 9 r 16(1)(c) of the Rules of Court 2021 ("ROC 2021") or, alternatively, stayed on a case management basis.

4 On 26 November 2025, I allowed SUM 2641 in part. I dismissed the Wife's striking out application but granted a case management stay of OC 610 until the resolution of the divorce proceedings between the Husband and Wife, and any appeal therefrom. As there have been no reported decisions regarding the exercise of case management powers of the General Division of the High Court's ("GDHC") to stay a suit in favour of the Family Justice Courts ("FJC"), I set out my reasons in these grounds of decision.

Background

5 The Husband and Wife were married in 1993 in Singapore. The Property was purchased for \$1,900,000 in 2019 in the Father's name. The Wife disclosed that the Father and her had taken a "friendly" loan of \$900,000 as co-borrowers from a family friend, Ms [C], who lodged a caveat on the Property. The arrangement was set out in a deed of loan dated 18 October 2019. However, contrary to the Husband's claim in OC 610, the Wife's position was that she did not contribute to the payment or acquisition of the Property.

6 The Wife filed the divorce proceedings on 11 March 2020. Interim judgment for the divorce was granted on 21 October 2020. The Father passed away in August 2022.

7 At a case conference before Assistant Registrar Adriene Cheong (“AR Cheong”) on 13 October 2023, the possibility of an originating claim being filed in the GDHC to determine the beneficial ownership of the Property was discussed by the parties. AR Cheong directed the Husband to file the GDHC proceeding by 31 October 2023.

8 However, the Husband took the view that it was necessary for him to seek leave for him to use certain documents and information disclosed in the divorce proceedings for the purpose of his intended proceedings in the GDHC. To that end, the Husband filed FC/SUM 3414/2023 (“SUM 3414”) on 2 November 2023 seeking permission to be released from any implied undertaking not to use certain documents for any other purposes apart from the divorce proceedings and to use those documents for the purposes of related proceedings in the GDHC to determine the true beneficial ownership of the Property.

9 SUM 3414 was dismissed by AR Cheong on 16 February 2024. In FC/RA 1/2024 (“RA 1”), the Husband appealed against AR Cheong’s decision in SUM 3414. RA 1 was dismissed by District Judge Chia Wee Kiat (“DJ Chia”) on 15 May 2024 (see *WWK v WWL* [2024] SGFC 25 (“*RA 1 GD*”). In HCF/RAS 6/2024 (“RAS 6”), the Husband further appealed against DJ Chia’s decision in RA 1. Teh Hwee Hwee J dismissed RAS 6 on 19 August 2024.

10 On 20 February 2024, the Husband filed FC/SUM 559/2024 and FC/SUM 560/2024 (“SUM 559 and SUM 560”) for further discovery and

interrogatories. On 25 July 2025, AR Cheong made no orders on both applications and directed for the divorce proceedings to proceed for the hearing for ancillary matters without further interlocutory applications to be filed by either party. In FC/RA 10/2025 (“RA 10”), the Husband appealed against AR Cheong’s decision in SUM 559 and SUM 560. On 26 September 2025, DJ Chia dismissed RA 10 (see *WWK v WWL* [2025] SGFC 118). In HCF/RAS 29/2025 (“RAS 29”), the Husband has since appealed against DJ Chia’s decision in RA 10. As at the time I delivered my judgment, RAS 29 had yet to be heard.

11 The grant of probate for the Father’s estate was granted and issued on 2 April 2025, stating that the Wife and Sister were the two executrices of the Father’s estate. It was undisputed that the Wife would inherit the Property pursuant to the Father’s will. However, the Property had not yet been transferred to the Wife.

12 The divorce proceedings had not progressed to the hearing for the ancillary matters after more than five years. There were multiple requests for discovery and interrogatories and interlocutory hearings and appeals.

13 The Husband filed OC 610 in the GDHC on 5 August 2025. The Husband claimed that the Wife used the Father’s name to purchase the Property to keep it out of the pool of matrimonial assets for division in the divorce proceedings and to avoid paying additional buyer stamp duty on the Property. He also averred that the Wife made payments towards the purchase of the Property during the marriage and that she was the true borrower of the loan from Ms [C]. Thus, a common intention constructive trust or alternatively, a resulting trust should have arisen in favour of the Wife as the beneficial owner of the Property at the time of acquisition of the Property. The Husband sought a

declaration that the Father held the Property on behalf of the Wife who was the beneficial owner of the Property prior to the Father's demise.

14 For completeness, the Sister attended the hearings of SUM 2641 on 18 and 26 November 2025 but did not make substantive submissions. However, counsel for the Sister confirmed before me that the Sister had no objections to a stay of OC 610 such that the FJC may determine the dispute between the Husband and the Wife over the beneficial ownership of the Property. There was also no contest between the Father's estate and the Wife as regards the beneficial ownership of the Property.

Parties' cases in SUM 2641

The Wife's case

15 The Wife's case was that OC 610 should be struck out as an attempt by the Husband to abuse the process of the court. The Husband inexplicably delayed the commencement of OC 610 to the eve of the hearing for the ancillary matters in the divorce proceedings notwithstanding that the FJC had determined in SUM 3414, RA 1 and RAS 6 that there was no need for the Husband to commence separate civil proceedings for the determination of the Wife's beneficial interest in the Property.

16 The Wife submitted that OC 610 was legally unsustainable given that the FJC had already considered that the issue of the beneficial ownership of the Property may be determined in the hearing for the ancillary matters in the divorce proceedings such as to render any separate civil proceedings unnecessary. OC 610 was also factually unsustainable given that the FJC refused to lift the *Riddick* undertaking to allow the Husband to rely on documents and information disclosed in the divorce proceedings relating to the

Property. Finally, OC 610 was an abuse of process as it was brought by the Husband to protract the divorce proceedings. Finally, and in the alternative, OC 610 should be stayed.

The Husband's case

17 The Husband's case was that the determination of beneficial ownership of the Property should necessarily and appropriately be determined by the GDHC. The Husband contended that the Wife's beneficial interest vested at the point of acquisition of the Property which would likely render the Property a matrimonial asset whereas the Wife's position was that her beneficial interest arose through inheritance pursuant to the Father's will which may potentially exclude the Property as a matrimonial asset.

18 The Husband submitted that it was procedurally inadequate and fundamentally unjust for the FJC to resolve the dispute over the beneficial interest of the Property. The FJC lacked the necessary jurisdiction and procedural mechanisms to compel discovery or testimony from essential third parties such as Ms [C] or financial institutions which was crucial to the Husband's case. It would be prejudicial to determine the Husband's claim without the ability to compel evidence from these key witnesses. The GDHC was the only forum that could exercise jurisdiction over all necessary parties including the Father's estate, invoke discovery processes against non-parties and bind all the parties to the judgment. There was also no undue delay in filing OC 610 because this was a reasoned approach to navigating the FJC's concurrent directions for the suit to be filed in the GDHC and ongoing discovery processes and interrogatories within the divorce proceedings.

19 The Husband also resisted a stay of OC 610 pending the resolution of the divorce proceedings because a stay would render OC 610 otiose, perpetuate uncertainty and cause further delay.

Issues to be determined

20 The issues to be determined in SUM 2641 were as follows:

- (a) whether OC 610 should be struck out; and
- (b) whether OC 610 should be stayed on a case management basis.

My decision

21 Having carefully considered the affidavits filed and submissions made by the parties, I dismissed the Wife’s striking out application and granted a case management stay of OC 610 until the resolution of the divorce proceedings and any appeals therefrom.

UDA v UDB

22 Before turning to the reasons for my decision in SUM 2641, it was important to appreciate the law regarding alleged matrimonial assets that were held in the name of a third party. This was comprehensively set out by the Court of Appeal in *UDA v UDB and another* [2018] 1 SLR 1015 (“*UDA v UDB*”). As a starting point, the Court of Appeal held that s 112 of the Women’s Charter 1961 (“Women’s Charter”) did not confer power upon the FJC to adjudicate a third party’s claim to an alleged matrimonial asset or make orders against the third party in respect of that asset. The power to divide matrimonial assets was conferred in the specific context of matrimonial proceedings, and could only be applied between the spouses. Moreover, the power did not extend to property

that was beneficially owned by a third party, as this would not be a “matrimonial asset” (at [28], [29] and [31] to [34]).

23 Where a third party wished to directly assert his rights to an alleged matrimonial asset, he should commence independent civil proceedings against either or both spouses for a declaration as to his interest and other relief. He could also apply to intervene in the s 112 proceedings, but the only purpose of such intervention would be to notify the court of his interest and apply for a stay of the s 112 proceedings pending determination of his separate civil suit (at [54] and [55]).

24 Where a property was in the name of a third party but one or both spouses claimed that it was a matrimonial asset because the third party was holding the whole or part of the property on trust for one or both spouses, the Court of Appeal set out the following legal options available to the court and the spouses (at [51(d)] and [56]):

(a) First, the spouse who claimed the property to be a matrimonial asset may obtain legally binding confirmation from the third party that this was so and an undertaking that the third party would respect and enforce any order that the court may make relating to the beneficial interests in the property.

(b) If such confirmation was not forthcoming, either that spouse or the other who was asserting that the property belonged beneficially to the third party would have to start a separate legal action to have the rights in the property finally determined, *vis-à-vis* the third party, in which case the proceedings under s 112 of the Women’s Charter would have to be stayed until the rights are determined (“Option 2”).

(c) The third possibility would be for the spouse to drop his or her claim that the property was a matrimonial asset and allow the s 112 proceedings to continue without it.

(d) Alternatively, that spouse may ask the court to determine whether the asset was a matrimonial asset without involving the third party's participation at all or making an order directly affecting the property ("Option 1").

25 The Court of Appeal stated that the FJC should only take Option 1 if both spouses agreed to it, as this course could result in the disputed asset being treated as a matrimonial asset and adjustments being made in the division of other assets to account for its value when in separate proceedings later it may be determined that the third party was both the legal and the beneficial owner of the property and neither spouse had any interest in it at all. Thus, the result of taking Option 1 may be to prejudice the spouse who has to account to the other for the value of an item of property which turns out not to be a matrimonial asset. By the time of the separate action, the s 112 proceedings may have completed and no adjustments may be possible to reflect the decision made in the third party's separate proceedings (at [57]).

Striking out

26 The Wife submitted that OC 610 should be struck out under O 9 r 16(1) of the ROC 2021 because it was: (a) in the interests of justice to do so since it was legally and factually unsustainable; and (b) an abuse of process. Order 9 r 16(1) of the ROC 2021 provided as follows:

- (1) The Court may order any or part of any pleading to be struck out or amended, on the ground that –
 - (a) it discloses no reasonable cause of action or defence;

- (b) it is an abuse of process of the Court; or
 - (c) it is in the interests of justice to do so,
- and may order the action to be stayed or dismissed or judgment to be entered accordingly.

27 I turn first to the interests of justice ground of striking out relied upon by the Wife. The interests of justice ground in O 9 r 16(1)(c) of the ROC 2021 gives effect to the court's inherent jurisdiction to prevent injustice, such as where the claim is plainly or obviously unsustainable (*Iskandar bin Rahmat and others v Attorney-General and another* [2022] 2 SLR 1018 ("*Iskandar*") at [19]). A plainly or obviously unsustainable claim would be either legally unsustainable (if it is clear as a matter of law at the outset that even if a party were to succeed in proving all the facts that he offers to prove he will not be entitled to the remedy that he seeks) or factually unsustainable (if it is possible to say with confidence before trial that the factual basis for the claim is fanciful because it is entirely without substance) (*The "Bunga Melati 5"* [2012] 4 SLR 546 at [39]).

Legal unsustainability

28 The Wife argued that OC 610 was legally unsustainable given that the FJC had already considered that it was available to the Husband to have the FJC determine the issue of beneficial ownership of the Property for the purposes of the division of matrimonial assets between the Husband and the Wife under Option 1 such as to render any separate civil proceedings unnecessary. Thus, the Wife contended that the Husband was estopped from pursuing Option 2 and OC 610 was effectively a backdoor appeal against those findings.

29 I rejected the Wife's argument that OC 610 was a backdoor appeal or that the Husband was estopped from pursuing Option 2. Having closely

examined the judicial pronouncements relied upon by the Wife, the FJC did not hold that Option 2 was not open to the Husband and did not order that the Husband was not to file any civil proceedings in the GDHC.

30 The Husband's intention to commence civil proceedings in the GDHC was made known to the FJC for some time since the case conference on 13 October 2023 in which AR Cheong directed the Husband to file the intended proceedings in the GDHC by 31 October 2023 (see [7] above). On 16 February 2024, AR Cheong dismissed the Husband's application in SUM 3414 for permission to use certain documents for the purpose of "related [GDHC] proceedings to determine the true beneficial ownership of the Property" (see [9] above). Based on the evidence before her at that time, AR Cheong considered that the Husband's intended GDHC proceeding appeared unnecessary. She reasoned that there was no dispute that the Wife had beneficial interest of the Property since legal title will vest with her once probate was completed and the court determining ancillary matters will have to determine whether the Property should be included as a matrimonial asset for division. However, I noted that AR Cheong observed that the Husband at that time had not commenced the related proceedings and the specific claims had not been set out. AR Cheong expressly clarified that her view that the application appeared to be unnecessary was without comment or observation on the merits of any eventual proceeding because the intended claim had not yet been crystallised by the Husband. This clearly contemplated that the Husband may still proceed to file proceedings in the GDHC notwithstanding her decision in SUM 3414.

31 In dismissing the appeal against AR Cheong's decision, DJ Chia in RA 1 held that the Husband had a real enough choice of taking up Option 1 and AR Cheong was correct in her finding that the intended GDHC proceeding was unnecessary. The Wife had opted for Option 1 even though she was the party

who may have been prejudiced by this course of action since she was the one who had to account for the Property. The only obstacle to Option 1 was the Husband's refusal to agree to it. Since Option 1 did not involve the FJC making any order directly affecting the Property, the risk, if any, lay with the Wife as the spouse who had to account for the value of the disputed asset in any subsequent proceedings. DJ Chia was of the view that the question of whether the Property was a matrimonial asset could be appropriately determined in the hearing for the ancillary matters by the FJC without the need for the Husband to commence a separate originating claim in the GDHC. DJ Chia also held that the interests that were protected by the *Riddick* undertaking outweighed the interests advanced by the Husband to use the disclosed documents and information (see *RA 1 GD* at [52]–[57]). The appeal against DJ Chia's decision was dismissed by Teh J in RAS 6.

32 In my judgment, it was crucial to appreciate the context of the FJC's decisions in SUM 3414, RA 1 and RAS 6. These decisions dealt with the Husband's application for the *Riddick* undertaking to be lifted to allow certain documents disclosed in the divorce proceedings to be used for related GDHC proceedings (which had not yet been filed) to determine the true beneficial ownership of the Property. The issue of whether the Husband was permitted to commence a GDHC proceeding under Option 2 to determine the beneficial ownership of the Property without using the documents disclosed in the divorce proceedings was not put before the FJC for determination. None of the judicial pronouncements went as far as to have held that the Husband no longer had a legal right to pursue Option 2 if he wished to do so without the use of those documents or that the Husband was compelled not to or barred from commencing a separate GDHC suit to determine the beneficial ownership of the Property. I was thus unable to agree with the Wife that the Husband was

estopped from filing OC 610 or that OC 610 was a backdoor appeal against the FJC's decision that the Husband may avail himself to Option 1.

33 In the premises, Option 2 remained a legal option permitted by the Court of Appeal in *UDA v UDB* given that the Husband was asserting that the Father held the legal title of the Property on trust for the Wife from the time of acquisition of the Property and the Wife disputed this (see [24(b)] above). I thus rejected the Wife's submission that OC 610 was legally unsustainable merely because Option 1 had been determined by the FJC to be a viable option. I also did not consider this a case where it was clear as a matter of law at the outset that even if the Husband were to succeed in proving all the facts alleged in the statement of claim in OC 610, he would still not be entitled to the remedy that he sought.

Factual unsustainability

34 The Wife argued that OC 610 was factually unsustainable because the FJC had not granted permission to lift the *Riddick* undertaking for documents and information related to the Property disclosed in the divorce proceedings for use in OC 610. As the Husband would be unable to rely on those documents and information, the Wife submitted that there was no factual basis for OC 610.

35 I was not persuaded that it was possible to say with confidence solely on the basis of the affidavits before me at this point that the factual basis for OC 610, as set out in the statement of claim, was fanciful because it was entirely without substance. The Husband averred in his reply affidavit that the Wife "expended almost \$1million from matrimonial asset[s] and directed the monies towards the acquisition of the [Property]". The Wife was named as a "mortgagor" in the certificate of stamp duty exhibited in the Husband's reply

affidavit. It was also not disputed that the Wife had taken a loan of \$900,000 from Ms [C] as a co-borrower with the Father and this arrangement was set out in a deed of loan (see [5] above). The Property was eventually willed by the Father to the Wife. While the Wife's position had been that she did not contribute towards the Property, this was precisely the factual dispute in issue in OC 610.

36 Even if the Husband was unable to rely on documents disclosed in the course of the divorce proceedings, it did not necessarily mean that the Husband's claim in OC 610 that the Wife had contributed financially to the acquisition of the Property was fanciful because it was entirely without substance. The Wife's supporting affidavit did not adduce any evidence to satisfy me that the factual premise of the Husband's case was bound to fail. There was no basis for me to conclude that the Husband's claim that the Wife paid part of the purchase price of the Property and therefore was a beneficial owner of the Property since the time of acquisition was fanciful or without substance.

Abuse of process

37 I turn next to the abuse of process ground of striking out relied upon by the Wife. In alleging an abuse of process, the Wife relied on the FJC's findings that a separate proceeding in the GDHC was unnecessary, the delay of one and a half years in commencing OC 610 since AR Cheong's directions on 13 October 2023 to file a GDHC suit by 31 October 2023 (see [7] above) and the Husband's poor conduct in the divorce proceedings.

38 The rationale of O 9 r 16(1)(b) of the ROC 2021 is to prevent improper use of its machinery and the judicial process from being used as a means of

vexation and oppression in the process of litigation. The inquiry includes considerations of public policy and the interests of justice (*Iskandar* at [18]). The categories of conduct rendering a claim frivolous, vexatious or an abuse of process are not closed and will depend on all the relevant circumstances of the case. Types of conduct which have been judicially acknowledged to be an abuse of process include bringing an action for an ulterior or collateral purpose (*Gabriel Peter & Partners (suing as a firm) v Wee Chong Jin and others* [1997] 3 SLR(R) 649 at [22]) or an action that is “doomed to fail” since that would serve no useful purpose and would waste the court’s time (*Leong Quee Ching Karen v Lim Soon Huat* [2023] 4 SLR 1133 at [28]).

39 I declined to strike out OC 610 as an abuse of process. Even though the Husband commenced OC 610 notwithstanding his knowledge that the FJC had considered separate proceedings in the GDHC to be unnecessary, this must be seen in the context that the FJC did not hold that the Husband no longer had a legal right to pursue Option 2 if he wished to do so without the use of the documents and information disclosed in the divorce proceedings or that the Husband was compelled not to or barred from commencing a separate proceeding in the GDHC to determine the beneficial ownership of the Property (see [32] above). Option 2 was therefore a course of action that was open to the Husband pursuant to the guidance in *UDA v UDB* and the Husband did have a legitimate interest in pursuing his case that the Wife had beneficial ownership of the Property from the time of acquisition as this would have implications on whether the Property was a matrimonial asset.

40 As for the delay in commencing OC 610, I noted that AR Cheong had directed early in the divorce proceedings that the Husband should commence proceedings in the GDHC to determine the beneficial ownership of the Property by 31 October 2023. The Husband’s explanation for not doing so was that there

were concurrent directions for discovery and interrogatories within the divorce proceedings and it would have been procedurally more efficient for a separate GDHC suit to be commenced after those were resolved. I harboured doubts about the merits of the Husband's litigation strategy in this respect. The strategic decision to file OC 610 only after the application for permission to lift the *Riddick* undertaking in SUM 3414 had been determined appeared to have resulted in greater delay and inefficiency to the determination of the divorce proceedings. In any event, if that was his belief, the Husband ought to have sought a variation of AR Cheong's direction instead of simply not complying with the directions given and then filing OC 610 about one and a half years later.

41 I also noted that OC 610 was filed only after an order was made by AR Cheong in SUM 559 and SUM 560 on 25 July 2025 that there were to be no further interlocutory applications filed in the divorce proceedings and parties were to proceed for the hearing on ancillary matters (see [10] above). Seen in the light of the failure to comply with the earlier direction by AR Cheong in October 2023 to commence the GDHC suit, I agreed that this appeared to be strategic timing. That said, it was not the case that the Husband did not take any steps towards the resolution of the divorce proceedings during the one and a half years after AR Cheong's initial direction. The Husband filed SUM 3414 and appealed against the dismissal of SUM 3414 in RA 1 and RAS 6. Parties were also engaged in a joint valuation exercise and the Husband filed an application for further discovery and interrogatories in SUM 599 and SUM 560. This mitigated the delay to some extent and I did not find that the timing of commencement of OC 610 was sufficient to establish abusive conduct.

42 The Wife also relied on the Husband's conduct in the divorce proceedings to contend that there was an abuse of process. In particular, she pointed out that:

- (a) Lai Siu Chiu SJ observed in HCF/RAS 4/2023 on 26 April 2023 that the Husband was “motivated by malice and ill will” in relation to “unnecessary and unreasonable discovery requests”.
- (b) AR Cheong remarked in SUM 559 and SUM 560 that the Husband’s overall conduct throughout the proceedings of close to five years had caused a substantial impediment to the expeditious resolution of the divorce proceedings. AR Cheong found that his conduct demonstrated “not merely a causal disregard for procedural efficiency, but rather a deliberate strategy to frustrate the expeditious resolution” of the divorce proceedings.
- (c) The Husband appointed no less than eight sets of solicitors in the course of the divorce proceedings.

43 While it was clear to me from the judicial pronouncements in the FJC that the Husband’s conduct in the divorce proceedings was grossly unsatisfactory, the fact that he may have been unreasonable in his discovery requests, changed counsel numerous times and caused substantial delay through various interlocutory applications and appeals did not necessarily mean that he commenced OC 610 solely to protract the divorce proceedings. Considering the fact that the Husband indicated since 2023 that he wished to commence GDHC proceedings to determine the beneficial ownership of the Property under Option 2, I gave the Husband the benefit of the doubt that OC 610 was commenced in good faith on the basis that this was a legal option permitted pursuant to the guidance in *UDA v UDB* and was not commenced solely for the collateral purpose of protracting the divorce proceedings and vexing the Wife. However, I considered it appropriate to take into account these points in

determining the Wife's stay application instead of striking out OC 610 as an abuse of process.

44 I therefore dismissed the Wife's striking out application in its entirety.

Stay of proceedings

45 In the alternative, the Wife sought for OC 610 to be stayed on a case management basis. The court's power to stay its own proceedings is set out in s 18(2) of the Supreme Court of Judicature Act 1969 (2020 Rev Ed) ("SCJA") read with paragraph 9 of the First Schedule which lists the power to "dismiss or stay proceedings where the matter in question is res judicata between the parties, or where by reason of multiplicity of proceedings in any court or courts or by reason of a court in Singapore not being the appropriate forum the proceedings ought not to be continued".

46 It is also well-established that the court's power to order a case management stay is part of its own inherent and immediate powers to control proceedings before it. This power is often invoked to deal with situations where there is no express agreement between parties to the court proceedings. Furthermore, the jurisprudential basis for the exercise of the power to stay proceedings in the absence of any contractual agreement is the wider need to control and manage proceedings between the parties for a fair and efficient administration of justice (*Gulf Hibiscus v Rex International Holding Ltd and another* [2017] SGHC 210 at [59]). Thus, under s 18 of the SCJA read with paragraph 9 of the First Schedule or under the inherent jurisdiction of the court, the court has the full discretion, for sufficient reasons, to stay any proceedings before it until whatever appropriate conditions are met (*Chan Chin Cheung v Chan Fatt Cheung and others* [2010] 1 SLR 1192 at [47]).

47 In the context of the exercise of case management powers to stay proceedings because of overlapping court and arbitration proceedings, the Court of Appeal, in *Tomolugen Holdings Ltd and another v Silica Investors Ltd* [2016] 1 SLR 373 (“*Tomolugen*”) at [188], held that the court strives in every case to strike a balance between three higher-order concerns:

- (a) a claimant’s right to choose whom he wants to sue and where;
- (b) the court’s desire to prevent a claimant from circumventing the operation of an arbitration clause; and
- (c) the court’s inherent power to manage its processes to prevent an abuse of process and ensure the efficient and fair resolution of disputes.

The balance that is struck must ultimately serve the ends of justice. The court must also bear in mind the ultimate goal of ensuring the efficient and fair resolution of the dispute as a whole (*JE Synergy Engineering Pte Ltd v Niu Ji Wei and another* [2023] SGHC 281 (“*JE Synergy*”) at [18] and *Tomolugen* at [186]).

48 However, in the context of the exercise of case management powers to stay proceedings because of multiplicity of court proceedings, the court’s desire to prevent a claimant from circumventing the operation of an arbitration clause (see [47(b)]) would not be applicable (see *BNP Paribas Wealth Management v Jacob Agam and another* [2017] 3 SLR 27 (“*BNP Paribas*”) at [36]). Nonetheless, a claimant’s right to choose where he wants to sue and the court’s ultimate goal of preventing an abuse of process and ensuring the efficient and fair resolution of the dispute as a whole remain concerns of relevance to this context. As stated by Steven Chong J (as he then was) in *BNP Paribas* at [35], the court is entitled to consider all the circumstances of the case in exercising

its discretion to stay proceedings. The underlying concern of the court is the need to ensure the efficient and fair resolution of the dispute as a whole (see also [47] above).

49 In both contexts, our courts have set out various non-exhaustive factors to be considered (see *BNP Paribas* at [34] citing *RBS Coutts Bank Ltd v Brunner Hans-Peter* [2010] SGHC 342 and *Ram Parshotam Mittal v Portcullis Trustnet (Singapore) Pte Ltd* [2014] 3 SLR 1337 and *JE Synergy* at [16] citing *Tomolugen* at [180] and *CSY v CSZ* [2022] 2 SLR 622 (“*CSY*”) at [25]). Taking guidance from the authorities above, I was of the view that the court may consider the following non-exhaustive factors in deciding whether to grant a case management stay on the basis of multiplicity of proceedings:

(a) First, the degree of factual and legal overlap in the issues raised and the remedies sought in the parallel proceedings. This would involve a consideration of whether there would be duplication of witnesses and evidence and whether work done on pleadings, particulars, discovery, interrogatories and preparation might be wasted.

(b) Second, the degree of overlap between the parties in the parallel proceedings. All that was required was for there to be some overlap in the parties as opposed to a complete overlap. The analysis also need not be restricted to a formulaic examination of the parties in the strict sense but the court may have regard more generally to the persons who will be involved in resolving the disputes (see *JE Synergy* at [27] and [34]).

(c) Third, the relative stages of the parallel proceedings and their effect on each other. This included consideration of:

(i) which proceeding was commenced first;

- (ii) how advanced the proceedings were in each court;
- (iii) whether the termination of one proceeding was likely to have a material effect on the other;
- (iv) the prospects of inconsistent findings between the two sets of proceedings and the attendant risk of bringing disrepute to the administration of justice if the same question having been decided in one case was liable to being reopened or susceptible to a collateral attack in a different proceeding (see *CSY* at [34]); and
- (v) the risk of delay of resolution of the overall dispute.

(d) Fourth, the relative prejudice to the parties. The court will generally consider the advantages and disadvantages to each party depending on whether the stay was to be granted.

(e) Finally, the public interest, the possibility of an abuse of process and the law's reticence towards permitting multiplicity of proceedings in relation to similar issues. It was undesirable for two courts to be engaged in a competition over which of them determined common facts first and it should not become common practice for litigants to commence proceedings in two courts involving substantially the same issues as this will likely be a substantial waste of time and effort.

50 In my judgment, it was appropriate for the following reasons to exercise my discretion to order a case management stay of OC 610.

51 First, there was substantial overlap between the issues in OC 610 and the divorce proceedings. The issues of whether the Property was beneficially

owned by the Wife and the related aspects of how and when such beneficial interest was acquired were necessarily issues that had to be determined in the divorce proceedings in order to decide if the Property ought to be regarded as a matrimonial asset. Those same issues lay at the heart of OC 610 save that the GDHC was asked to make a declaration of the Wife's beneficial interest in the Property prior to the demise of the Father and would not have the jurisdiction to make any determination on whether it was a matrimonial asset. It was also obvious that the Husband's primary motivation for OC 610 was to establish the Wife's beneficial interest in the Property so that the GDHC's finding in this regard may inform the division of matrimonial assets in the hearing for ancillary matters in the divorce proceedings before the FJC.

52 Second, there was substantial overlap between the parties to OC 610 and the divorce proceedings save that the Sister was not a party to the divorce proceedings. In this respect, all that was required was for there to be some overlap in the parties and a complete overlap was unnecessary (see [49(b)] above). However, the significance of the Sister's participation in OC 610 should not be overstated. While the Husband argued that the Sister had filed a defence in OC 610 which stated that "the Father was the beneficial owner of the Property prior to his demise" and that the Husband was not entitled to the declaration sought in OC 610, it was noteworthy that the Sister (in her capacity as representative of the Father's estate) was not asserting any claim to the Property. The Sister did not dispute that the Property will be inherited by the Wife pursuant to the provisions in the Father's will. This meant that the Father's estate practically had no interest in the court's eventual determination of whether the Wife beneficially owned part of the Property from the time of acquisition or not. Regardless of that eventual determination, the Property ultimately belonged to the Wife and not to the Estate. For completeness, the

Sister did not object to a stay of OC 610 and confirmed that there was no contest between the Father's estate and the Wife as regards the beneficial ownership of the Property (see [14] above). Given that the Father's estate did not assert an interest in the beneficial ownership of the Property, there was substantial overlap between the parties to OC 610 and the divorce proceedings which weighed in favour of OC 610 being stayed in favour of the divorce proceedings.

53 Third, the multiplicity of proceedings between the GDHC and the FJC was undesirable because it would occasion a waste of judicial resources and potentially risk inconsistent findings. I noted in this regard that as a result of the protracted delay in the resolution of the divorce proceedings, the FJC have ordered that the divorce proceedings proceed to the hearing for the ancillary matters and have refused to stay the divorce proceedings pending the resolution of OC 610. At first instance, AR Cheong on 25 July 2025 declined to grant a case management stay of the divorce proceedings pending the determination of OC 610. Even after OC 610 was filed, Assistant Registrar Allen Chong ("AR Chong") on 3 October 2025 declined to grant an interim case management stay. In FC/RA 15/2025 ("RA 15"), the Husband appealed against AR Chong's decision. DJ Chia dismissed RA 15, agreeing that the Husband was not entitled to revive the same issue by seeking a case management stay on the same ground and that the matter was *res judicata*.

54 If OC 610 was stayed, the determination of the divorce proceedings would proceed as envisioned under Option 1. The FJC would consider the issue of beneficial ownership of the Property at the time of acquisition and determine the consequent issue of whether the Property was a matrimonial asset. While the FJC would not make an order directly affecting the Property under Option 1 or against the Father's estate, this was unnecessary given that the Father's estate practically had no interest in the court's eventual determination of whether the

Wife beneficially owned part of the Property from the time of acquisition or not (see [52] above). OC 610 would be nugatory given that the Husband commenced OC 610 to obtain a declaration of the Wife's alleged beneficial ownership in the Property in support of his case in the divorce proceedings that the Property was a matrimonial asset. In this regard, the Husband's own submission was that once the FJC had decided the ancillary matters, the issue of whether the Property was a matrimonial asset would be *res judicata* between the Husband and the Wife and lifting the stay on OC 610 would be an exercise in futility. Thus, OC 610 would likely be discontinued thereafter as there would effectively be no necessity for the Husband to obtain such a declaration. In my view, this approach efficiently resolved the parties' dispute as a whole.

55 Conversely, if there was no stay of OC 610, there would be parallel proceedings in the GDHC and the FJC. This would occasion a wastage of resources and costs since costs would have to be incurred by the parties for the preparation of both OC 610 and the divorce proceedings and both proceedings would involve the inquiry regarding the beneficial ownership of the Property. Given their relative stages, there was also a high possibility that the FJC would issue its judgment after the hearing for the ancillary matters before OC 610 proceeded to trial. In determining whether the Property was a matrimonial asset, the FJC may make findings as to the beneficial ownership of the Property at the time of acquisition. If that was the case, the Husband and Wife would be bound to the findings made by the FJC and OC 610 would likely be discontinued thereafter (see [54] above) and the costs incurred by parties in OC 610 would be wasted. However, in the event that judgment on the ancillary matters in the divorce proceedings had not been issued or that any appeal against that decision had not concluded by the time the GDHC proceeded to determine OC 610 after trial, there may be a significant risk of inconsistent findings between both sets

of proceedings and this raised the attendant risk of disrepute to the administration of justice (see 49(c)(iv) above). This, along with the wastage of resources and costs arising from concurrent proceedings involving the same issue, would likely be avoided if a stay was imposed for OC 610 pending the resolution of the divorce proceedings and any appeal therefrom.

56 Finally, the advanced stage of the divorce proceedings and the conduct of the Husband in protracting the divorce proceedings (see [42]–[43] above) militated towards granting a stay in favour of the FJC. In my view, the Husband’s choice to only file OC 610 one and a half years after directions were given by AR Cheong for the present proceedings to be filed (see [7] above) and only after the FJC held that there were to be no further interlocutory applications to be filed was an important consideration in this inquiry (see [10] above). The FJC have noted that it was of considerable concern that the divorce proceedings have gone on for more than five years and that had been due to the Husband adopting a course of conduct that was unduly litigious. In the face of such conduct, it was crucial for the interests of justice that the case management of the entire dispute be controlled in a single forum to rein in such conduct. Given that the divorce proceeding was at a rather advanced stage at this point and OC 610 was at a very early stage, I found that it was more appropriate for the single forum to be the FJC, to ensure the efficient and fair resolution of the dispute as a whole.

57 For completeness, I turn to address some of the other arguments raised by the Husband, which in my view, were unmeritorious.

58 First, the Husband argued that it would be procedurally unfair to stay the matter in favour of the FJC because the issue of beneficial ownership of the Property at the time of acquisition required documents in the possession and

control of third parties to the divorce proceedings such as the Estate, Ms [C] and certain banks and the FJC could not compel these third parties to produce documents or sworn evidence. This argument was erroneous given that r 467 of the Family Justice Rules 2014 permitted the FJC to make an order for non-party discovery and it was all along open to the Husband to seek discovery from non-parties to advance his case that the Wife paid for the Property and that she beneficially owned the Property by way of a resulting trust or constructive trust at the time of acquisition.

59 The Husband argued that he would be prejudiced if this Court stayed proceedings in favour of the FJC because the FJC would be forced to decide the division of matrimonial assets based on an incomplete factual matrix. This argument was implicitly based on the premise that the FJC would not allow any further discovery from non-parties. In my view, the Husband's true complaint was his dissatisfaction with the FJC's holding that he had unduly protracted the divorce proceedings and its consequent order that no further interlocutory applications may be made in the divorce proceedings. I had no hesitation in rejecting this contention as this was ultimately a predicament of his own doing given his conduct in the divorce proceedings and his decision not to have sought an order for non-party discovery earlier in the proceedings.

60 In any event, I noted that the FJC's order that no further interlocutory applications may be made has been further appealed by the Husband in RAS 29 which had, at the time of delivery of my judgment, not yet been heard (see [10] above). It was open to the Husband to argue before the Judge hearing RAS 29 that the order prohibiting any further interlocutory applications should be varied to allow for a limited scope of non-party discovery for this specific issue which the Husband assumed would be determined by the GDHC in OC 610. It was also open to the Husband to persuade the Judge hearing the ancillary matters

that he should be allowed to obtain evidence from non-parties even at this juncture to support its case despite his conduct in the divorce proceedings. In my view, it was right that the Husband bore the burden to persuade the FJC why it would be in the interests of fairness and justice to allow further discovery from non-parties despite the strategic choices that he made throughout the divorce proceedings which resulted in this state of affairs. The FJC was best placed to consider any such request by the Husband within the context of the entire divorce proceedings and to balance the interests of the Husband and the Wife and the ideals of efficiency and fairness in the adjudication of the divorce proceedings.

61 Second, the Husband argued that the Sister's active participation in OC 610 required the GDHC to make a binding decision affecting the Estate's rights to the Property. As explained earlier at [52], even though the Father's estate (as represented by the Sister) had taken the position that it did not agree to a declaration being made that the Wife was the beneficial owner of the Property at the time of acquisition, the Father's estate was not asserting any rights to the Property given that it has been willed by the Father to the Wife. Practically, I saw no good reason or necessity for the Husband to demand to proceed by way of Option 2 on the basis that there was a need to obtain a binding order against the Father's estate.

62 Third, the Husband argued that the need for the Property to be valued exposed the limits of Option 1 in that the FJC could not conclusively fix the net value of the Property as between third parties interested in it. He submitted that any ascription of the value of the Property in the hearing for the ancillary matters would rest on assumptions that the Father's estate and Ms [C] remained free to challenge in later civil proceedings. However, even if that was true, this did not assist the Husband. If the Father's estate or Ms [C] wished to make any claims

as regards the ownership of the Property or the valuation of the Property, those claims would be made against the Wife as the holder of the legal title of the Property (once it had been transferred pursuant to the Father's will) and not the Husband. This was a risk that the Wife consented to bear by agreeing to proceed under Option 1 and would not be prejudicial to the Husband.

63 Fourth, the Husband argued that staying OC 610 would insulate the Wife from further scrutiny and allow her to sidestep a full inquiry into when her beneficial interest in the Property arose. I disagreed because this allegation was completely devoid of factual merit. There was no evidence adduced to satisfy me that a full inquiry into whether the Property was beneficially owned by the Wife and the related aspects of how and when such beneficial interest was acquired could not be conducted by the FJC.

64 Finally, the Husband argued that granting a case management stay would render the Husband's election of Option 2 effectively illusory, extinguish his substantive legal right to pursue Option 2 and in substance compel him to adopt Option 1.

65 I found the Husband's argument that he had an essentially unassailable substantive legal right to have the beneficial ownership of the Property determined by the GDHC via Option 2 to be overstated. In my judgment, the Husband's legal right to adopt Option 2 was not an unfettered one which could be made at any time he chose for his own strategic benefit. While the Husband was correct to say that a claimant was generally not required to prove the necessity of pursuing separate legal proceedings in the GDHC before a claimant elected to pursue Option 2, the election was nevertheless subject to the court's overriding powers to control its own processes and its ultimate goal to ensure the efficient and fair resolution of the dispute as a whole. Thus, his election of

Option 2 at the time he filed OC 610 must be weighed against all the other circumstances of the case in the interests of justice.

66 As for the Husband's contention that a stay would render his election of Option 2 illusory and in substance compel him to adopt Option 1 which the FJC did not do, this contention did not assist him because the issue of whether the Husband was permitted to pursue Option 2 without the use of the documents and information disclosed in the divorce proceedings was not put in issue before the FJC (see [31] above). The Wife did not take out an application before the FJC for an injunction to prevent the Husband from taking out civil proceedings in the GDHC. However, the issue of whether a stay should be granted such that the Husband would effectively be compelled to resolve this issue in the divorce proceedings pursuant to Option 1 arose squarely before me in SUM 2641. Upon consideration of all the circumstances of the case (see [51]–[56]), I was satisfied that a stay was appropriate in the present case.

67 Even though I declined to find that the commencement of OC 610 was an abuse of process (at [39]–[43] above), I was of the view that the circumstances of the case including the timing of the commencement of OC 610 and the conduct of the Husband in the divorce proceedings provided further justification for a case management stay to be imposed to ensure that the divorce proceedings and the dispute in OC 610 could be most efficiently resolved by the FJC (see [56] above). These considerations outweighed the Husband's right to choose the forum for the resolution of these issues.

Conclusion

68 In sum, I partially allowed SUM 2641 by granting a case management stay of OC 610 until the resolution of the divorce proceedings and any appeal therefrom. I dismissed the striking out application in its entirety.

69 As for costs, I heard parties' submissions and fixed costs and disbursements (all-in) at \$6,000 to be paid by the Husband to the Wife. I considered that the costs of SUM 2641 should follow the event and the Wife was successful in persuading me to stay OC 610. However, in calibrating the quantum, I took into account the dismissal of the Wife's striking out application.

Gerome Goh Teng Jun
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