

VBS v VBR
[2021] SGHCF 32

Case Number : District Court Appeal No 23 of 2021
Decision Date : 30 September 2021
Tribunal/Court : General Division of the High Court (Family Division)
Coram : Choo Han Teck J
Counsel Name(s) : A Rajandran (A. Rajandran) for the wife; The husband in person.
Parties : VBS — VBR

Family Law – Maintenance – Child – Variation of order

30 September 2021

Judgment reserved.

Choo Han Teck J:

1 The parties appeared before the District Judge (“DJ”) for separate applications to vary the ancillary orders on division of matrimonial assets, as well as the maintenance for the two children of marriage. These orders were made by the same DJ on 27 August 2019 (“the 2019 Order”). The DJ varied parts of the 2019 Order, and the Wife appealed.

2 In the hearing before me on 7 September 2021, parties reached an agreement with respect to the matrimonial asset. A consent order was thus granted. Only the appeal on the maintenance order for the two children remained.

3 The DJ had granted the variation for the maintenance of children on the basis of material change of circumstances. The Husband requested for the children’s monthly maintenance to be varied from \$470 for the son, and \$500 for the daughter, to \$192 and \$222 respectively, on the ground that the domestic helper has stopped working for the Wife since August 2019. The domestic helper’s costs were assessed as \$666 for both children. The Husband also sought to vary the order that the children’s insurance be transferred to him, and that this item be removed from the children’s maintenance accordingly.

4 In the hearing below, the Wife also asked the court to vary the 2019 Order, so that the Husband will have to pay for the children’s food and his share of the Town Council fee, amounting to \$10,352. As for the children’s insurance, the Wife wanted the Husband to enable the Wife to gain access to his online account. This, however, was not in the application filed by the Wife. The Wife’s prayer was for the Husband to “continue to make the payment towards the two children’s maintenance in pursuant to the existing order”. Though she stated that the children’s needs and expenses have increased, she made no application to increase the maintenance payable. She adduced no additional evidence to support her claim that the expenses have increased. The DJ granted the variation order sought by the Husband, and allowed for \$290 for the son, and \$190 for the daughter.

5 Upon appeal, the Wife claimed that there is no evidence for the variation order to stand, that she did not have the opportunity to address the Husband’s enhanced income, and that the DJ dealt with the issue of variation of maintenance in a cursory manner. She also claimed that the DJ failed to take into account the full costs of the cleaning services. The correct computation of the children’s maintenance, taking into account the cleaning services of \$320 per month, should be \$436 for the son and \$333 for the daughter.

6 For the present appeal, I do not see how the DJ has erred in varying the maintenance order as she did. Since the Wife is no longer engaging any domestic helper, it would not be fair to make the husband bear such expenses. The Wife also cannot assert that the DJ did not hear her on her variation application, when she submitted no corresponding variation application to begin with. Even if her claim is true that the expenses of the children have increased, she made no prayer to increase the expenses, and adduced no evidence in support of her allegations. If she still wishes to vary the maintenance, she is free to do so by making a fresh application to the Family Justice Courts. But she cannot say that the DJ was wrong in granting the Husband's request because of her failure to adduce evidence for her application.

7 As for the cleaning fees, the Wife's suggestion that she incurs a sum of \$240 per week to engage a part-time helper is not borne out by the evidence. She exhibited screenshots of her bookings with a cleaning company in December 2020 and January 2021, including one invoice stating the amount actually paid (which I note is \$77). This is insufficient to establish her claim that she has frequently and consistently employed part-time cleaning amounting to \$1,200 per month. The DJ did not err in factoring in the cleaning expenses as \$240 per month in total, and apportioning it accordingly.

8 I dismiss the Wife's appeal against the DJ's order regarding the variation of the children's maintenance. I make no order as to costs as the Husband acted in person in the appeal before me.