

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2022] SGHCF 18

District Court Appeal No 155 of 2021

Between

VJV

... Appellant

And

VJW

... Respondent

JUDGMENT

[Family Law — Matrimonial Assets — Division]

[Family Law — Maintenance — Wife]

[Family Law — Maintenance — Child]

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

VJV
v
VJW

[2022] SGHCF 18

General Division of the High Court (Family Division) — District Court
Appeal No 155 of 2021
Choo Han Teck J
4, 20 May, 1 July 2022

27 July 2022

Judgment reserved.

Choo Han Teck J:

1 The parties married on 29 September 2004 in Guangdong, China. The Husband is a Singapore Citizen and the Wife is a Chinese national and Singapore Permanent Resident. They have a daughter and a son who are 17 and 10 years old respectively. The Husband is a senior engineer while the Wife has been a homemaker since 2004.

2 The ancillary matters were heard on 6 October 2021 and 17 November 2021 before District Judge Chia Wee Kiat (the “DJ”). The learned DJ ordered that the parties’ matrimonial assets, valued at \$796,427.41, be divided equally between the parties. The DJ also ordered the Husband to pay the Wife \$1,000 per month as maintenance for the two children and \$2,000 per month as maintenance for the Wife.

- 3 The Wife appeals against the DJ’s decision on the grounds that:
- (a) the property in Guangzhou, China (the “China Property”), which is in her sole name, should be excluded from the matrimonial pool;
 - (b) the Husband withdrew around \$200,000 to \$300,000 out of his CPF Account from 2018 to 2020 which should be included in the matrimonial pool (“Unilateral Withdrawals”);
 - (c) the indirect contribution of the Husband should be 30% (“Indirect Contribution”); and
 - (d) the total monthly maintenance of \$3,000 is unreasonable and insufficient to sustain the family.

4 The Wife says that the China Property was acquired in her sole name before the parties’ marriage and that the Husband did not contribute to the purchase. However, she did not produce any evidence on the details of the purchase, nor evidence of her financial ability to purchase the property. She says that she could not return to China to retrieve the documents as she needed to take care of the children in Singapore and the Covid-19 pandemic was ongoing. The only evidence she produced was a search result from the Chinese government website which shows that the China Property was registered under her name, with no details as to when it was purchased. That surely is insufficient to exclude the China Property from the matrimonial pool. In the absence of any documentary proof of the purchase of the China Property, I agree with the DJ that the Wife has failed to discharge her burden of proof and the China Property should be included in the matrimonial pool.

5 The Husband says that he contributed to the purchase of the China Property and produced documents showing four payments to the Wife, dated December 2003, March 2004, November 2004 and December 2004. The learned DJ only included the last two payments in the matrimonial pool because they were made after the parties' marriage. The last two payments are for S\$35,000 and S\$15,000 respectively. On appeal, the Wife says that the currency of the last two payments were in RMB and that the payments were for the parties' allowance and unrelated to the China Property. However, the receipts of the last two payments did not indicate the currency of the payment. The Wife also did not adduce any evidence that shows the purpose of these payments. I find no reason to disturb the DJ's finding of fact. I therefore dismiss the Wife's appeal in relation to the China Property.

6 As to the Unilateral Withdrawals, the Husband says that he withdrew money from his CPF Account to support the family. At the court below, the Husband produced bank statements from 2018 to 2020 to show that he made regular transfers to his Wife's bank account. The DJ accepted the Husband's explanation and found that the Husband's CPF withdrawals were used to support the family. The Wife merely repeats her argument below and does not explain why the DJ's finding was "unfair and unreasonable". I find no reason to disturb the DJ's finding and I dismiss the Wife's appeal in relation to the Husband's Unilateral Withdrawals.

7 As to the Indirect Contribution, the Wife says that the Husband's indirect contribution should be 30%. It is unclear which part of the DJ's decision the Wife is appealing against. The DJ did not adopt the approach in *ANJ v ANK* [2015] 4 SLR 1043 ("*ANJ v ANK*") and, therefore, did not make a finding on the ratio of the parties' indirect contributions. The DJ was of the view that the *ANJ v ANK* approach would unduly favour the working spouse (the Husband)

over the non-working spouse (the Wife) in single-income marriages. The DJ, therefore, adopted the trend-based approach in *TNL v TNK and another appeal and another matter* [2017] 1 SLR 609, and awarded the Wife 50% of the matrimonial assets, which is more than the ordinary range of 35% to 40% for “moderately lengthy marriages’ [...] in the range of around 15-18 years” (*BOR v BOS and another appeal* [2018] SGCA 78 at [113]). I am of the view that the DJ had sufficiently taken into account the Wife’s contributions toward the welfare of the family. The current order represents a fair and just division of the parties’ matrimonial assets, and I dismiss the Wife’s appeal in respect of this issue.

8 Lastly, as to maintenance, the Wife says that the total maintenance of \$3,000 is unreasonable and insufficient to sustain the family. In the court below, the Wife asked for maintenance of \$8,000 per month for herself and the two children. The DJ found that the Husband draws a monthly net salary of \$5,300 and ordered maintenance at \$3,000 (which is more than half of the Husband’s net salary). I am of the view that the maintenance order is fair and strikes a reasonable balance between the needs of the parties. Although it may be difficult for the Wife to work part-time and look after the family, it will be unfair for the Husband to pay more maintenance than his present earning capacity allows. Parties will have to adjust their spending habits to live within their means.

9 The Wife says that the Husband is not declaring his true income. This was raised before the DJ but rejected. On appeal, the Wife produced income tax payment certificates showing that the Husband paid income tax in Chongqing, China in 2017 and 2018. However, it is undisputed that the Husband was working in China during that period and was drawing a higher monthly salary back then. The tax certificates do not prove that the Husband is currently

receiving any income in China on top of his salary in Singapore. I therefore dismiss the Wife's appeal regarding maintenance.

10 For the aforementioned reasons, the Wife's appeal is dismissed. I make no orders as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Appellant in person;
Yap Gim Chuan (Soh Wong & Yap) for the respondent.
