

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2023] SGHCF 1

District Court Appeal No 17 of 2022

Between

WDB

... Appellant

And

WDA

... Respondent

GROUND OF DECISION

[Family Law — Maintenance — Child]

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WDB

v

WDA

[2023] SGHCF 1

General Division of the High Court (Family Division) — District Court
Appeal No 17 of 2022
Choo Han Teck J
11 January 2023

13 January 2023

Choo Han Teck J:

1 The parties obtained final judgment of their divorce in 2016. This present appeal arises from the District Judge's ("DJ") order in FC/SUM 380/2021 varying the maintenance contribution of the Appellant Wife following the relocation of Respondent Husband and their two children, aged 16 and 18, to the United States in 2022. The DJ assessed the children's post-relocation reasonable expenses to be S\$4,500 and ordered the Wife to contribute S\$1,500.

2 Underlying the Wife's plea to this court for relief is the financial strain which followed from her medical condition. In March 2021, she suffered a severe adverse reaction to her second dose of the COVID-19 vaccination which resulted in her hospitalisation for 151 days from March to October of 2021, where she was diagnosed with Involuntary Movement Disorder. Ever since, she

has been unable to return to her occupation as a nurse in the Singapore General Hospital (“SGH”).

3 Her medical condition did not ease, and yet, her financial problems increased because of a reduction of her salary when she was on prolonged illness leave. She received full pay (S\$8,244) for 2021, but this was subsequently reduced to half-pay (S\$4,122) for the first half of 2022, and thereafter no-pay for the rest of 2022. At the hearing of this appeal, she produced a letter dated 28 December 2022 from SGH, informing her that her employment had been terminated with immediate effect after an internal medical review reported that she was unfit to work. At present, the only income she is receiving is S\$2,100 a month from the rental of her flat.

4 In contrast, the Husband says that his current income is US\$5,300 (approximately S\$7,062.00), stressing that this sum is insufficient to cover his personal expenses as well as the expected increase in the children’s expenses as the elder child will be entering tertiary education. He says that he may even have to sell his house if he cannot manage financially.

5 We have a situation where both parties are struggling financially, and there is no room to make any adjustments by way of give and take. A comparison between the lean and the leaner shows that the Wife is virtually down to her last straws financially, having to contend with the costs of oxygen therapy and her living expenses, and no prospect of any alleviation because she can no longer work.

6 Counsel for the Husband refers to authorities where maintenance had been ordered on the basis of a spouse’s earning capacity even though he or she was unemployed at the time of the order. He further submitted that there is no

medical prognosis as to the Wife's future fitness for employment. Although there is no medical evidence as to her fitness for employment in the future, it is obvious even to counsel, that the Wife is wheelchair-bound, and barely able to speak more than a few words audibly without suffering from shortness of breath which reduces her voice to an inaudible whisper. And she requires constant intubation with an oxygen tank. It is plain that she is in no state to undertake gainful employment.

7 The DJ was not wrong to have taken into consideration that the Wife was then earning S\$4,122 at the time when he ordered the Wife to contribute S\$1,500 monthly to the children's maintenance. The DJ was aware that the Wife's medical condition and timeline for recovery was indeterminate, but he, rightly, was unable to determine the prospects of her recovery. As it turned out, all that has changed — what might have been a mere nightmare, has become her reality. Since the basis for the DJ's decision to order her contribution is gone, I allowed the appeal regarding the rescission of the variation orders made in FC/SUM 380/2021. Of course, as bad luck ousts the good, it may itself dissipate upon a return of good fortune, by way of renewed health and income. Thus, I gave leave to the Husband to reapply.

- Sgd -
Choo Han Teck
Judge of the High Court

The appellant in person;
Dylan Han Yong Ding (Integro Law Chambers LLC) for the
respondent.