

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2023] SGHCF 20

District Court Appeal No 86 of 2022

Between

WHB

... Appellant

And

WHA

... Respondent

JUDGMENT

[Family Law — Matrimonial assets — Division]

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WHB
v
WHA

[2023] SGHCF 20

General Division of the High Court (Family Division) — District Court
Appeal No 86 of 2022
Choo Han Teck J
22 February, 10 March 2023

11 April 2023

Judgment reserved.

Choo Han Teck J:

1 The appellant (“the Wife”) and the respondent (“the Husband”) were both from Bangalore, India. The Husband, now 55 years old and a molecular biologist working in Singapore, went to America when he was in his early twenties to obtain his Ph.D. According to the Wife, her husband returned to India to look for a bride and proposed to her. She declined, but he persuaded her parents — who approved their marriage, and within ten days, thereafter on 25 June 1995, they married.

2 The Wife’s parents paid for the wedding as well as her airfare to America so that she could be with the groom as he pursued his Ph.D. The Wife, who did not complete her university education, was unable to land a steady job in America. She managed to work as a babysitter in New York, and according to her, gave all her income to her husband. She returned to Singapore from India

in 2014. She had been a Singapore citizen since 2005. The Husband had acquired Singapore citizenship before her. The Wife, now 53, also works in Singapore as a secretary.

3 The Wife says that almost from the start, the marriage was not working. The Husband had abused her physically and mentally. One of the incidents she recounted occurred in their New York flat in which he hit her head against the walls, damaging the wall. The building management wrote to the Husband after he came to Singapore, asking him to pay for the damage.

4 The parties have a daughter, born in 1998 in America, and so, is an American citizen. She is now 25 years old and lives in the private Condominium in Singapore (“the Condominium”) that the Husband bought in the joint names of himself and the Wife. This was purchased after they had first bought a Housing and Development Board flat (“the HDB flat”) which they still own.

5 The Wife claims that the Husband let out the HDB flat and because of that, she had no place to stay, and so she returned to the Condominium to stay. She further claims that her presence unsettled the Husband and so he instigated their daughter to take out a personal protection order (“PPO”) against the Wife and with that, excluded her from the Condominium. That was in September 2018.

6 The Wife claims that the Husband did not want to remove her name as co-owner of the Condominium because it would affect his ability to get re-financing. She says that the PPO was the only way the Husband could get her physically out of the Condominium. She says she did not know that the Condominium was in joint names.

7 The Wife says that she was the academic and professional inferior of the husband. She claims that she could not even obtain her bachelor's degree. She was thus bullied by the Husband. She claims that although her daughter took out the PPO, the daughter was in fact close to her. The Wife produced a wad of cards and letters written by the daughter expressing her love and affection for her.

8 This then, is the gist of the Wife's account of how she came to marry the Husband and why they had divorced. The only issues in this appeal before me are the Wife's claim that the finding of the court below that the Wife's indirect contribution was 20% is "too low given all the contributions and sacrifices" that she claims she made, and secondly, she claims that the jewellery held by the husband be returned to her. The wife also raised a belated claim that the division of \$179,000 being 50% of her share of the proceeds from the sale of their HDB flat should be increased because the flat is now worth \$760,000. but this seems to be a mistake because the (third) consent order FC/ORC 4451/2022 recorded on 22 August 2022 stated that the amount each is to receive is \$176,500, being the CPF contributions made at the time of purchase.

9 It appears that the Wife has refused to sell the flat but that is not an issue because the Husband has a court order empowering the Registrar of the High Court to complete the sale on the Wife's behalf. The question is what was the order of court relating to the Condominium? The only documentary evidence of the parties' direct contribution to the purchase of the Condominium was their CPF contributions, which was in the ratio of 95% (Husband): 5% (Wife). The DJ adopted this ratio as the direct financial contribution of the parties. As for indirect contributions, the DJ assessed the contribution of the parties to be in the ratio of 80% (Husband): 20% (Wife). Accordingly, the DJ arrived at a final ratio

of 87% (Husband): 13% (Wife), which entitled the Wife to \$161,400 based on the value of the Condominium less outstanding liabilities.

10 The Wife says on appeal that the DJ failed to consider her financial contributions to the Condominium. She says that she had given the Husband her salary, her credit card, her bank accounts and CPF monies. What is pertinent is that these were the same reasons raised before the DJ, and the DJ only took into account her CPF contributions as they were the only contemporaneous documents evidencing the contribution of the parties. The Husband also had a cash contribution of \$100,000 denied for lack of evidence. I am of the view that the DJ's approach was sound. These assertions by the Wife bear no nexus to the purchase of the Condominium to show on balance that they should be counted. The financial contribution of 95% (Husband): 5% (Wife) thus stands.

11 Weighing the Wife and the Husband's accounts, and having interviewed both the daughter and the Husband, the latter in the presence of his counsel and the Wife, I incline to the findings of the court below. It is not unusual to find a witness' affidavit rephrased and embellished by the solicitor drafting the witness' evidence, and thereby produce an account that may not be what the witness intended. Not only that, the solicitor's draft sometimes distorts the client's personality and character, but in this case, the Husband's affidavit fits the person who spoke in court, and comparing the affidavits and oral testimony, although not under oath, I have no hesitation in accepting the evidence of the Husband as it appears in his affidavit.

12 The Wife, on the other hand, protests a little too much, and some of her claims are contradicted by the very evidence she adduced through her application to adduce them as further evidence. These include the letters and cards written by the daughter to her. Her intention was to discredit the

daughter's PPO against her. Her argument is that the letters and cards show that the daughter had expressed her love to her as her mother and, therefore, could not have willingly applied for the PPO.

13 The cards and letters show that the daughter still loves her mother, but the more important message in them seems to have eluded the wife. The daughter was trying to tell her mother (the Wife) to accept the situation and not continue to make the family, including herself miserable. The daughter is now 25 years old. Some of the letters were written many years ago, yet they show a mature and sensible mind. Contrary to the Wife's accusation that the Husband physically abused the daughter, the daughter categorically denies it, and only say that both parents had punished her when she was young, but that stopped a long time ago.

14 It was not disputed that the Husband's indirect financial contribution significantly outstripped the Wife's. As for indirect non-financial contributions, for the reasons above, I am of the view that the Husband also contributed more than the Wife, although the Wife did play her part to some extent. Therefore, the ratio of 80% (Husband): 20% (Wife) for indirect contribution as determined by the DJ is fair and reasonable.

15 Finally, I address the Wife's prayer for an order that the jewellery in the Husband's possession be returned to her. She made extensive arguments about the nature of the jewellery as to how his claims that the jewellery was for the daughter are unsustainable because the daughter does not appreciate such jewellery. The difficulty in this appeal is that the Wife could not point to an indexed list of jewellery which she says the Husband ought to return. Her assertions at the hearing were also inconsistent — in one breath she says the jewellery was with the Husband in the Condominium which she now has no

access to, and in another she says they are stored in a safe deposit box in a bank in India. In fact, the DJ made an order below for the Wife to return jewellery held by her to the Husband on the basis that they were bought for the daughter. The Wife has not raised a sufficient case to show why or how the DJ erred in reaching this finding of fact. Accordingly, the DJ's order on this point stands.

16 For the reasons above, I see no merit in the Wife's appeal. The appeal is therefore dismissed, but I will make no order as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

The appellant/wife in person;
A Revi Shanker s/o K Annamalai (ARShanker Law Chambers) for
the respondent/husband.
