

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 6

District Court Appeal from the Family Justice Courts No 52 of 2024

Between

WZT

... Appellant

And

WZU

... Respondent

District Court Appeal from the Family Justice Courts No 52 of 2024
(Summons No 326 of 2024)

Between

WZT

... Complainant

And

WZU

... Respondent

In the matter of Maintenance Summons No 2499 of 2023

Between

WZU

... Complainant

And

WZT

... Respondent

GROUNDS OF DECISION

[Family Law — Child — Maintenance of child]

[Family Law — Appeal — Adducing fresh evidence]

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WZT
v
WZU and another matter

[2025] SGHCF 6

General Division of the High Court (Family Division) — District Court
Appeal from the Family Justice Courts No 52 of 2024 and Summons No 326
of 2024

Kwek Mean Luck J
16 January 2025

22 January 2025

Kwek Mean Luck J:

Introduction

1 This was an appeal by the Husband against the decision of the learned District Judge (“DJ”) to order the Husband to pay interim monthly child maintenance in the sum of \$2,244 to the Wife and to backdate such payments for a period of 12 months. I dismissed the Husband’s appeal to rescind the interim maintenance order and the backdated maintenance order, but varied the instalment payments of the backdated maintenance such that it be paid over 18 months instead of nine months.

DJ's decision

2 The DJ found that the Husband had refused and/or neglected to provide reasonable maintenance to their children (“Children”). The Husband did not dispute that he had stopped paying a regular sum of \$3,000 per month to the Wife since December 2022. He conceded that he did not give money directly to the Wife for the Children in the year 2023. He did not dispute that he had not been contributing towards the Children’s necessary expenses. While the Husband claimed that he contributed towards the PUB and telecommunications bills, certain violin/drum classes as well as ad hoc expenses, the DJ found that this was insufficient to cover the Children’s collective monthly expenses of around \$3,300 per month, so as to overcome their “immediate financial needs”. The Wife claimed that she had also contributed towards the PUB and Starhub bills, on top of bearing the bulk of the Children’s expenses. This was not strongly disputed by the Husband.

3 The Husband claimed that he had not been able to contribute towards the Children’s expenses in 2023 as his salary payments had been delayed. However, the DJ noted that \$57,000 had been deposited into his bank account from his former employer in 2023.

4 The Husband also claimed that the Wife had savings to pay for the Children by herself. The DJ found that this was not a cogent reason for not paying towards the Children at all. The Husband also did not produce evidence that the Wife had the alleged savings such that she could solely bear the Children’s expenses.

5 The Husband informed the DJ that he had lost his job. He confirmed that his last drawn salary was in January 2024. He was an IT professional and

held a post-graduate diploma. The DJ assessed the Husband's estimated monthly income capacity to be around \$7,900 per month, based on what he drew from his former employer (around \$8,100 per month) and his IRAS Income Tax statement for the year 2023 (rough take-home monthly income of around \$7,700 per month). The DJ noted the Husband's claim that his average monthly expenses were around \$1,200 per month.

6 The DJ assessed the Wife's estimated monthly income to be around \$3,700 per month and noted that she claimed that her estimated monthly expenses were around \$500 per month.

7 The DJ derived the income ratio of 68:32 (Husband:Wife) from the above estimated monthly income of both parties, and applied it to the Children's expenses. On this basis, the DJ found that the Husband ought to contribute the monthly sum of \$2,244 to the Wife for the maintenance of the Children. The Husband was given a three-month grace period before the commencement of the Children's maintenance order. This was to allow him time to find a job commensurate with his earning capacity.

8 The DJ also ordered the monthly sum of \$2,244 to be backdated for a period of 12 months from January 2023 to December 2023. This amounted to the total sum of \$26,928. The backdated maintenance was to be paid to the Wife in nine instalments of \$2,992 per month, commencing from 1 May 2024.

9 The DJ took into consideration the following in deciding on the backdated maintenance order. The Husband conceded that he had not given the Wife monies for the Children since 2023. He had also received substantial sums in his bank account from his former employer, well in excess of the backdated maintenance that was being ordered. In addition, the Husband did

not provide the Court with a full and accurate picture of his assets and means. He admitted that he had other Singapore bank accounts. However, he did not submit such accounts to the Court and said this was not required. When he was asked about a withdrawal of \$10,000 from one of his bank accounts, he stated that it was a transfer to another of his bank accounts for savings. The DJ observed that the Court had no sight of such other bank account. The Husband had also made unexplained cash withdrawals and bank transfers amounting to at least around \$30,000. The DJ found that the Husband had not provided the Court with a clear picture of his assets and means. It was thus difficult to conclude that the Husband could not afford to pay for the maintenance.

Husband's Case

10 The Husband sought the withdrawal of the interim maintenance order and the backdated maintenance order. In his Appellant's Case ("AC"), he gave two reasons for his appeal: (a) he was jobless to date; (b) there were savings in the Wife's bank account. He filed HCF/SUM 326/2024 ("SUM 326") to adduce further evidence.

Wife's Case

11 The Wife highlighted that the Husband has not provided maintenance since 1 January 2023. She has only been able to provide for the basic needs of the Children. Savings had run out. The Husband holds a post graduate degree from NUS and a diploma from Temasek Polytechnic, but declared that he is unemployed for a year. He leaves the matrimonial home at 6.45am in the mornings and comes back late on the weekdays. He spends the entire weekend outside. The Children discovered luxury items in his belongings. He travels for enjoyment.

Decision

SUM 326

12 In SUM 326, the Husband seeks to adduce two sets of further evidence:

- (a) his bank account statements from 2016 to 2022; and
- (b) his lawyer’s invoices for work done.

13 The Family Justice Rules 2014 (2020 Rev Ed) at rule 831(2) states that no further evidence (other than evidence as to matters which have occurred after the date of the decision from which the appeal is brought) may be given except on special grounds. In *VJR v VJS* [2021] SGHCF at [16], the High Court applied the criteria set out in *Ladd v Marshall* [1954] 1 WLR 1489 (“*Ladd v Marshall*”) in deciding if there was “special grounds”. Under the *Ladd v Marshall* criteria, consideration would be given to: (a) whether the new evidence could have been obtained with reasonable diligence; (b) whether the new evidence was material; (c) whether the new evidence was credible or reliable. I found that the new evidence did not satisfy the criteria in (a) and (b).

14 First, the Husband did not provide any reasons in his supporting affidavit for SUM 326 as to why he was not able to obtain the new evidence earlier. It is clear from the dates of the documents that they would have been in existence prior to the hearing before the DJ. At the appeal, the Husband simply said that he needed time to collate the documents. I did not find this a credible or satisfactory explanation.

15 Second, in any event and more fundamentally, I did not find the new evidence to be material to the appeal. The additional evidence do not affect the DJ's reasoning for the orders made.

(a) The Husband does not dispute the DJ's finding on the quantum of the Children's expenses.

(b) The additional evidence do not relate to the DJ's assessment of the Husband and Wife's income or expenses.

(c) The additional evidence do not address the DJ's findings of lack of contributions from the Husband from January 2023 onwards, or his lack of transparency about his finances and assets in 2023. The bank account statements sought to be adduced cover 2016 to 2022.

16 The new evidence also do not show that the Wife has sufficient savings to sustain the Children without the need for maintenance.

(a) Even if the bank account statements show that there were transfers to the Wife, they do not indicate that she had *sufficient* savings. The monies transferred could have been spent on the family, which was the Wife's testimony.

(b) In addition, the evidence before the court shows the Wife's OCBC account monies going down from approximately \$36,000 in June 2023 to around \$20,000 in November 2023.¹ The Wife also declared when she filed her first set of documents around 3 January

¹ Record of Appeal (Amendment No.1) at pp 155–166.

2024, that she had two bank accounts totalling around \$20,000.² This evidence was not shaken.

17 The lawyer's invoices are also not material to the appeal, as they do not show that the Husband actually made payments of such amounts to his lawyer.

18 I therefore dismissed the Husband's application to adduce further evidence in SUM 326.

Interim Maintenance Order

19 I next considered the Husband's appeal against the interim maintenance order and the quantum of the interim maintenance.

20 In his AC, which was filed in October 2024, the Husband stated his being jobless, as one of the reasons for his appeal. At the appeal, he informed the Court that he had found a job in December 2024, earning around \$6,000 per month.

21 In respect of his unemployment, there are four High Court decisions of note.

22 First, in *AVM v AWH* [2015] 4 SLR 1274 ("*AVM*"), the Husband was unemployed and an undischarged bankrupt. The High Court took this into account in declining to award spousal maintenance; at [93]. However, the court ordered the Husband to pay for child maintenance. The court noted that under s 68 of the Women's Charter 1961 (2020 Rev Ed) ("*WC*"), it is the

² Record of Appeal (Amendment No.1) at pp 120 & 128.

obligation of parents to maintain their children. In deciding the quantum of the child maintenance, the court in *AVM* considered the respective earning capacity of the parents, but not the fact that the Husband was unemployed or an undischarged bankrupt; at [102].

23 Second, in *VJM v VJL and another appeal* [2021] SGHCF 16 (“*VJM*”), the High Court upheld an order that the mother pay child maintenance. The mother was unemployed, but the lower court took into consideration her earning capacity. The High Court also noted that the mother had other substantial financial resources; at [47].

24 Third, in *ABX v ABY and ors* [2014] 2 SLR 969 (“*ABX*”), the High Court was not satisfied on the evidence that the Husband’s unemployment was not by his own choice and ordered the Husband to pay maintenance; at [73]–[74].

25 Fourth, in *WGJ v WGI* [2023] SGHCF 11 (“*WGJ*”), the Husband said that he had attempted reemployment to no avail. He annexed applications for job interviews in his affidavit. However, the court noted that the applications were recent, which meant that the Husband was unemployed for over a year without seeking re-employment. The SkillsFuture course he attended was seven months after his unemployment. The court did not accept that these failed attempts at seeking unemployment meant that the Husband had a reduced earning capacity; at [36].

26 I do not consider that a parent’s unemployed status is excluded from consideration when assessing whether child maintenance should be ordered. However, I am of the view that *AVM* and *VJM* are persuasive in indicating that unemployment is not a determinative factor.

27 Furthermore, and more pertinently in this case, the Husband did not produce any evidence of what efforts he made to find employment during his long period of unemployment. When queried by the Court on this, the Husband said that he had asked for assistance from SkillsFuture. However, he had not filed any evidence as to when he attended any SkillsFuture courses, what other assistance he sought from SkillsFuture or when. In *WGJ*, there was at least some evidence of interview applications (albeit showing that the interview applications were made late). In contrast, the Husband here did not produce any evidence of such. He simply stated that he could not explain why he is still unemployed. I am thus, as was the court in *ABX*, unable to conclude that the Husband's unemployment is *not* by his own choice. This is bearing in mind also, that the Husband has experience as an IT professional and holds a post-graduate diploma.

28 There is also no *evidence* to suggest that the DJ was wrong as to the Husband's estimated income of \$7,900 per month, if he found employment. The Husband informed the Court at the appeal that he earns \$6,000 per month in his new job. He said that this figure does not include potential bonuses. When queried by the Court, the Husband said that he does not know if he will get bonuses or not. He provided no evidence as to his salary package, whether through the job offer or job acceptance communications or otherwise. Moreover, the \$6,000 monthly income that the Husband declared is not far off from the DJ's estimate, even without taking into account bonuses. Notably, a monthly salary of \$6,000 is still much more than the Wife's assessed monthly income of \$3,700 per month, which was not disputed at the appeal.

29 I therefore found no basis to rescind the interim maintenance order or to vary the quantum of the order.

30 As the Husband had not provided any evidence regarding his employment efforts during his long period of unemployment, I found no reason to extend the grace period of 3 months given by the DJ before the commencement of the maintenance order. The start date of the maintenance order was left unchanged.

31 I next considered the appeal against the backdated maintenance order. This was underpinned by the DJ's finding that the Husband's former employer transferred him \$57,000 from June to November 2023.³ This was not disputed by the Husband at the appeal. The DJ also took into consideration the Husband's cash withdrawals and the lack of transparency about his financial assets in 2023.

32 Despite the above points being raised by the DJ, the Husband did not provide any evidence about his financial assets in 2023, for the purpose of the appeal. When the Husband was asked about this by the Court, he did not provide any response to these points raised by the DJ.

33 The Husband submitted instead, that he had expenses, such as credit card bills and lawyers' fees which should have been taken into consideration by the DJ. However, he had produced no evidence of his credit card bills, whether in the court below or for the appeal. Nor did he have any evidence that he had paid his lawyers in the amount that he claimed. When asked about the evidence for this, the Husband stated that he had difficulty collecting such information, to give to the court. I noted that this was the Husband's appeal and he had filed SUM 326 to adduce new evidence. He was thus conscious of the procedure to adduce new evidence and had sought to adduce certain

³ Notes of Evidence for MSS No. 2499 of 2023 on 30th April 2024 at [17(d)].

documents. The onus was on the Husband as the appellant, to provide the relevant evidence that he sought to rely on, to support his appeal. However, he did not.

34 I would add that the concerns raised by the DJ were that there was a sum of \$57,000 deposited into the Husband's account by his former employer and the Husband had made unexplained withdrawals of substantial sums. Hence, even if the Husband had provided evidence of credit card bills or payments for legal fees, the DJ's concerns would not be fully addressed without sight of the Husband's financial assets in 2023. This, the Husband has not done.

35 In addition, the plain production of credit card bills to show indebtedness, even if done, would not have sufficed. There would still be consequential questions over the nature of the credit card debts that were incurred, and if such debts justified the Husband not making any contributions to the maintenance of his children. It has to be borne in mind that the Husband has an obligation to maintain his children pursuant to s 68 of the WC. A parent cannot derogate from such responsibility solely on the basis that such parent has other bills to pay. It is part of a parent's responsibility to manage finances such that the Children are sufficiently provided for.

36 The Husband was thus far from showing that the DJ was wrong in ordering the backdated maintenance. I thus left the order for backdated maintenance unchanged. As the Husband had not addressed the concerns relating to his financial assets in 2023, I also left unchanged the start date for the payment of the backdated maintenance.

37 At the same time, I took into broad consideration the Husband's declared monthly income of \$6,000, the *potential* financial difficulties the Husband may have with the payment streams he would have to make pursuant to the interim maintenance order (\$2,244 per month) and the backdated maintenance instalments (\$2,922 per month), *balanced* with what would be sufficient for the ongoing maintenance of the Children.

38 I hence ordered that the backdated maintenance be paid over 18 months instead of the nine months ordered by the DJ. This would reduce the monthly backdated maintenance instalments to \$1,461. Together with the monthly maintenance, this would still provide a sufficient stream of maintenance for the Children. Based on the Husband's claimed expenses of \$1,200 per month, and the evidence before the court, this would also be sustainable for him. Even if the Husband has other bills to pay (for which he had provided no evidence of), he also has a responsibility to manage his debts and his finances whilst also providing for his children. During the hearing, the Husband said that he cares for his children. I encourage him to draw on his love for his children, to take on his responsibility as a father to provide for their maintenance.

Conclusion

39 For the reasons above, I varied the orders, such that the backdated maintenance quantum ordered by the DJ were to be paid over 18 months instead of nine months.

Kwek Mean Luck J
Judge of the High Court

Appellant in person;
Respondent in person.