

17. FAMILY LAW

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17.1 The review of 2025 focuses on trends with respect to maintenance, an area of the law that has been gradually transformed with the practical application of therapeutic justice (“TJ”). The Appellate Division of the High Court (“Appellate Division”) laid down key principles that emphasise the distinction between maintenance in a subsisting marriage and interim maintenance on the one hand, and final maintenance orders made in the context of an ancillary matters hearing on the other. Further, the Family Division of the High Court (“HCF”) provided guidance on the application of the “budget” approach² and nominal maintenance. This year’s review also highlights three key developments in the division of matrimonial assets. On identifying matrimonial assets, the HCF provided clarification on when premarital assets may be transformed by way of “substantial improvement”.³ On dividing matrimonial assets, the Appellate Division provided further guidance on distinguishing between single and dual-income marriages. Finally, the HCF set out a clear standard for when giving effect to adverse inferences justified applying both the quantification and uplift approaches. This review also covers key cases involving child issues and procedure.

1 The authors are grateful to Ezra Lim for the significant input he provided for this article. All errors remain the authors’ own.

2 *WZF v WZG* [2025] 3 SLR 1219 at [104].

3 *XIB v XIA* [2025] SGHCF 40 at [27].

I. Maintenance

17.2 In 2025, the Appellate Division delivered a noteworthy decision on the interaction between the various maintenance provisions in the Women's Charter 1961⁴ ("WC"). In *XHG v XHH*⁵ ("*XHG*"), the Appellate Division provided clarity on: (a) child and former spousal maintenance in the final ancillary matters context; and (b) when the legal requirement for "neglect or refusal"⁶ to provide reasonable maintenance would apply.

17.3 The husband in *XHG* filed an appeal against the HCF's final ancillary matters order in respect of:⁷

- (a) the amount of \$2,386 *per* month being a reasonable sum for the children's enrichment class expenses;
- (b) the backdating of child maintenance amounting to \$17,000;
- (c) the backdating of spousal maintenance for the wife amounting to \$144,000;
- (d) the 50:50 ratio for the parties' indirect contributions to the marriage;
- (e) the 3.5% uplift to the final division ratio to account for the wife's rent-free occupation of the matrimonial home from May 2022; and
- (f) standard and indemnity costs awarded to the wife.

17.4 First, the Appellate Division upheld the sum of \$2,386 *per* month as a reasonable sum for the children's enrichment class expenses.⁸ The HCF derived that amount from the sums the husband claimed he was paying each month for the children's enrichment classes and what the husband deemed reasonable for any additional enrichment classes. There was no double counting of moneys that the husband paid directly to the providers, as the HCF had estimated a reasonable sum for the children's enrichment classes generally and the parties were to sort out between themselves which classes they would like the children to attend. The Appellate Division recognised that such a "budget" approach was indeed a sensible way to address the children's changing needs with age and

4 2020 Rev Ed.

5 [2025] 2 SLR 501.

6 *XHG v XHH* [2025] 2 SLR 501 at [36].

7 *XHG v XHH* [2025] 2 SLR 501 at [18].

8 *XHG v XHH* [2025] 2 SLR 501 at [22]–[26].

encouraged the sensible discharge of shared parental responsibility in that respect.⁹

17.5 Second, as part of the ancillary matters orders, the HCF ordered the husband to pay \$17,000 of backdated lump sum children's maintenance based on the difference between the eventual amount he was ordered to contribute towards the children's reasonable maintenance and the amount he had in fact paid from August 2023 to March 2024.¹⁰ The husband argued that the backdating of child maintenance implicated the doctrine of issue estoppel, given that the HCF had previously dismissed the Family Court's orders for him to pay interim child maintenance in July 2023.¹¹ The Appellate Division upheld the HCF's backdated child maintenance order.¹² It held that a successful invocation of issue estoppel required a final and conclusive judgment on the merits, a court of competent jurisdiction, an identity of parties between the two actions and an identity of subject matter in the two actions. Of relevance here was the "identity of subject matter" factor, whereby the litigated issue in both actions had to be identified and proven by the husband to be identical.¹³ The Appellate Division held that there was no "identity of subject matter" between the issues decided in the wife's earlier application for interim child maintenance (that resulted in the Family Court's interim child maintenance orders that were dismissed by the HCF in July 2023) and the more recent ancillary matters order on backdated child maintenance.¹⁴ The periods in question were distinct,¹⁵ resulting in there being no "identity of subject matter".

17.6 Section 69(2) of the WC governs when the court may order interim child maintenance. It must be shown that "a parent has neglected or refused to provide reasonable maintenance for his or her child".¹⁶ At the conclusion of the wife's interim maintenance application and on appeal, both the Family Court and HCF found that the evidence did not support a finding of such neglect or refusal for the period sought by the wife.¹⁷ The consideration of "neglect or refusal" at the time the application for interim child maintenance was made in September 2022 was distinct from the HCF's decision to award backdated child maintenance for the period of August to December 2023. Significantly, this period was after

9 *XHG v XHH* [2025] 2 SLR 501 at [24].

10 *XHG v XHH* [2025] 2 SLR 501 at [14]–[15].

11 *XHG v XHH* [2025] 2 SLR 501 at [8]–[9].

12 *XHG v XHH* [2025] 2 SLR 501 at [33].

13 *XHG v XHH* [2025] 2 SLR 501 at [34]–[35].

14 *XHG v XHH* [2025] 2 SLR 501 at [35].

15 *XHG v XHH* [2025] 2 SLR 501 at [35].

16 Women's Charter 1961 (2020 Rev Ed) s 69(2).

17 *XHG v XHH* [2025] 2 SLR 501 at [36].

the HCF had set aside the Family Court's interim child maintenance orders in July 2023. Any finding from that earlier period was not determinative of whether the husband neglected or refused to maintain the children for the subsequent period of August to December 2023. As such, the Appellate Division held that the factual issues were not identical and issue estoppel did not arise.¹⁸

17.7 In response to the husband's additional arguments against the award of backdated child maintenance, the Appellate Division held that *AXM v AXO*¹⁹ ("AXM") was not relevant as there were no overlapping orders in the present case. The Court of Appeal in *AXM* was concerned with an overlap of periods between an existing interim maintenance order and a backdated final maintenance order made at the ancillary matters stage covering the same period. This concern did not arise on the facts of *XHG* as there was no existing interim maintenance order to overlap with.²⁰ The Appellate Division was similarly unpersuaded by the husband's argument that the wife had sufficient resources to meet the children's needs during that period because both parents had the duty to maintain their children.²¹ The Appellate Division held that the wife need only show that the husband was not contributing his fair share towards the children's maintenance, considering their respective incomes and other financial resources.²²

17.8 The HCF had made a factual finding that the husband maintained the children at an average of \$3,722 *per* month from August 2023 to March 2024. Given the eventual ancillary matters order for the husband to contribute reasonable child maintenance of \$4,819 *per* month, he had under-contributed by an approximate amount of \$1,000 *per* month from the period of August 2023 to March 2024. Accordingly, the HCF ordered backdated child maintenance of \$1,000 *per* month to be paid for that period, amounting to the lump sum of \$17,000. That lump sum payment was upheld by the Appellate Division in *XHG*.²³

17.9 While the parties did not raise the issue specifically, the Appellate Division noted that the husband's argument of issue estoppel brought into focus the question of whether the requirement of "neglect or refusal" in s 69(2) of the WC governing interim child maintenance also applied to final child maintenance at the ancillary matters stage.²⁴ The answer

18 *XHG v XHH* [2025] 2 SLR 501 at [37].

19 [2014] 2 SLR 705.

20 *XHG v XHH* [2025] 2 SLR 501 at [39].

21 *XHG v XHH* [2025] 2 SLR 501 at [41].

22 *XHG v XHH* [2025] 2 SLR 501 at [43].

23 *XHG v XHH* [2025] 2 SLR 501 at [42] and [44].

24 *XHG v XHH* [2025] 2 SLR 501 at [45].

would depend on the proper construction of the interplay between ss 69(2) and 127(2) of the WC.²⁵ In providing its provisional views, the Appellate Division observed that final ancillary matters orders for child maintenance had been routinely made without a determination of whether the paying parent had neglected or refused to maintain the child within the meaning of s 69(2).²⁶ This is despite s 127(2) providing that “[p]arts 8 and 9 apply, with the necessary modifications, to an application for maintenance” when the court granted a divorce or subsequent to the grant of divorce.

17.10 Applying a purposive approach to the interpretation of s 127(2) of the WC would require ascertaining whether one of the “necessary modifications” contemplated may exclude the requirement of neglect or refusal in s 69(2) when child maintenance is sought as a final ancillary matters order in divorce proceedings.²⁷ The Appellate Division was of the provisional view that based on the legislative history of s 127(2), Parliament did not intend to impose the requirement of proof of neglect or refusal where child maintenance was sought as a final ancillary matters order.²⁸ This distinction was evident in the older version of the Women’s Charter²⁹ (*ie*, the 1985 Revised Edition) that provided two separate provisions for ordering child maintenance: (a) s 61(2) that required proof of neglect or refusal of the parent to maintain outside of matrimonial proceedings; and (b) ss 122(1) and 122(2) that did not contain such a requirement where there were matrimonial proceedings.³⁰

17.11 In 1996, the Women’s Charter (Amendment) Act 1996³¹ repealed and re-enacted the abovementioned sections with wordings that were largely similar to or the same as the provisions in the current version of the WC.³² As part of representations submitted to the Select Committee on the Women’s Charter (Amendment) Bill, Prof Leong Wai Kum suggested that rationalisation of the law required that the provision which laid down the extent of the parents’ duty to maintain their child (which was exactly the same during marriage or upon divorce) should only appear once under s 61(2) of the WC. The operational mechanics for invoking that duty may then be separately provided for in Pt VII of the Women’s

25 *XHG v XHH* [2025] 2 SLR 501 at [38].

26 *XHG v XHH* [2025] 2 SLR 501 at [46].

27 *XHG v XHH* [2025] 2 SLR 501 at [48].

28 *XHG v XHH* [2025] 2 SLR 501 at [49].

29 Cap 353, 1985 Rev Ed.

30 *XHG v XHH* [2025] 2 SLR 501 at [50].

31 Act 30 of 1996.

32 *XHG v XHH* [2025] 2 SLR 501 at [51]–[52].

Charter³³ for existing marriages and Pt XI of the Women's Charter³⁴ for parents in the process of terminating their marriage.³⁵ Subsequently, there were no relevant mentions of the amendments at the Second or Third Readings of the Bill.³⁶

17.12 The Appellate Division inferred from the legislative background that the amendments were not intended to effect a substantial change to the law on child maintenance, and were instead targeted at a specific issue of there being two apparently distinct notions of a parent's substantive duty to maintain his or her child.³⁷ In light of this, the Appellate Division reasoned that s 127 of the WC was unlikely meant to impose a more rigorous standard of proof than the position under s 122 of the earlier version of the Women's Charter.³⁸ In essence, legislative history suggested that there was no requirement for proof of a parent's neglect or refusal to maintain in child maintenance proceedings instituted upon divorce.³⁹

17.13 In further support of its conclusion, the Appellate Division noted that the reasons underlying child maintenance orders in a subsisting marriage under s 69(2) of the WC differed from those for ancillary matters child maintenance orders under s 127(1). In a subsisting marriage, the court will only intervene in the private family domain if there is a clear failure of a legal duty, *ie*, proof of neglect or refusal by a parent to maintain the child.⁴⁰ In contrast, the court's task in the ancillary matters context is to ensure that family obligations continue to be discharged after the drastic event of a divorce. This is independent of whether a parent had neglected or refused to maintain the child in the past. Child maintenance orders are meant to protect the children's best interests in a forward-looking manner following the dissolution of their parents' marriage and reorganisation of the family's living and financial arrangements.⁴¹ In conclusion, the Appellate Division held that the interpretation of s 127(2) of the WC that best furthered the legislative purpose and the nature of the judicial task in ancillary matters proceedings would be to read "necessary modifications" as excluding the neglect or refusal requirement.⁴²

33 Act 30 of 1996.

34 Act 30 of 1996.

35 *XHG v XHH* [2025] 2 SLR 501 at [53]–[54].

36 *XHG v XHH* [2025] 2 SLR 501 at [55].

37 *XHG v XHH* [2025] 2 SLR 501 at [49] and [56].

38 Cap 353, 1985 Rev Ed.

39 *XHG v XHH* [2025] 2 SLR 501 at [56].

40 *XHG v XHH* [2025] 2 SLR 501 at [57].

41 *XHG v XHH* [2025] 2 SLR 501 at [58].

42 *XHG v XHH* [2025] 2 SLR 501 at [59].

17.14 Third, the Appellate Division set aside the HCF's decision to award the wife backdated maintenance of \$144,000. It again dismissed the husband's arguments on *AXM* and issue estoppel on the respective bases that there was no subsisting interim maintenance order for the wife that could overlap with a backdated spousal maintenance order granted at the ancillary matters stage⁴³ and no identity of subject matter. The lack of identity of subject matter was bolstered by the distinct purposes of interim maintenance during the course of matrimonial proceedings (under s 113(1)(a) of the WC) and former spousal maintenance when granting or subsequent to the grant of a judgment of divorce (under s 113(1)(b) of the WC). Interim maintenance in a subsisting marriage (and during pending divorce proceedings) is to provide for the wife's immediate financial needs subject to proof of neglect or refusal to maintain, whereas former spousal maintenance is meant to enable the former wife to continue to live at the level that she did immediately prior to the breakdown of the marriage, so far as it is practical. In other words, former spousal maintenance is for the wife to achieve "financial preservation".⁴⁴ It follows that the rationale and factors applicable to both types of maintenance are different and that there could be no "identity of subject matter".⁴⁵

17.15 Notwithstanding that there was no issue estoppel, the Appellate Division held that the HCF erred in ordering backdated former spousal maintenance for the wife. The wife argued that she was unemployed from April 2021 to October 2024, the husband had the financial means to support her expenses, and that he had paid her a monthly allowance of \$6,000 from July 2021 to November 2021.⁴⁶ The HCF's main basis for the orders appeared to be that the wife was unemployed during the relevant period of the marriage and after divorce proceedings were commenced, thus engaging ss 69(1) and 113(1)(a) of the WC.⁴⁷ However, interim maintenance and final spousal maintenance serve different purposes. In particular, former spousal maintenance is a broader remedy meant to even out economic disadvantages arising from the role the spouse undertook in the marriage and to achieve financial preservation in post-divorce life that realistically accounts for new realities that flow from the divorce.⁴⁸ The power to order former spousal maintenance is supplementary to the division of matrimonial assets, and the court's discretion will be exercised with regard to the objective of facilitating the former spouse's transition

43 *XHG v XHH* [2025] 2 SLR 501 at [63].

44 *XHG v XHH* [2025] 2 SLR 501 at [66].

45 *XHG v XHH* [2025] 2 SLR 501 at [64]–[67].

46 *XHG v XHH* [2025] 2 SLR 501 at [16] and [67].

47 *XHG v XHH* [2025] 2 SLR 501 at [70]–[71].

48 *XHG v XHH* [2025] 2 SLR 501 at [72].

into post-divorce life where eventual economic self-sufficiency will be reasonably expected.⁴⁹

17.16 Bearing the above principles in mind, it is only when an order for former spousal maintenance order is made under s 113(1)(b) of the WC that the question of whether the orders should be backdated would arise.⁵⁰ The Appellate Division made clear that the court had the power and discretion to backdate a final ancillary matters former spousal maintenance order. It referred to cases that affirmed the approach of backdating former spousal maintenance orders to periods prior to the ancillary matters hearing, so as to minimise the need for a wife to apply for interim maintenance pending the hearing of the final ancillary matters.⁵¹ The ancillary matters court's discretion to backdate maintenance orders is in line with its broad powers to assess all available factors and evidence to ensure just financial and child-related outcomes for the family moving forward.⁵²

17.17 Given that the HCF did not make any ancillary matters former spousal maintenance orders for the wife under s 113(1)(b), the Appellate Division held that there was no basis to order backdated former spousal maintenance. The period prior to the ancillary matters hearing would have been relevant to interim spousal maintenance under s 69(1) and s 113(1)(a), which would then be subject to different legal considerations. Without an order for ancillary matters former spousal maintenance, the court has no power under s 113(1)(b) to make only an award of backdated spousal maintenance covering earlier periods.⁵³

17.18 Further, the wife's unemployment alone was not a basis for ordering spousal maintenance. In addition to the spouses' income, the court will weigh all relevant factors such as the parties' other financial resources, their age and the length of the marriage. In the present case, the wife was awarded 47% of the matrimonial pool valued at \$8.1m. As the power to order former spousal maintenance under s 113(1)(b) is supplementary to the power to divide matrimonial assets, the wife's financial resources were relevant and ought to be considered.⁵⁴ The Appellate Division added that the wife would not have been successful in a claim for former spousal maintenance, given that she had worked throughout the marriage until April 2021, would receive a substantial share of matrimonial assets, and was gainfully employed and earning

49 *XHG v XHH* [2025] 2 SLR 501 at [73]–[74].

50 *XHG v XHH* [2025] 2 SLR 501 at [75].

51 *XHG v XHH* [2025] 2 SLR 501 at [76].

52 *XHG v XHH* [2025] 2 SLR 501 at [77]–[78].

53 *XHG v XHH* [2025] 2 SLR 501 at [79].

54 *XHG v XHH* [2025] 2 SLR 501 at [81].

a substantial income at the time of the ancillary matters hearing.⁵⁵ In light of the above, the Appellate Division set aside the HCF's order of backdated spousal maintenance for the wife.

17.19 For completeness, the Appellate Division upheld the HCF's indirect contributions ratio of 50:50. The Appellate Division applied the broad-brush approach and found that the broad factual indicators reflected a marriage where the husband made greater indirect financial contributions, whereas the wife made greater non-financial contributions.⁵⁶ The Appellate Division also declined to grant the husband's request for a 3.5% uplift to his share of the matrimonial assets for the expenses he had to incur after he exited the matrimonial home in May 2022.⁵⁷ The uplift would amount to approximately \$283,000, which the husband claimed was close to the amount he spent on alternative accommodation.⁵⁸

17.20 Rent-free occupation under s 112(2)(f) is one of the factors the court may take into account when exercising its powers to divide matrimonial assets in a just and equitable manner under s 112 of the WC. The question was therefore whether the wife's rent-free occupation of the matrimonial home with the children was a matter that should have an effect on the final ratio of division by adjusting the average ratio.⁵⁹ The Appellate Division held that the words "rent-free occupation or other benefit enjoyed by" the occupying spouse in s 112(2)(f) suggested that this factor is focused on the benefit received by the occupying spouse, as opposed to compensating the excluded spouse for being excluded from the matrimonial home. The wife enjoyed the benefits of occupying the matrimonial home with the children to the exclusion of the husband. That tied in with consideration of the needs of the children under s 112(2)(c), a factor relevant to the court's exercise of power to divide matrimonial assets. After it became impracticable for the parties to live together, it was reasonable for the primary caregiver wife to remain in the matrimonial home with the children to maintain continuity of living and care arrangements in their best interests.⁶⁰

55 *XHG v XHH* [2025] 2 SLR 501 at [83].

56 *XHG v XHH* [2025] 2 SLR 501 at [87]–[90].

57 *XHG v XHH* [2025] 2 SLR 501 at [106].

58 *XHG v XHH* [2025] 2 SLR 501 at [93].

59 *XHG v XHH* [2025] 2 SLR 501 at [95]–[98]. See also *XML v XMM* [2025] 5 SLR 241 at [175]–[182], where the Family Division of the High Court ("HCF") awarded a 0.5% uplift to the average ratio after considering the wife's rent-free occupation of the matrimonial home and other property-related matters.

60 *XHG v XHH* [2025] 2 SLR 501 at [100]–[103].

17.21 Finally, the Appellate Division also upheld the HCF's order against the husband for standard costs for the ancillary matters proceedings, and indemnity costs relating to the wife's thrown-away costs for the husband's belated disclosure of bank statements as a result of his breach of the duty of full and frank disclosure.⁶¹ It also awarded costs of \$20,000 to the wife as she had been substantially successful in the appeal.⁶²

17.22 The Appellate Division's clarification in *XHG* on the interaction between the provisions governing interim maintenance and ancillary matters maintenance is very much welcome. When advising clients, practitioners stand guided by how the requirement of "neglect or refusal" to provide for reasonable maintenance applies for maintenance in a subsisting marriage under s 69(1) and interim maintenance during matrimonial proceedings under s 113(1)(a) to meet the wife's immediate financial needs. On the other hand, former spousal maintenance under s 113(1)(b) serves the distinct purpose of evening out financial inequities arising from the roles adopted by the parties during the marriage and is supplementary to the division of matrimonial assets. The requirement of "neglect or refusal" is therefore not required for this purpose.

17.23 *XHG* also paves the way for primary caregiver spouses, who tap on their existing resources to provide for the children during the relationship breakdown, to be subsequently recognised for their financial efforts. This is achieved through the backdating of any shortfall between the eventual quantum of reasonable child maintenance ordered and what the other party had in fact contributed during the relevant period. Backdating minimises the need to apply for interim child maintenance where "neglect or refusal" has to be proven, yet ensures that both parties adequately contribute towards the children's reasonable maintenance expenses prior to eventual orders being issued at the final ancillary matters hearing. Where the other party stopped contributing towards the children's reasonable maintenance altogether, the court has wide powers to backdate reasonable maintenance from a fair date.⁶³ Such an approach would minimise the number of interlocutory applications and hopefully reduce acrimony in divorce proceedings, in line with TJ.

17.24 The Appellate Division's affirmation of the HCF's "budget" approach reflects a strong trend in the court's stance towards child maintenance.⁶⁴ As recently summarised by the HCF in *WZF v WZG*⁶⁵

61 *XHG v XHH* [2025] 2 SLR 501 at [111]–[116].

62 *XHG v XHH* [2025] 2 SLR 501 at [117]–[118].

63 *WZF v WZG* [2025] 3 SLR 1219 at [124]–[126].

64 Lim Hui Min & Darren Chan, "Child Maintenance: Distinguishing Between 'Reasonable Expenses' and 'Luxuries'" [2025] SAL Prac 31 at para 14.

65 [2025] 3 SLR 1219.

(“WZF”), the “budget” approach entails identifying broad categories of the child’s estimated needs and setting a corresponding reasonable sum for each category.⁶⁶ It is the parties’ duty to exercise their shared parental responsibility, and not the province of the court, to determine how exactly the moneys should be expended.⁶⁷ Parents are similarly exhorted by the principles of TJ to resolve these parenting issues in a co-operative spirit over the years as the child’s needs change with age. It is expected that the parties co-parent as a problem-solving team, instead of being entrenched in relitigation which prevents the family from moving forward with their lives. The HCF in *WZF* applied the “budget” approach by considering the relevant circumstances, such as the parent’s financial ability and what was reasonably necessary for the child, in ordering a total budget of \$1,000 *per* month for the child’s enrichment⁶⁸ and \$1,900 for the child’s monthly reasonable household expenditure.⁶⁹

17.25 Another significant case on maintenance is *XFN v XFO*⁷⁰ (“*XFN*”), where the HCF affirmed the Family Court’s nominal maintenance order of \$1 *per* month for the wife.⁷¹ The wife in *XFN* was a 39-year-old Indian national and Singapore permanent resident (“PR”),⁷² whom the Family Court found had relocated to Singapore because of the marriage and lacked local family support.⁷³ While the husband, wife and their daughter initially lived in the husband’s parents’ flat, the wife moved out in 2017 due to issues with her mother-in-law.⁷⁴ She moved into a Housing & Development Board (“HDB”) flat that the husband acquired during the marriage, and was later followed by the husband, his parents and their daughter.⁷⁵ After a year, the husband and his parents left the HDB flat, taking the daughter with them.⁷⁶ Thereafter in 2020, the husband petitioned the HDB to acquire the matrimonial flat despite the wife’s willingness to repay the mortgage loan and her actual payments of arrears in conservancy charges and loan instalments. As the husband did not consent to her payments, the HDB refunded all the wife’s payments in 2022 and she was evicted from the flat by HDB officers and police officers in 2024.⁷⁷

66 *WZF v WZG* [2025] 3 SLR 1219 at [104].

67 *WZF v WZG* [2025] 3 SLR 1219 at [103]–[107].

68 *WZF v WZG* [2025] 3 SLR 1219 at [110].

69 *WZF v WZG* [2025] 3 SLR 1219 at [114].

70 [2025] SGHCF 29.

71 *XFN v XFO* [2025] SGHCF 29.

72 *XFN v XFO* [2025] SGHCF 29 at [1].

73 *XFN v XFO* [2025] SGHCF 29 at [8].

74 *XFN v XFO* [2025] SGHCF 29 at [2].

75 *XFN v XFO* [2025] SGHCF 29 at [3].

76 *XFN v XFO* [2025] SGHCF 29 at [4].

77 *XFN v XFO* [2025] SGHCF 29 at [5].

17.26 *XFN* involved an 11-year marriage where the wife worked as an administrative assistant at a hospital earning a net monthly salary of \$2,340, and the husband earned a net monthly salary of \$5,212 as a regular serviceman in the Singapore Armed Forces.⁷⁸ In dividing the matrimonial assets, the Family Court adopted the classification approach. The matrimonial flat was divided in the ratio of 80:20 in the husband's favour as he was found to be the sole direct contributor for the matrimonial flat. The remaining assets in the parties' own names and possession were divided 64:36 in the husband's favour.⁷⁹ Interestingly, the wife was granted nominal maintenance of \$1 *per* month for a transitional period of four years on the basis that she was a foreigner who relocated for the marriage and lacked local family support. Substantial maintenance was not awarded as the Family Court held that the 11-year marriage was not long, the wife would be receiving a fair share from asset division and she was employed and capable of self-support; she was only to contribute \$327 *per* month for child maintenance.⁸⁰

17.27 On the wife's appeal, the HCF granted the wife a 10% negative adjustment to the husband's indirect contributions, resulting in a final division ratio of 75:25 in favour of the husband for the matrimonial flat and that of 59:41 for the remaining assets in the parties' own names and possession.⁸¹ The HCF's 10% negative adjustment was based on two factors: (a) the husband was not allowed to rely on his own misconduct of denying the wife access to the daughter to claim a greater share of indirect contributions; and (b) the husband's undesirable behaviour that led to the eventual forfeiture of the matrimonial flat to the HDB (as opposed to a more lucrative open market sale).⁸²

17.28 As for the wife's appeal against nominal maintenance, the HCF declined to grant the wife substantial maintenance based on her housing-related arguments. The wife argued that her Singapore PR immigration status did not entitle her to purchase subsidised housing on her own, and that she would have to either purchase a resale flat or private housing, or rent a flat. The wife prayed for substantive monthly spousal maintenance of \$2,500 for four years. The HCF held that the Family Court's decision to award nominal maintenance (and not substantive maintenance) was not manifestly wrong as the wife would be receiving a fair share of the matrimonial assets comprising a 25% share of the matrimonial flat and over \$52,000 for her share of the remaining assets.⁸³

78 *XFN v XFO* [2025] SGHCF 29 at [1].

79 *XFN v XFO* [2025] SGHCF 29 at [6]–[7].

80 *XFN v XFO* [2025] SGHCF 29 at [8]–[9].

81 *XFN v XFO* [2025] SGHCF 29 at [18].

82 *XFN v XFO* [2025] SGHCF 29 at [13]–[14] and [17].

83 *XFN v XFO* [2025] SGHCF 29 at [21].

17.29 Notably, the HCF was of the view that there was no practical distinction between an order for no maintenance and nominal maintenance, and left the nominal maintenance order intact. It referred to s 118 of the WC that governs the variation of maintenance orders in matrimonial proceedings, and interpreted “a[ny] subsisting order for maintenance” to mean that the court had power to vary as including an order for no maintenance. The HCF added that the court could order a man to pay maintenance to his former wife even subsequent to the grant of a judgment of divorce, which included the time after divorce proceedings were concluded. The HCF interpreted this to mean that a wife who obtained an order for “no maintenance” could still apply for maintenance in the future. However, the HCF noted that as the Court of Appeal had held otherwise, it would leave the nominal maintenance order intact.⁸⁴

17.30 Notwithstanding the HCF’s contrarian view that former wives should be allowed to apply for subsequent maintenance where “no order” as to maintenance is made,⁸⁵ the HCF’s decision to leave the nominal maintenance order intact suggests that *XFN* is a case where the court felt justified to provide the former wife with the opportunity to apply for a subsequent variation of maintenance if the need were to arise. An analysis of *XFN* would thus go towards determining the exceptional circumstances in which the court will grant nominal maintenance.

17.31 The Court of Appeal in *ATE v ATD*⁸⁶ (“*ATE*”) held that the purpose of nominal maintenance was to preserve the right of the former wife to apply for substantive maintenance should the need arise in the future. The Court of Appeal also referred to *APE v APF*⁸⁷ in holding that once an application for former spousal maintenance was made and dismissed, the wife concerned would be precluded from applying for maintenance should such a need arise in the future.⁸⁸ Given that the former husband should not be a general insurer for the former wife for an indefinite period of time, the Court of Appeal held that “something more must be shown on the facts and circumstances of the particular case”⁸⁹ [emphasis in original omitted] for nominal maintenance to be awarded.⁹⁰ In declining to order nominal maintenance, the working wife in *ATE* was

84 *XFN v XFO* [2025] SGHCF 29 at [22].

85 For a discussion on the legal accuracy of the HCF’s statements in *XFN v XFO* [2025] SGHCF 29, see Foong Ke Hui, “Nominal Maintenance – Principled or Inconsequential?” [2025] SAL Prac 27.

86 [2016] SGCA 2.

87 [2015] 5 SLR 783.

88 *ATE v ATD* [2016] SGCA 2 at [27].

89 *ATE v ATD* [2016] SGCA 2 at [43].

90 *ATE v ATD* [2016] SGCA 2 at [43].

found to be as professionally successful as the husband, and there was no evidence that her earning capacity had been adversely affected by virtue of the marriage.⁹¹

17.32 In cases where nominal maintenance was in fact ordered, it appeared that the court had regard to exceptional circumstances that could potentially leave a former wife financially vulnerable in the near future post-divorce. For instance, a former wife's existing health condition that may deteriorate over time,⁹² or a pandemic that could significantly affect a wife's employment prospects.⁹³ A sensible factual inquiry would also examine the wife's share of divided matrimonial assets, her financial resources, her earning capacity post-divorce and whether any limited earning capacity was a result of the role she took on in the marriage.

17.33 A justifying circumstance in *XFN* may possibly have been the wife's PR status and the husband's difficult house-related behaviour that was deemed serious enough to result in a negative adjustment to his indirect contributions. Given the wife's monthly net income of \$2,340, she may indeed be able to afford rental housing. However, if anything untoward were to happen, she would be left without any spare financial resources to cope after her payment of rent. In such circumstances, the nominal maintenance award would allow her to seek financial support in the form of maintenance within the four-year period, a limited time given the relatively short length of the marriage. Until the higher courts provide further clarification on nominal maintenance, practitioners ought to apprise themselves of the prevailing legal positions in *ATE* and *APE v APF*,⁹⁴ which would remain binding on lower courts.

II. Division of matrimonial assets

A. Substantial improvement of premarital asset

17.34 This section will cover three cases in 2025 on the identification and division of matrimonial assets and giving effect to adverse inferences. The first two cases respectively clarify the "substantial improvement" requirement for the transformation of premarital assets and the classification of single and dual-income marriages, whereas the

91 *ATE v ATD* [2016] SGCA 2 at [44].

92 *ANJ v ANK* [2015] 4 SLR 1043 at [44].

93 See Foong Ke Hui, "Nominal Maintenance – Principled or Inconsequential?" [2025] SAL Prac 27 at paras 50– 51.

94 [2015] 5 SLR 783.

third case analyses the legal threshold that is required to apply both the quantification and uplift approaches in giving effect to adverse inferences.

17.35 In *XIB v XIA*⁹⁵ (“*XIB*”), the HCF held that the wife’s indirect non-financial contributions to the marriage were insufficient to transform the husband’s premarital company (“Company A”) into a matrimonial asset to be divided. The husband in *XIB* was a 52-year-old Singapore citizen who worked as the sole shareholder and director of a Singapore company involved in the installation of plumbing, heating and air-conditioning systems. The wife was a 47-year-old Chinese citizen who worked in China for most of the marriage, but subsequently became a homemaker when the second child was born close to the end of the marriage.⁹⁶ Other than living together in Singapore for about a week after the marriage,⁹⁷ the parties lived apart, with the husband in Singapore and the wife with the children in China. The wife managed the household in Shanghai, and the husband saw his wife and children once or twice a year, or on the few occasions they came to Singapore.⁹⁸ The marriage was 11 years in length.

17.36 *XIB* was the husband’s appeal against the Family Court’s ancillary matters orders on the division of matrimonial assets, access to the children who were 13 and 5 years old, and costs of a DNA paternity test for the second child.⁹⁹ The main issues to be determined on appeal for the division of matrimonial assets were (a) whether the wife had “substantially improved” the husband’s premarital shares in Company A via her indirect non-financial contributions, thus transforming them into matrimonial assets; and (b) whether the wife should be awarded 30% of the matrimonial assets in the final division.¹⁰⁰

17.37 With regard to the husband’s premarital shares in Company A, it was undisputed that the company was incorporated prior to the marriage. Nonetheless, the Family Court found that the wife had contributed indirectly to the company by allowing the husband to focus on his business through her caregiving role, and that he had been withdrawing moneys from his personal accounts to pay his suppliers in China.¹⁰¹ For those reasons, the Family Court implicitly found that the premarital shares were “substantially improved” by the wife and transformed into

95 [2025] SGHCF 40.

96 *XIB v XIA* [2025] SGHCF 40 at [3].

97 *XIB v XIA* [2025] SGHCF 40 at [5].

98 *XIB v XIA* [2025] SGHCF 40 at [4].

99 *XIB v XIA* [2025] SGHCF 40 at [4], [6] and [8].

100 *XIB v XIA* [2025] SGHCF 40 at [13].

101 *XIB v XIA* [2025] SGHCF 40 at [18].

matrimonial assets for division.¹⁰² The Family Court valued the shares at \$1,457,154¹⁰³ based on Company A's book value as of the financial year 2023, which showed the difference between the total assets and total liabilities. That would represent what the husband would receive if the company were liquidated.¹⁰⁴

17.38 The HCF disagreed with the Family Court that the premarital shares were transformed matrimonial assets. Section 112(10)(a)(ii) of the WC provides that premarital assets may be included in the matrimonial pool if they had been “substantially improved during the marriage by the other party or by both parties to the marriage”.¹⁰⁵ The Court of Appeal in *USB v USA*¹⁰⁶ (“USB”) referred to such assets as “transformed matrimonial assets”.¹⁰⁷ On the present facts, the wife’s case on “substantial improvement” rested entirely on her non-financial contributions in the form of caregiving to the two children in China. She contended that such efforts allowed the husband to focus on his business.¹⁰⁸

17.39 At the outset, the HCF acknowledged that there was no blanket prohibition against considering a spouse’s non-financial contributions. However, case law suggested that non-financial contributions such as homemaking, emotional support, parenting or caregiving can only amount to “substantial improvement” of a premarital asset if two conjunctive requirements are fulfilled:¹⁰⁹

(a) The “substantial improvement” resulting from the indirect non-financial contributions must have an economic connotation, which could be shown by demonstrating an increase in turnover or in profitability or some other measurable improvement.

(b) There must be a direct causal link between the efforts and the substantial improvement of the premarital asset, typically meaning that the efforts relate directly to the relevant asset.

17.40 The conjunctive requirements on proving “substantial improvement” were derived from *USB*,¹¹⁰ where it was suggested that indirect financial contributions having an economic connotation

102 *XIB v XIA* [2025] SGHCF 40 at [19].

103 *XIB v XIA* [2025] SGHCF 40 at [9(a)].

104 *XIB v XIA* [2025] SGHCF 40 at [20].

105 *XIB v XIA* [2025] SGHCF 40 at [24].

106 [2020] 2 SLR 588.

107 *XIB v XIA* [2025] SGHCF 40 at [25].

108 *XIB v XIA* [2025] SGHCF 40 at [26].

109 *XIB v XIA* [2025] SGHCF 40 at [27].

110 *XIB v XIA* [2025] SGHCF 40 at [28].

encompassed “effort which can be understood as having economic value”.¹¹¹ The HCF held that such a requirement did not rule out non-financial contributions altogether as such contributions could still be understood as having economic value.¹¹² The second requirement was distilled from the guidance in *USB*, given that only the non-financial contributions which could be shown to have contributed to an improvement in the asset were considered.¹¹³ Additionally, the HCF noted that Mavis Chionh J dealt with a similar issue in *WGE v WGF*¹¹⁴ (“*WGE*”), and arrived at the same conclusion on the two conjunctive requirements. In fact, Chionh J held in *WGE* that the wife’s caregiving efforts did not amount to “substantial improvement” of the husband’s premarital shares as they could not be characterised as the application of effort having economic value towards the improvement of the asset.¹¹⁵

17.41 The wife in *XIB* attempted to rely on the cases of *Chen Siew Hwee v Low Kee Guan*¹¹⁶ (“*Chen Siew Hwee*”) and *Hoong Khai Soon v Cheng Kwee Eng*¹¹⁷ (“*Hoong Khai Soon*”) to argue that *WGE* was wrongly decided. However, the HCF observed that they served to undermine rather than help her case.¹¹⁸ The HCF reasoned that while *Chen Siew Hwee* left open the possibility that indirect *financial* contributions could amount to “substantial improvement” of the asset, the broad point of that case was that indirect *financial* contributions alone would generally not suffice in showing that an asset had been “substantially improved”. Further, the observations in *Chen Siew Hwee* were associated with the case of *Chow Hoo Siong v Lee Dawn Audrey*,¹¹⁹ where the court held that the wife’s indirect non-financial efforts towards the family’s welfare were far too remote to amount to “substantial improvement” of the husband’s shares.¹²⁰

17.42 As for *Hoong Khai Soon*, the HCF did not agree with the tenor of the wife’s arguments that a direct causal link could be established between one spouse’s caregiving efforts and improvements in the other spouse’s business so long as the business was being actively run by the latter. It again affirmed Chionh J’s reasoning in *WGE*. Chionh J observed that despite the efforts of the wife in *Hoong Khai Soon* in doing all the

111 *USB v USA* [2020] 2 SLR 588 at [22].

112 *XIB v XIA* [2025] SGHCF 40 at [28].

113 *XIB v XIA* [2025] SGHCF 40 at [29].

114 [2023] SGHCF 26.

115 *XIB v XIA* [2025] SGHCF 40 at [30].

116 [2006] 4 SLR(R) 605.

117 [1993] 1 SLR(R) 823.

118 *XIB v XIA* [2025] SGHCF 40 at [32].

119 [2003] 4 SLR(R) 481.

120 *XIB v XIA* [2025] SGHCF 40 at [34].

domestic chores, looking after her husband's family and helping in another business owned by her husband's father, those did not suffice to show a direct causal link between the wife's actions and the substantial improvement of the husband's business.¹²¹

17.43 Finally, the wife in *XIB* tried to use a hypothetical to illustrate that *WGE* was legally erroneous and that it was wrong, as a matter of principle, to rule that indirect and non-financial efforts could never amount to substantial improvement. The gist of the hypothetical involved a man setting up a start-up before marrying a woman who had career potential. The married couple rented their home and decided that the wife should become a full-time housewife to care for the children. When the husband's start-up bore fruit ten years later, divorce ensued, and the premarital start-up shares were the only substantial asset in the marriage. The wife in *XIB* argued that the law would effectively leave the hypothetical wife with nothing for her caregiving efforts if the premarital start-up shares were to be excluded from the matrimonial pool.¹²²

17.44 The HCF observed that such extreme hypotheticals bore little or no resemblance to reality and were disconnected from the practical realities of how families actually functioned, how assets were managed and how lives were lived. In *XIB*, even if the husband's premarital shares in Company A were excluded, the matrimonial assets still amounted to over \$1.7m.¹²³ The HCF added that even if the hypothetical's facts were to come before the court, the law does provide that indirect and non-financial efforts can amount to substantial improvement if the hypothetical wife can prove the requisite causal link between her caregiving efforts and the substantial improvement of the premarital asset in question.¹²⁴

17.45 Importantly, the HCF highlighted that non-financial contributions are relevant at both the stages of *identification* and *division* of matrimonial assets. Even if a specific subset of non-financial contributions does not suffice to transform a premarital asset, all non-financial contributions remain highly relevant when considering more broadly the proportion in which matrimonial assets should be divided. Conflation of those separate strands of analysis, as the wife in *XIB* argued for, would erode the distinction that Parliament and *USB* meant to establish in the law. The requirements for "substantial improvement" prevent premarital assets from being included in the matrimonial pool by virtue of general marital contributions alone, and hence strike a careful

121 *XIB v XIA* [2025] SGHCF 40 at [38].

122 *XIB v XIA* [2025] SGHCF 40 at [40].

123 *XIB v XIA* [2025] SGHCF 40 at [41].

124 *XIB v XIA* [2025] SGHCF 40 at [42].

balance between respecting individual ownership and allowing for the recognition of true joint endeavours.¹²⁵

17.46 Turning to the present case, the HCF noted that it was undisputed that the wife had not made any financial contributions to Company A. Applying the conjunctive requirements, the wife sought to demonstrate that there was an increase in profit over time for Company A and that there was a direct causal link between her non-financial contributions and the substantial improvement. That was because Company A was the husband's sole source of income, to which he devoted his energies that were freed up from homemaking responsibilities.¹²⁶ The HCF preliminarily cautioned that the concept of "improvement" should not always be equated with an absolute increase in an asset's value, as the improvement the law is concerned with lies not solely in the outcome, but in the nature and quality of the other spouse's input, be it financial investment, labour, or effort with economic value. The HCF then went on to hold that there was no direct causal link between the wife's indirect non-financial efforts and the improvement of the asset. As the wife could not satisfy the two conjunctive requirements, the HCF held that the wife's efforts in the home did not amount to "substantial improvement" of the husband's premarital shares in Company A.

17.47 Next, the HCF dealt with the second basis on which the Family Court concluded that the premarital shares should constitute a matrimonial asset, that of the husband's use of personal funds to pay Company A's foreign suppliers. The HCF held that the mere use of funds from the husband's personal bank account, without more, could not transform the entire asset into a matrimonial asset. It was of the view that it would be challenging to find small privately held companies where the financial accounts of the company are completely independent from the owner's. As such, to find that such instances of financial interspersion constitute legally significant transformations would be to dilute the legal test for "substantial improvement".

17.48 The HCF explained that the doctrine of "substantial improvement" is meant to capture real and targeted enhancements to the asset itself, and not just incidental by-products of marital co-operation. Occasional transfers of cash by the husband, who lived and handled his bank accounts separately from the wife, would not suffice for "substantial improvement", compared to a situation where infusions of cash into the company were made from the wife's account or from a joint bank account. In light of the above, the HCF held that the husband's premarital shares in

125 *XIB v XIA* [2025] SGHCF 40 at [43].

126 *XIB v XIA* [2025] SGHCF 40 at [45].

Company A were not transformed into matrimonial assets and not liable for division.

17.49 The HCF then proceeded to account for the husband's use of funds from his personal bank accounts to pay for company expenses, as those funds were quintessential matrimonial assets acquired during the marriage. Pursuant to *USB*, the equivalent proportion of quintessential matrimonial assets expended on premarital assets ought to be returned to the matrimonial pool to maintain the viability of the quintessential matrimonial asset.¹²⁷ In determining the proportion of the value of the Company A shares to be added back to the matrimonial pool, the HCF had to decide how to quantify the proportion of the value of the Company A shares to be added back, and make a finding on the quantum of personal moneys that the husband expended on Company A.

17.50 The HCF first considered how to quantify the proportion of the asset to be added back to the pool. According to *USB*, the court could either return the exact sum paid during the marriage, or use a formula to determine the proportion of the current net value of the asset that should be credited to the pool. The HCF decided to return the sums the husband had expended on Company A during the marriage. The HCF reasoned that the quintessential matrimonial assets (the husband's personal funds) were untethered to the share value of Company A and such an approach would circumvent the issue of valuing the shares.¹²⁸ The HCF arrived at the exact quantum of \$250,000 by examining the withdrawals that the husband had confirmed were expended on Company A during the marriage, as found by the Family Court.¹²⁹

17.51 After removing the value of the premarital shares in Company A and adding back the sum of \$250,000, the HCF found that the overall value of the matrimonial assets amounted to \$1,700,024.¹³⁰ For the division of the matrimonial assets, the HCF noted that the Family Court's award of 30% to the wife was made on the basis that the marriage was a shorter-length, single-income marriage of 11 years. In *BOR v BOS*¹³¹, marriages of a shorter duration lasting around ten to 15 years generally involved awards of 25% to 35% to the non-income earning party.¹³² The Family Court also considered the wife's unilateral decision to keep the

127 *XIB v XIA* [2025] SGHCF 40 at [56].

128 *XIB v XIA* [2025] SGHCF 40 at [60]. See also *XIB v XIA* [2025] SGHCF 40 at [52]–[55], where the HCF, under the heading “Coda on valuation”, made observations on evidentiary issues with respect to valuing Company A's shares.

129 *XIB v XIA* [2025] SGHCF 40 at [62].

130 *XIB v XIA* [2025] SGHCF 40 at [64].

131 [2018] SGCA 78.

132 *XIB v XIA* [2025] SGHCF 40 at [68]–[69].

children in Shanghai, how the wife was responsible for caring for the children, and how her primary caregiving role would remain even if the whole family had been residing together.¹³³

17.52 In affirming the Family Court's division award of 30% to the wife, the HCF held that there was little reason to depart from the Court of Appeal's guidance in *BOR v BOS*¹³⁴ for marriages of such length in the present case. Notwithstanding that the marriage may not be a conventional one, the wife's indirect contributions of parenting and homemaking would not have been any different.¹³⁵ Additionally, the HCF was hesitant to intervene given that the husband's final position was to award 25% of the matrimonial assets to the wife, and an appellate court would be slow to intervene on the basis of such minor tweaks (of less than 10%) as stated in *TNL v TNK*¹³⁶ ("*TNL*").¹³⁷ The HCF also found that the Family Court had already placed some weight on the wife's unilateral decision to keep the children in Shanghai and that the husband's bare allegations that the wife failed to disclose assets were unsubstantiated with regard to any specific assets.¹³⁸ To effect the final division of 30% to the wife (amounting to a sum of \$510,007), the HCF ordered the husband to transfer \$509,968 in equal instalments over six months so that he had time to liquidate his assets.¹³⁹

17.53 *XIB*'s interpretation of the "substantial improvement" limb for transformation of premarital assets is both legally principled and fair considering the statutory wording. Given that marriage is an equal co-operative partnership of different efforts, the HCF acknowledged that non-financial contributions were indeed relevant to the division exercise.¹⁴⁰ However, in order to preserve legislative intent with regard to premarital assets, only a specific subset of non-financial contributions relating to efforts that bear a clear and demonstrable connection to the improvement of the asset itself (be it financial investment, labour, or effort with economic value) would suffice for proving "substantial improvement" at the first stage of identifying matrimonial assets. In contrast, all non-financial contributions of a general marital nature are considered broadly when determining the proportion of division at the second stage of the division exercise.¹⁴¹ The HCF also noted that

133 *XIB v XIA* [2025] SGHCF 40 at [65].

134 [2018] SGCA 78.

135 *XIB v XIA* [2025] SGHCF 40 at [69].

136 [2017] 1 SLR 609.

137 *XIB v XIA* [2025] SGHCF 40 at [70].

138 *XIB v XIA* [2025] SGHCF 40 at [72].

139 *XIB v XIA* [2025] SGHCF 40 at [73].

140 *XIB v XIA* [2025] SGHCF 40 at [27], [34], [37] and [42].

141 *XIB v XIA* [2025] SGHCF 40 at [27].

exceptionally, there could be factual circumstances where indirect non-financial contributions may amount to “substantial improvement” if a party could prove the two conjunctive requirements of efforts having an economic connotation and a direct causal link between the efforts and substantial improvement of the premarital asset.¹⁴² In that connection, *USB* provided examples of the substantial renovation of a premarital property and the development of a spouse’s premarital business by the other spouse through sustained efforts during the marriage.¹⁴³

B. Classification of single- and dual-income marriages

17.54 On the heels of *DBA v DBB*¹⁴⁴, the Appellate Division provided further guidance on distinguishing between single- and dual-income marriages in *WXW v WXX*¹⁴⁵ (“*WXW*”). The marriage in *WXW* was 34 years long and amassed a pool of matrimonial assets valued at \$7,795,484.¹⁴⁶ The wife worked full time through the marriage, whereas the husband worked full time in a bank for the first nine years of marriage (about ¼ of the marriage), and subsequently engaged in various forms of non-full-time employment involving: a home-delivery laundry service, a hawker stall, marketing for a wedding planning company, financial markets classes, guest speaking on financial markets in Malaysia, and acting as a managing director for a private company.¹⁴⁷ The HCF classified the marriage as a single-income one and applied the approach taken in *TNL* to arrive at division of 60:40 in the wife’s favour.¹⁴⁸ The wife appealed against the HCF’s decision in *WXW*.

17.55 The main issue in the wife’s appeal was whether the marriage was a single- or dual-income one, applying the principles laid down by the Court of Appeal in *TNL*.¹⁴⁹ The Appellate Division first summarised the reasons why the structured approach taken in *ANJ v ANK*¹⁵⁰ (“*ANJ Structured Approach*”) is not suitable for single-income marriages. The objective of the *ANJ Structured Approach* is to give effect to the philosophy of marriage as an equal partnership of homemaking and economic efforts.¹⁵¹ Given that financial contributions are recognised at both steps one and two, the non-working spouse is doubly disadvantaged

142 *XIB v XIA* [2025] SGHCF 40 at [27] and [42].

143 *USB v USA* [2020] 2 SLR 588 at [22].

144 [2024] 1 SLR 459.

145 [2025] SGHC(A) 2.

146 *WXW v WXX* [2025] SGHC(A) 2 at [2] and [4].

147 *WXW v WXX* [2025] SGHC(A) 2 at [3].

148 *WXW v WXX* [2025] SGHC(A) 2 at [4].

149 [2017] 1 SLR 609; *WXW v WXX* [2025] SGHC(A) 2 at [1].

150 [2015] 4 SLR 1043.

151 *WXW v WXX* [2025] SGHC(A) 2 at [8].

by his or her domestic role in the marriage. That would frustrate the objective of giving sufficient recognition to non-financial efforts if the *ANJ* Structured Approach were to be applied in single-income marriages.¹⁵² Instead, single-income marriages are subject to the approach taken in *TNL*, where precedent cases are used to guide the division outcome.¹⁵³

17.56 The Appellate Division then laid down principles for determining if a marriage is a single or dual-income one. The key inquiry focused on the roles undertaken and discharged by the spouses during the marriage. That called for a qualitative assessment of the roles played by each spouse relative to each other. Importantly, the Appellate Division affirmed that the rationale behind why the *ANJ* Structured Approach should not apply (that of the non-working spouse being doubly disadvantaged) should guide how a single-income marriage ought to be understood.¹⁵⁴ A homemaker spouse in a single-income marriage is the spouse that *primarily* fulfils the homemaker role. That is distinct from a spouse who does some or even substantial homemaking, but whose *primary* role is actually that of a breadwinner. In such situations, the court will recognise the qualitative nature of the homemaker's primary role in determining whether the marriage is a single or dual-income one, and subsequently give due recognition to the primary breadwinner spouse's homemaking contributions in the division process.¹⁵⁵ The Appellate Division added that a large disparity in spousal income or one spouse working intermittently over the course of the marriage do not in themselves render the marriage a single-income marriage.¹⁵⁶ Ultimately, it is key to bear in mind the rationale behind the application of both division approaches and a broad-brush must be applied in assessing indirect and homemaking contributions.¹⁵⁷

17.57 Applying the above principles, the Appellate Division considered whether the husband was the primary homemaker in the marriage.¹⁵⁸ Based on the parties' three adult children's affidavits, the Appellate Division found that the husband cared for and had a close relationship with them. However, it was ultimately the wife who had made very considerable efforts in caring for the children and managing the household, despite working full time. The husband also admitted that he stopped joining the wife in buying groceries and fixing household appliances. That suggested that he was not as involved in household

152 *WXW v WXX* [2025] SGHC(A) 2 at [9].

153 *WXW v WXX* [2025] SGHC(A) 2 at [10].

154 *WXW v WXX* [2025] SGHC(A) 2 at [13].

155 *WXW v WXX* [2025] SGHC(A) 2 at [14].

156 *WXW v WXX* [2025] SGHC(A) 2 at [13].

157 *WXW v WXX* [2025] SGHC(A) 2 at [17]–[18].

158 *WXW v WXX* [2025] SGHC(A) 2 at [19].

matters such as supervising helpers, maintaining household items, planning meals, buying groceries and cooking meals, as he had claimed.

17.58 The Appellate Division noted that the presence of domestic helpers may offer insights into how the household and caregiving responsibilities were carried out, which in turn sheds light on the roles of the parties in the marriage. It was observed that in dual-income marriages, a common arrangement involves both working spouses supervising the domestic helpers in caregiving and household chores, while personally caring for the children during off-work hours and weekends. In single-income marriages, it is also possible for a homemaker spouse to have the assistance of domestic helpers and still be carrying out the role of a primary homemaker.¹⁵⁹ In this connection, the Appellate Division observed that the marriage in *WXW* had at least one domestic helper throughout.¹⁶⁰

17.59 With regard to the husband's employment efforts during the marriage, the Appellate Division was of the view that the husband would have worked full time if he had been able to find a job that suited him or if he had succeeded in setting up a viable business. Based on both parties' evidence, the Appellate Division concluded that the husband was more likely to have been retrenched from his full-time employment at the bank, than to have voluntarily resigned to be a homemaker.¹⁶¹ Retrenchment was also more consistent with his attempts at venturing into the laundry and hawker businesses following his departure from the bank. At the time the husband left the bank, the children were six and three years old. The Appellate Division found it unlikely that a parent would voluntarily leave full-time employment with the specific aim of being a full-time stay-at-home parent to such young children, only to then pursue further demanding business opportunities.¹⁶²

17.60 To support its finding that the husband was not the *primary* homemaker, the Appellate Division made clear that the wife's substantial homemaking contributions were well anchored in the evidence. The wife contributed substantially towards the family's well-being by spending time with and supporting the children on weekends, planning family holidays and outings, buying groceries, supervising the helpers, and handling household issues such as repairs and maintenance. The Appellate Division also pointed to a six-month period where the husband was incarcerated, and the wife had to single-handedly manage the household

159 *WXW v WXX* [2025] SGHC(A) 2 at [21].

160 *WXW v WXX* [2025] SGHC(A) 2 at [22].

161 *WXW v WXX* [2025] SGHC(A) 2 at [24].

162 *WXW v WXX* [2025] SGHC(A) 2 at [25].

and the children.¹⁶³ There was also evidence that the husband did have a breadwinning role, such as his employment efforts, being able to sustain his personal expenditures, and giving the children some pocket money from his own income. In totality, the Appellate Division concluded that the parties shared the homemaking responsibilities, instead of the husband discharging a *primary* homemaking role. As such, it found that the marriage in *WXW* was a dual-income marriage.¹⁶⁴

17.61 The Appellate Division proceeded to apply the *ANJ* Structured Approach, which, it observed, is a fair and appropriate approach to recognise both parties' contributions and guides the court to reach a just outcome in dual-income marriages.¹⁶⁵ First, the Appellate Division determined the parties' direct contributions by referring to the Joint Summary of their respective positions. It took the average of both parties' positions (which only differed by 1.39%) and assigned a ratio of 93.895:6.105 in favour of the wife for direct contributions.¹⁶⁶ As for indirect contributions, it awarded a ratio of 60:40 in favour of the husband to reflect him being a "present" father who was generally at home on working days for about two-thirds of the marriage and could be flexible in being physically available for the children's needs when the wife was at work.¹⁶⁷ The average ratio was therefore 33:67 in favour of the wife, and the Appellate Division ordered the matrimonial assets to be divided in that ratio.¹⁶⁸

17.62 Essentially, there was no homemaker spouse in *WXW* that would be doubly disadvantaged, and the *ANJ* Structured Approach was therefore applied by default. Taking into account the rationale behind the two approaches, the *ANJ* Structured Approach is a fair approach to recognise both parties' contributions where there is no *primary* homemaker spouse (that can be doubly disadvantaged). Indeed, this was recognised by the Court of Appeal in *USB* as a significant strength of the *ANJ* Structured Approach – that it can duly recognise both financial

163 *WXW v WXX* [2025] SGHC(A) 2 at [27].

164 *WXW v WXX* [2025] SGHC(A) 2 at [28].

165 *WXW v WXX* [2025] SGHC(A) 2 at [29].

166 *WXW v WXX* [2025] SGHC(A) 2 at [32].

167 *WXW v WXX* [2025] SGHC(A) 2 at [32] and [34].

168 *WXW v WXX* [2025] SGHC(A) 2 ("*WXW*") at [32]–[33]. For an application of *WXW* on the classification of single and dual-income marriages, see *XMM v XML* [2025] SGHCF 34 at [132]–[148]. There, the HCF considered the wife's various part-time roles after she left full-time employment and concluded that while she played a substantial homemaking role, she was not *the* primary homemaker in the marriage. Applying a similar line of reasoning as *WXW*, the HCF found that the key motivating factor behind the wife leaving her full-time employment was to promote her father's artwork, instead of wanting to become a primary homemaker for the family.

and non-financial contributions to a marriage and justly reflect them in a final division ratio, which may be further adjusted to take into account other relevant considerations.¹⁶⁹ *WXW* is the latest in a line of cases that show that the presence of a primary homemaker that may be doubly disadvantaged is a key indicator of which division approach will ultimately be applied by the court.¹⁷⁰

C. Giving effect to adverse inferences

17.63 In *WZF*, the HCF dealt with what it described as “one of the most brazen attempts to shield assets from the matrimonial pool that our courts have seen”.¹⁷¹ Although the husband tried to present himself as a man of modest means and initially only declared minimal assets, he was eventually found to have extensive undisclosed interests across multiple asset classes. He further failed to provide full and frank disclosure even after discovery orders were made, leading the HCF to apply the double-barrelled approach to non-disclosure set out by the Appellate Division in *WRX v WRY*.¹⁷²

17.64 The parties in *WZF* were married in June 2015. The wife was a 38-year-old Malaysian citizen and the husband was a 39-year-old Australian citizen. The wife had been working and residing in Singapore since 2015 and was a holder of an employment pass. Previously, the husband was holding a dependant’s pass tagged to the wife’s employment pass, but there was no evidence before the court on the husband’s current immigration status within Singapore. In his first affidavit of assets and means, the husband declared net assets of only \$11,731.72. After a discovery order was made against the husband, he declared another three bank accounts. He also continued to assert that he did not “own shares ... in Singapore or overseas”,¹⁷³ which was subsequently shown to be untrue.¹⁷⁴

17.65 After the wife took out two discovery applications, the court ordered full disclosure of the documents sought.¹⁷⁵ In response, the

169 *USB v USA* [2020] 2 SLR 588 at [38].

170 For an analysis on the relevant cases that demonstrate this trend, see Tricia Ho & Aaron Yoong, “Family Law” (2024) 25 SAL Ann Rev 516 at paras 17.74–17.75 and Tricia Ho & Aaron Yoong, “Family Law” (2023) 24 SAL Ann Rev 488 at paras 17.86–17.87. See also the Appellate Division’s recent decision in *XKU v XKT* [2026] SGHC(A) 7 at [46]–[47] and [49].

171 *WZF v WZG* [2025] 3 SLR 1219 at [137].

172 [2024] 1 SLR 851.

173 *WZF v WZG* [2025] 3 SLR 1219 at [37].

174 *WZF v WZG* [2025] 3 SLR 1219 at [37].

175 *WZF v WZG* [2025] 3 SLR 1219 at [38].

husband filed a “barebones affidavit”,¹⁷⁶ offering a “myriad of sometimes inexplicable reasons for the failure to disclose large swathes of his assets”.¹⁷⁷ The extent of his non-disclosure was evident across multiple asset classes, amongst others:

- (a) He disclosed only a single statement for his Australian superannuation account covering a limited period.¹⁷⁸
- (b) Of the 12 bank accounts eventually revealed, the value of half remained unknown and records for several others were not produced.¹⁷⁹
- (c) He failed to provide any evidence of the surrender value of an endowment fund that had been closed with proceeds accruing to him.¹⁸⁰
- (d) He disclosed only one of three apparent insurance policies while ignoring requests for information on the remaining policies.¹⁸¹

17.66 Most significantly, the husband failed to disclose the extent of his interest in various companies. This included his shareholding and interests in two Singaporean companies and an Australian company. The husband also failed to disclose his role and shares in a group of companies known as the [W] Group. Based on the documents that the wife was able to obtain, the [W] Group had: (a) a Singapore arm which made S\$120,000 in total income for the year of assessment 2021; (b) an Indonesian entity that had a paid-up capital of about S\$12m, of which the husband held over 80%; and (c) an Australian entity from which the husband was receiving monthly payments of A\$2,500 to A\$10,000 between June and November 2023, though there was no evidence as to what these payments were for.¹⁸² Despite the wife’s attempts to seek discovery pertaining to these entities, the husband failed to produce any documentation and claimed that the court should ascribe the companies within the [W] Group collectively a value of zero dollars.¹⁸³

17.67 The HCF held that the husband’s failure to provide any corroborative evidence “necessarily requires the court to assume that any

176 *WZF v WZG* [2025] 3 SLR 1219 at [40].

177 *WZF v WZG* [2025] 3 SLR 1219 at [40].

178 *WZF v WZG* [2025] 3 SLR 1219 at [41].

179 *WZF v WZG* [2025] 3 SLR 1219 at [42]–[44].

180 *WZF v WZG* [2025] 3 SLR 1219 at [45].

181 *WZF v WZG* [2025] 3 SLR 1219 at [49].

182 *WZF v WZG* [2025] 3 SLR 1219 at [50]–[51].

183 *WZF v WZG* [2025] 3 SLR 1219 at [52]–[54].

statements he produces would be especially damaging to his narrative”,¹⁸⁴ and that he had misinformed the court about the value of his assets.¹⁸⁵ Accordingly, an adverse inference ought to be drawn against the husband as there was clearly a substratum of evidence that established a *prima facie* case of concealment and the husband had particular access to the information that he was hiding.¹⁸⁶

17.68 The key issue, however, was *how* the court should give effect to the adverse inference. The objectives of drawing an adverse inference are to encourage full and frank disclosure by the parties and “counter the effects of non-disclosure of assets”¹⁸⁷ that unfairly place certain matrimonial assets out of reach for division.¹⁸⁸ As noted by the HCF in *WZF*,¹⁸⁹ two broad approaches are generally adopted:

- (a) the court may make a finding on the value of the undisclosed assets and include that value in the matrimonial pool for division (“quantification approach”); and/or
- (b) the court may order a higher proportion of the known assets to be awarded to the other party (“uplift approach”).

17.69 The HCF noted that the Appellate Division in *WRX v WRY*¹⁹⁰ observed that the court may, in appropriate circumstances, employ both the quantification and uplift approach where doing so would give full effect to the adverse inference drawn.¹⁹¹ An appropriate circumstance would be where one party is intentionally under-declaring or concealing assets to a significant extent, and such a double-barrelled approach can achieve a fair result.¹⁹²

17.70 Applying the above principles to the present case, the HCF opined that the quantification approach (though conceptually preferred in most cases)¹⁹³ would likely result in an undervaluation of the matrimonial assets if employed on its own.¹⁹⁴ This was because there remained certain assets (*ie*, the Australian entity of the [W] Group) for which the court

184 *WZF v WZG* [2025] 3 SLR 1219 at [56].

185 *WZF v WZG* [2025] 3 SLR 1219 at [56]–[58].

186 *WZF v WZG* [2025] 3 SLR 1219 at [58], citing *BPC v BPB* [2019] 1 SLR 608 at [60].

187 *WZF v WZG* [2025] 3 SLR 1219 at [60].

188 *WZF v WZG* [2025] 3 SLR 1219 at [60], citing *UZN v UZM* [2021] 1 SLR 426 at [29]; *WZF v WZG* [2025] 3 SLR 1219 at [61].

189 *WZF v WZG* [2025] 3 SLR 1219 at [58], citing *UZN v UZM* [2021] 1 SLR 426 at [28].
190 [2024] 1 SLR 851.

191 *WZF v WZG* [2025] 3 SLR 1219 at [59], citing *WRX v WRY* [2024] 1 SLR 851 at [38]–[41] and [49].

192 *WZF v WZG* [2025] 3 SLR 1219 at [60].

193 *WZF v WZG* [2025] 3 SLR 1219 at [62].

194 *WZF v WZG* [2025] 3 SLR 1219 at [63].

did not have even a single data point for valuation, therefore making any attempt at valuation arbitrary and uninformed. As such, the more appropriate approach would be to first apply the quantification approach to try and divine a value for the assets that have some imperfect but reasonable proxies (eg, the Indonesian entity of the Group), followed by an additional uplift to the wife's share to further compensate her for the lack of disclosure of assets for which no basis of valuation was available to the court.¹⁹⁵

17.71 The application of the quantification approach resulted in the HCF adding \$10,056,716 to the matrimonial pool,¹⁹⁶ based on the wife's evidence on the value of the husband's paid-up capital in the Indonesian entity of the [W] Group.¹⁹⁷ The HCF noted that the husband had to bear the risk of any overvaluation in respect of the proxy sum, given his intentional shielding of necessary information from the court.¹⁹⁸ While the HCF could not ascribe any value for the husband's interests in other entities in the [W] Group and beyond, it was certain that such assets were unlikely to be *de minimis* in value.¹⁹⁹

17.72 Applying the ANJ Structured Approach to the facts, the HCF found that the ratio of the parties' direct contributions was 47.8:52.2 in the wife's favour. This took into account the fact that additional sums added to the matrimonial pool under the quantification approach (as opposed to actual disclosure) were not entitled to be credited in the parties' contribution ratios.²⁰⁰ The parties' indirect contributions were assessed at a ratio of 75:25 in favour of the wife. The HCF then considered the weightage to apply to the respective contributions, and held that a weightage of 70:30 in favour of direct financial contributions would be fair.²⁰¹ The HCF arrived at this conclusion based on: (a) the short duration of the marriage of eight years; (b) the relatively large size of the matrimonial pool amounting to \$10,158,806²⁰² after the quantification approach was applied; and (c) the wife largely being the caregiver of the child.²⁰³ This resulted in an average ratio of 41:59 in favour of the wife. The HCF thereafter gave a 10% uplift to the wife to give effect to the adverse

195 *WZF v WZG* [2025] 3 SLR 1219 at [63]–[64].

196 *WZF v WZG* [2025] 3 SLR 1219 at [71].

197 *WZF v WZG* [2025] 3 SLR 1219 at [65]–[66].

198 *WZF v WZG* [2025] 3 SLR 1219 at [67]–[69].

199 *WZF v WZG* [2025] 3 SLR 1219 at [70].

200 *WZF v WZG* [2025] 3 SLR 1219 at [81].

201 *WZF v WZG* [2025] 3 SLR 1219 at [90].

202 *WZF v WZG* [2025] 3 SLR 1219 at [78].

203 *WZF v WZG* [2025] 3 SLR 1219 at [89].

inference,²⁰⁴ which led to a final ratio of 69:31, in favour of the wife. Her eventual share of the matrimonial assets amounted to \$7,009,576.²⁰⁵

17.73 There is much to commend in the approach taken by the court in *WZF*. By employing the quantification and uplift methods cumulatively, the HCF ensured that the division process remained “tethered to the numbers”²⁰⁶ available before it, while still allowing for a fair and equitable distribution of assets.²⁰⁷ The HCF’s approach in *WZF* also provides guidance on how future courts can approach situations where one party discloses little to no information about their matrimonial assets, resulting in the value of that party’s disclosed assets being significantly lower than their true value. In such cases, the court should first apply the quantification approach to the assets for which a reasonable proxy for valuation exists, then apply the uplift approach to account for the assets that cannot be meaningfully valued using the quantification approach. This avoids arbitrarily assigning values to matrimonial assets, while also addressing the limitations of relying solely on an uplift where the disclosed pool of matrimonial assets is artificially depressed due to the party’s non-disclosure.

17.74 The decision in *WZF* illustrates how the “double-barrelled approach”²⁰⁸ can be applied to do justice in appropriate cases involving extensive non-disclosure.²⁰⁹ As a general observation, the approach in *WZF* works especially well when the quantification approach can be applied to assets of significant value (eg, in *WZF*, the Indonesian entity of the [W] Group was worth close to \$10m). When the court subsequently applied an uplift of 10% in favour of the wife, the quantum of the uplift was also substantial, thereby providing a more meaningful remedy to the husband’s extensive non-disclosure. It is perhaps for this reason that the court committed to applying the “double-barrelled approach” – the substantial sums involved reflected the egregious nature of the husband’s non-disclosure and required the court to take steps to effect a just and equitable division. Even if the manner in which the adverse inference is given effect to results in an overvaluation of the non-disclosing party’s assets, the risk of such overvaluation properly lies with that party, given

204 *WZF v WZG* [2025] 3 SLR 1219 at [91].

205 *WZF v WZG* [2025] 3 SLR 1219 at [92].

206 *WZF v WZG* [2025] 3 SLR 1219 at [64].

207 *WZF v WZG* [2025] 3 SLR 1219 at [64].

208 See Tricia Ho & Aaron Yoong, “Family Law” (2024) 25 SAL Ann Rev 516 at para 17.127.

209 See Tricia Ho & Aaron Yoong, “Family Law” (2024) 25 SAL Ann Rev 516 at para 17.127.

that he chose to breach his duty of full and frank disclosure and withhold necessary information from the court.²¹⁰

III. Child aspects

17.75 In 2025, the HCF clarified two important aspects relating to the legal constructs of custody, and care and control. First, the court in *WZF* discussed the appropriate situations in which a “veto power”²¹¹ could be granted to one party and provided clarification on when the court could implement such a mechanism. Second, in *XOY v XOZ*²¹² (“*XOY*”), the HCF dealt with the question of whether a court could make no order as to care and control over a child where there is an order for joint custody.

A. *Veto power in awards of joint custody*

17.76 A “veto power” refers to the power given to one party to make the final decision if the parties are deadlocked where joint custody is awarded. The case of *WZF* provides important guidance on when the courts should grant a veto power to one party when joint custody is awarded over the children.

17.77 The parties had one child who was six years old at the time of the proceedings, and was an Australian citizen. The child was attending a childcare in Singapore and was due to enrol for primary one level education soon. Previously, the parties and the child resided in rented premises in Singapore. Sometime in July 2022, the husband moved out. The wife commenced divorce proceedings against the husband in Singapore on 27 March 2023, and an interim judgment was granted on 16 November 2023.²¹³ The HCF granted care and control of the child to the wife, given that this was not disputed and the wife had been the main caregiver for the child.²¹⁴

17.78 The parties, however, took opposing positions in relation to custody. The wife sought sole custody while the husband sought joint custody of the child. The wife also contended that if joint custody were to be ordered, she ought to be granted a veto power to make major decisions related to the child if the parties were unable to agree.²¹⁵

210 *WZF v WZG* [2025] 3 SLR 1219 at [69].

211 *WZF v WZG* [2025] 3 SLR 1219 at [22].

212 [2026] 3 SLR 820.

213 *WZF v WZG* [2025] 3 SLR 1219 at [5]–[7].

214 *WZF v WZG* [2025] 3 SLR 1219 at [14].

215 *WZF v WZG* [2025] 3 SLR 1219 at [15]–[16].

17.79 The wife argued that the husband was essentially an uninvolved parent who would not be able to make decisions for the child. He had neglected to play a role in the child's life by virtue of, *inter alia*, his failure to provide financially for the child since moving out in 2022, his infrequent attempts to spend time with the child, and his apparent hectic travel schedule which meant that he was often away from the child. Given the husband's absence from the child's life, he would not be in a position to make an informed decision about the child's well-being.²¹⁶ Moreover, if joint custody was ordered, the wife would be stuck attempting to seek consent from the husband, even when major and urgent decisions had to be made for the child, such as those relating to medical issues or the child's immigration status. The wife highlighted one incident, in particular, where the husband delayed giving his consent for the renewal of the child's passport ("Passport Incident").²¹⁷ The wife also claimed that information on the husband's whereabouts was scarce and he had an "uncertain presence in Singapore".²¹⁸ This accentuated the problem that the wife might not be able to seek the husband's timely consent for decisions in relation to the child.²¹⁹

17.80 On the other hand, the husband contended that the wife's allegations did not amount to exceptional circumstances that would militate against the imposition of joint custody. Counsel for the husband accepted that the husband had not been the most proactive in relation to the child but emphasised that he was ready to co-operate and take the child's best interests into account, despite the parties' history of acrimony.²²⁰

17.81 The HCF found that there was little basis to grant a sole custody order, and that the child's best interests would be furthered by having both parents continue to be involved and invested in his life.²²¹

17.82 On the issue of whether the wife should be granted a veto power in respect of major decisions, the HCF explained that such a veto power should generally not be sought recourse to "except where it is clear that the parties would have very serious difficulties in working with each other".²²² The HCF further described the nature of a veto power in the following terms, which are worth setting out in full:²²³

216 *WZF v WZG* [2025] 3 SLR 1219 at [15(a)].

217 *WZF v WZG* [2025] 3 SLR 1219 at [15(b)].

218 *WZF v WZG* [2025] 3 SLR 1219 at [15(c)].

219 *WZF v WZG* [2025] 3 SLR 1219 at [15(c)].

220 *WZF v WZG* [2025] 3 SLR 1219 at [16].

221 *WZF v WZG* [2025] 3 SLR 1219 at [19]–[21].

222 *WZF v WZG* [2025] 3 SLR 1219 at [22].

223 *WZF v WZG* [2025] 3 SLR 1219 at [23].

... a 'veto power' serves to significantly alter the dynamics of the relationship between the two parents, and this may often have the effect of serving as a sword of Damocles hanging over the head of the party who may be vetoed. As I explained to parties during the course of oral submissions, a veto power would have the tendency of trivialising the role of the parent who has no such power. A veto power effectively makes the point that one party's word is law, and the other party's word may be ignored: when one party holds the power to unilaterally block decisions or actions, it diminishes the autonomy and agency of the other party while simultaneously making the wielding party unamenable to meaningful discussion since they retain the trump card of vetoing anything the other party says. In my judgment, there is also a symbolic reason for the rejection of liberal granting of such requests for veto power. At its core, a marriage is about working towards common goals. Even when the parties' marriage has ended, the common goal of ensuring that the child flourishes remains fully intact. In that sense, the parties must continue to see each other as common partners in that enterprise, even if they no longer are common partners in matrimony. A veto power necessarily, even if unintentionally, shifts the dynamic towards a hierarchy since one party's word necessarily is the final authority and effectively relegates the other to being a subordinate rather than an equal contributor.

17.83 That said, the HCF accepted that where the relationship of the parties was so dysfunctional that the court would end up making all the key decisions on behalf of the parents, a veto power could be a useful way to minimise the ongoing friction between the parties. One example cited was the case of *TEN v TEO*.²²⁴ There, the parties were highly hostile towards each other, and unable to decide on matters to the extent that they had to resort to multiple applications to the court. This led to the HCF affirming a veto power in favour of the father in that case.²²⁵

17.84 On the facts of *WZF*, the HCF was of the view that such a veto power was unnecessary. The HCF explained that the reality is that occasional delays may sometimes happen, as was the case with the Passport Incident. However, these administrative inconveniences represented a lesser evil as compared to giving one party a veto power over the other in decision-making.²²⁶ As a result, the HCF upheld the joint custody order without a veto power granted to the mother.

17.85 It is worth noting two important aspects on the grant of a veto power. First, a joint custody order coupled with a veto power is conceptually distinct from a grant of sole custody. As explained in *TEN v TEO*,²²⁷ a joint custody order means that both parents must be informed

224 [2020] SGHCF 20.

225 *TEN v TEO* [2020] SGHCF 20 at [52].

226 *WZF v WZG* [2025] 3 SLR 1219 at [24].

227 [2020] SGHCF 20.

and consulted before decisions are made. The parent with a veto power cannot make a unilateral decision without consulting the other parent by assuming that they will not be able to agree. This is different from an order of sole custody, where the parent with custody does not have the same legal obligation to seek the other party's input on major issues affecting the children's upbringing.²²⁸

17.86 Second, a veto power can be “customised” to meet the needs of the parties, as was the case in *CXR v CXQ*.²²⁹ The child in this case, C, was 11 years old and had moderate to severe specific learning disorder with impairment in reading, writing and mathematics, and mild to moderate attention and hyperactivity disorder.²³⁰ Both parties sought sole custody of C, and two of their primary sources of conflict were related to C's education and therapy.²³¹ Ultimately, the HCF made an order granting both parents respective veto powers in specific areas – the wife was granted a veto power in matters relating to C's education arrangements for reading, writing and math, while the husband was granted a veto power in matters relating to C's extra-curricular arrangements and other therapy including occupational and play therapy.²³² This shows that a veto power need not necessarily be granted over all aspects of custody or solely given to one party, and can be tailored to the specific needs of the child in line with his best interests.

17.87 Nevertheless, as emphasised in *WZF*, a veto power should only be granted in exceptional circumstances. As the court observed in *WZF*, a veto power significantly alters the dynamics of the relationship between two parents and shifts the equal relationship dynamic towards a hierarchy, since one party's word is necessarily the final authority.²³³ This grates against the concept of parental responsibility, which views both parents as equals in bringing up the child and applies regardless of the parties' marital status.²³⁴ In situations where the relationship between the two parents is acrimonious, it is not inconceivable that the veto power might make it harder for the parties to have productive discussions over the welfare of the children.²³⁵ In light of the above, a veto power should only be granted where the acrimony between the parties is such that a veto power is *absolutely necessary* to facilitate decision-making.

228 *TEN v TEO* [2020] SGHCF 20 at [50] and [53].

229 [2023] SGHCF 10.

230 *CXR v CXQ* [2023] SGHCF 10 at [3].

231 *CXR v CXQ* [2023] SGHCF 10 at [8]–[9].

232 *CXR v CXQ* [2023] SGHCF 10 at [14].

233 *WZF v WZG* [2025] 3 SLR 1219 at [23].

234 Leong Wai Kum, “From Substantive Law Towards Family Justice for the Child in Divorce Proceedings in Singapore” (2018) 30 SAcLJ 587 at paras 54–55 and 61–62.

235 *WZF v WZG* [2025] 3 SLR 1219 at [23].

17.88 The decision in *WZF* is helpful in understanding the threshold for the grant of a veto power. The grant of a veto power may be seen as a less drastic option than a grant of sole custody: in the former situation, the spouse with the veto power remains under a legal obligation to consult the other spouse. Therefore, in so far as the grant of a veto power and the grant of sole custody are predicated on the acrimony between ex-spouses, the threshold for a grant of a veto power should be lower. Nevertheless, *WZF* makes it clear that this threshold remains a high one, in view of how the grant of a veto power fundamentally alters the nature of the relationship between parents who should be working towards the common goal of ensuring that the children flourish.

B. “No order” as to care and control

17.89 The parties in *XOY* were married in 2000 and had two children: the elder child aged 22 (“C1”), and the younger child aged 19 (“C2”). They were both pursuing their university education at the time.²³⁶ No orders were made in respect of the custody, care and control of C1, presumably because she had reached the age of majority.

17.90 In respect of C2, the parties agreed on joint custody, but contested care and control. The wife sought care and control of C2. The husband initially submitted that care and control should be granted to him instead.²³⁷ At the first hearing, the HCF asked the parties to confirm if they were still contesting the care and control of C2, with a view to exploring whether the issue could be resolved without involving C2 in the proceedings. Before the parties were able to discuss the issue of care and control, the wife asked C2 to file an affidavit that ended up involving her in the parties’ legal dispute.²³⁸

17.91 At the second hearing, the wife still sought care and control over C2, relying on C2’s affidavit in support of her position. The husband conveyed that he had spoken to C2 who had been under the impression that she had to choose to stay with either of her parents. On being informed by her father that it might be possible to stay with both parents, C2 conveyed to him that she would prefer not to choose. The husband accordingly revised his position to seek shared care and control.²³⁹

17.92 Given that C2 was already involved in the proceedings, the HCF held a judicial interview with her. It also gave liberty to the parties to file

236 *XOY v XOZ* [2026] 3 SLR 820 at [2].

237 *XOY v XOZ* [2026] 3 SLR 820 at [114].

238 *XOY v XOZ* [2026] 3 SLR 820 at [115].

239 *XOY v XOZ* [2026] 3 SLR 820 at [116]–[117].

further submissions on the issue of care and control and whether it was possible to make no order for care and control. The wife maintained that she should be granted sole care and control, as a care and control order ought to be made as part of the custody order for a child. On the other hand, the husband submitted that in view of s 124 of the WC, the court had the power to make no orders as to care and control, and that this would be in C2's best interest. Having regard to the welfare of the child as the paramount consideration and the wishes of the parents and the child under s 125 of the WC, the HCF eventually made no order as to care and control.²⁴⁰

17.93 Section 124 of the WC provides that while a court may make “orders as it thinks fit with respect of the welfare of any child”, including custody and care and control orders, the court is not obliged to make such orders.²⁴¹ The court's discretion to not make specific custody orders was evident in judicial authorities such as *CX v CY*.²⁴² There, the Court of Appeal opined, in relation to the issue of *custody*, that an order for no custody may be preferred over joint custody, even though the orders may have the same practical effect. The Court of Appeal opined that an order for no custody “affirms the approach of the courts not to intervene unnecessarily in the parent-child relationship where there is no actual dispute between the parents over any serious matters relating to the child's upbringing”²⁴³ and avoids drawing the child into the legal dispute between the parents.²⁴⁴ The HCF further emphasised that the WC does not mandate the making of a care and control order, even in circumstances where a joint custody order is made. Ultimately, the paramount consideration remains the welfare of the child under s 125 of the WC.

17.94 Care and control concerned day-to-day, short-term decisions regarding the child's upbringing and welfare.²⁴⁵ In this connection, C2 was close to the age of majority and would have sufficient maturity and independence to take charge of her day-to-day decision-making. A formal order of care and control would therefore be superfluous. Further, the HCF noted that there was no actual dispute between the parties over any matter of weight in relation to C2's living arrangements. C2, who was commencing university education, would be staying in one of the university halls of residence, even possibly on weekends. In her judicial interview and her affidavit, C2 also expressed her preference for

240 *XOY v XOZ* [2026] 3 SLR 820 at [118]–[119].

241 *XOY v XOZ* [2026] 3 SLR 820 at [121].

242 [2005] 3 SLR(R) 690.

243 *CX v CY* [2005] 3 SLR(R) 690 at [18].

244 *CX v CY* [2005] 3 SLR(R) 690 at [18]–[19].

245 *XOY v XOZ* [2026] 3 SLR 820 at [125].

flexibility in deciding which parent to stay with when she was not living in the university hall. The parties did not dispute that C2 should have the independence to decide for herself whom she wished to stay with.²⁴⁶

17.95 Additionally, the HCF found that there was no need to risk any negative psychological effect that could stem from a formal order of care and control in favour of one party over the other. C2 loved both of her parents and preferred not to choose between them. A shared care and control order was also not viable, given the parties' inability to co-operate sufficiently on day-to-day matters. As such, the HCF concluded that no order as to care and control would be in C2's best interest.²⁴⁷

17.96 *XOY* highlights a non-interventionist approach where the child is close to the age of majority and that the court preserves her autonomy in deciding on day-to-day matters. The HCF was intentional in avoiding the unnecessary drawing of the children into their parents' dispute. While the parties initially took opposing positions and C2 was of an age where she could express her own independent views,²⁴⁸ the court did not make a decision on care and control at the first hearing and sought to resolve the issue without involving C2. The HCF's non-interventionist approach was also reflected in its eventual decision to make no order as to care and control. Such an order avoids parental conflict over care and control rights that may negatively affect C2. It also avoids any possible negative psychological effects that may arise if one parent "wins" and the other parent "loses".²⁴⁹

17.97 The eventual orders in *XOY* confirm the possibility of "no order" as to care and control even where joint custody is ordered. Care and control involves the residence of the child, physical time with the child, and parental decision-making responsibility over day-to-day matters and caregiving.²⁵⁰ Conventionally, courts grant orders for care and control where there are disputes over care and control and access.²⁵¹ The HCF noted that the courts had previously made no order as to custody (eg, in *CX v CY*),²⁵² and, in some cases, no order as to custody and care and control (see, eg, *Anthony Patrick Nathan v Chan Siew Chin*).²⁵³ However, judicial authority on whether no order of care and control can be made

246 *XOY v XOZ* [2026] 3 SLR 820 at [123]–[126].

247 *XOY v XOZ* [2026] 3 SLR 820 at [127]–[129].

248 *XOY v XOZ* [2026] 3 SLR 820 at [115].

249 *CX v CY* [2005] 3 SLR(R) 690 at [19].

250 *VJM v VJL* [2021] 5 SLR 1233 at [18].

251 *VLI v VLJ* [2022] SGHCF 8 at [12]–[14] and [17]–[18].

252 [2005] 3 SLR(R) 690.

253 [2011] 4 SLR 1121.

where there was an order for joint custody is scant.²⁵⁴ *XOY* clarifies that such an order is permissible based on its interpretation of s 124 of the WC. It held that the provision contained no obligation for a court to make orders over care and control. The court's approach in *XOY* reflects the broader stance that parents should be left to manage their relationship with their children without intervention from the court as far as practically possible.²⁵⁵

17.98 It should be noted that the facts of *XOY* are somewhat unique. C2 was 19 at the time of the proceedings and was about to spend most of her time in her university hall, away from both parents. She had also indicated her preference to not have to choose between either parent and to spend time with both parents as much as possible. It would appear that where the child is of a sufficiently mature age and independent enough to make day-to-day decisions on her own, no orders for care and control would be suitable. In fact, such an order recognises the child's autonomy and promotes the best interests of a child close to the age of majority. Notably, in *Anthony Patrick Nathan v Chan Siew Chin*²⁵⁶ where the court similarly made no orders as to care and control, the children were approaching the age of majority as well.²⁵⁷

17.99 On the other hand, for younger children, it is common for the court to make care and control orders where there are disputes over the residence of the child, the physical time spent with the child, and decision-making responsibility over day-to-day matters and caregiving.²⁵⁸ Unless the parties are able to co-operate substantially in raising the children, it is easy to see how no orders as to care and control may give rise to situations of conflict in respect of day-to-day practical matters. Constant conflict is not in any child's best interest. Accordingly, the approach adopted by the court in *XOY* must be understood against the particular facts of that case, and is likely to be more appropriate in cases involving children with sufficient maturity and independence.

IV. Procedure

17.100 Two significant procedural decisions were delivered in 2025. In the context of a decision on leave to appeal, the Appellate Division in

254 *XOY v XOZ* [2026] 3 SLR 820 at [1].

255 See *CX v CY* [2005] 3 SLR(R) 690 at [19], citing *Re Aliya Aziz Tayabali* [1992] 3 SLR(R) 894 and *Re G (guardianship of an infant)* [2004] 1 SLR(R) 229.

256 [2011] 4 SLR 1121.

257 *XOY v XOZ* [2026] 3 SLR 820 at [122].

258 *VJM v VJL* [2021] 5 SLR 1233 at [18]; *VLI v VLJ* [2022] SGHCF 8 at [14] and [17].

*XLK v XLJ*²⁵⁹ (“*XLK*”) clarified the relevance of the principle of comity in cross-border disputes involving the removal of a child from his habitual residence. The court also provided observations on how cases involving a contracting state to the Hague Convention on the Civil Aspects of International Child Abduction²⁶⁰ (“Hague Convention”) differed from cases involving a non-contracting state to the Hague Convention. Next, the HCF in *VTP v VTO*²⁶¹ (“*VTP*”) set out how the principles relating to applications for an extension of time could be applied to cases involving self-represented persons in the family context.

A. *Comity of nations principle*

17.101 In *XLK*, the Appellate Division was faced with an application by the father for permission to appeal against the decision of the HCF affirming the Family Court’s order granting custody and care and control of the parties’ child to the respondent mother. The parties in this case were Chinese citizens who did not have any long-term immigration status in Singapore. Their son was born in January 2019 and had spent almost the first five years of his life in the People’s Republic of China (“China”). The People’s Court of Shangcheng District in Hangzhou, China granted the parties a divorce on 7 August 2023 and ordered that the child “shall be raised and educated”²⁶² by the mother. Subsequently, the father brought the child to Singapore and enrolled him in an international school in Singapore. In February 2024, the mother sought and obtained enforcement orders from the Chinese courts. Despite this, the child remained in Singapore and was not returned to the mother.²⁶³

17.102 On 18 June 2024, the mother commenced guardianship proceedings in Singapore seeking, *inter alia*, sole custody and care and control of the child. The father opposed the mother’s application and filed a counter application. He sought joint custody of the child, and for the mother to have care and control of the child on the condition that he was granted liberal access.²⁶⁴

17.103 The Family Court allowed the mother’s application and dismissed the father’s application. The Family Court reasoned that it was in the best interests of the child for the mother to be given care and control, and to give effect to this, she should also be granted sole custody

259 [2025] 2 SLR 317.

260 (25 October 1980), 1343 UNTS 89 (entered into force 1 December 1983).

261 [2025] SGHCF 52.

262 *XLK v XLJ* [2025] 2 SLR 317 at [6].

263 *XLK v XLJ* [2025] 2 SLR 317 at [5]–[8].

264 *XLK v XLJ* [2025] 2 SLR 317 at [9].

for the purpose of having the child returned to her in China. The Family Court also noted that, in light of the existing Chinese custody orders, it would be “against the comity of nations”²⁶⁵ for another jurisdiction to make further orders on the same matter. Instead, issues such as access ought to be litigated in China, which was the proper forum to deal with these issues.²⁶⁶ The father appealed against the Family Court’s decision, and the HCF dismissed his appeal. The HCF affirmed that “[t]he doctrine of comity of nations has immense force on the facts of this case, and on that basis alone, the appeal ought to be dismissed”.²⁶⁷ It also observed that the final courts in China had granted care of the child to the mother, and that it would not be in the child’s best interests to be in Singapore given the parents’ lack of immigration status. The HCF reiterated that “the crucial point is that it is in the best interests of the child to be with the mother”.²⁶⁸

17.104 In the father’s application for permission to appeal against the decision of the HCF, the father submitted that the HCF had committed a *prima facie* error of law by treating international comity, rather than the welfare of the child, as the decisive factor in determining the issue of custody.²⁶⁹ He also argued that his appeal raised an important question as to whether comity could override or displace the welfare principle in the determination of cross-border custody disputes.²⁷⁰

17.105 The Appellate Division dismissed the father’s application, explaining that the HCF did not make a *prima facie* error of law as it had applied the welfare principle under s 3 of the Guardianship of Infants Act 1934²⁷¹ (“GIA”). The HCF did not dismiss the appeal on the sole basis of comity. Rather, the HCF considered various factors that pointed to the family’s lack of apparent connection to Singapore and the absence of any secure basis for the child’s parents to remain in Singapore in the longer term, both of which affected the long-term stability and welfare of the child. The HCF then concluded that it was in the best interest of the child to be with the mother.²⁷² In so far as the father’s application was premised on his argument that the HCF failed to properly consider the child’s welfare in respect of the various factors which were raised in his submissions, the Appellate Division saw no merit in this argument.²⁷³ The

265 *XLK v XLJ* [2025] 2 SLR 317 at [10].

266 *XLK v XLJ* [2025] 2 SLR 317 at [10].

267 *XLK v XLJ* [2025] 2 SLR 317 at [11].

268 *XLK v XLJ* [2025] 2 SLR 317 at [11].

269 *XLK v XLJ* [2025] 2 SLR 317 at [17].

270 *XLK v XLJ* [2025] 2 SLR 317 at [19].

271 2020 Rev Ed.

272 *XLK v XLJ* [2025] 2 SLR 317 at [23].

273 *XLK v XLJ* [2025] 2 SLR 317 at [29].

Appellate Division considered the factors relating to the child's welfare in Singapore and China, and agreed with the HCF and Family Court that it was in the best interests of the child for him to return to China with the mother.²⁷⁴

17.106 Even though the Appellate Division concluded that the HCF had correctly applied the legal principles in arriving at its decision, it clarified that the HCF was not correct to suggest that the appeal ought to be dismissed on the basis of the doctrine of comity of nations alone.²⁷⁵ The Appellate Division then proceeded to explain the limited significance of the doctrine of comity in the present case by highlighting how it differed from a case where a child was wrongfully removed from a contracting state to the Hague Convention.

17.107 The Appellate Division explained that the Hague Convention established a summary procedure for the return of children who had been wrongfully removed to or retained in a contracting state ("Convention State"). It is "an agreement among nations on 'jurisdiction selection' in matters relating to custody and care of a child"²⁷⁶ [emphasis in original omitted]. Upon proof of the wrongful removal of a child, the court of the Convention State in which the application is filed is only concerned with the speedy return of the child to his or her country of habitual residence, subject to limited exceptions. The court of the Convention State is not concerned with the merits of any dispute over the custody and/or care and control of the child, given that such substantive matters should be left to the court of the child's habitual residence to determine.²⁷⁷

17.108 However, the position is different where the child is removed from a state that is not a party to the Hague Convention, as was the case in *XLK*. As China was not a signatory to the Hague Convention, it was not open to the Singapore courts to apply quasi-Hague Convention rules involving the "jurisdiction selection" mechanism under the Hague Convention. Instead, the court ought to apply the welfare principle as the paramount consideration. The Appellate Division clarified that s 3 of the GIA remained applicable in all child-related custody disputes that were not brought under the Hague Convention.²⁷⁸

17.109 The Appellate Division acknowledged that in appropriate circumstances, the court may, *pursuant to the welfare principle*, order the

274 *XLK v XLJ* [2025] 2 SLR 317 at [29].

275 *XLK v XLJ* [2025] 2 SLR 317 at [31].

276 *XLK v XLJ* [2025] 2 SLR 317 at [32].

277 *XLK v XLJ* [2025] 2 SLR 317 at [32]–[33].

278 *XLK v XLJ* [2025] 2 SLR 317 at [34].

immediate return of a child to a foreign jurisdiction without conducting a full investigation of the merits. For instance, where a child habitually resident in a foreign jurisdiction is unilaterally brought to a country where he is unaccustomed to its language, culture and contacts, a court may find that it is in the child's best interests to ensure his swift and immediate return. In doing so, the court would have given due consideration to the foreign court orders and the fact that the child was removed from his habitual residence not because of the interests of comity *per se*, but because such considerations had material bearing on the welfare of the child.²⁷⁹

17.110 In light of the above, the Appellate Division departed from the HCF's observations on the significance of the doctrine of comity to the present case. The Appellate Division observed that on the facts of *XLK*, the Chinese courts' subsisting orders on custody and the father removing the child from China without the mother's consent were relevant circumstances to consider in applying the welfare principle. These considerations went toward indicating the parties' and the child's lack of connection to Singapore, which had a material bearing on the child's welfare. These circumstances may in some way be connected to the notion of comity of nations, but it was their impact on the child's welfare that was ultimately relevant.²⁸⁰ In any event, the HCF's error had no impact on the outcome of the appeal as it had concluded that it would be in the interest of the welfare of the child for him to return to China with his mother.²⁸¹ For these reasons, the Appellate Division dismissed the father's application.

17.111 *XLK* is significant in clarifying the role of comity in cross-border disputes involving the removal of a child from his or her habitual residence. When the child is removed from a Convention State and brought to Singapore, and there is proof that the child was wrongfully removed, the Singapore courts are only concerned with the return of the child to his or her country of habitual residence, pursuant to the "jurisdiction selection" mechanism under the Hague Convention. There is no separate consideration of the welfare principle enshrined in s 3 of the GIA because, as explained by the Court of Appeal in *BDU v BDT*:²⁸²

[T]he understanding of the child's welfare under the [Hague] Convention is not the substantive understanding (as under the domestic law of guardianship and custody) but rather the more limited understanding, that where she has been

279 *XLK v XLJ* [2025] 2 SLR 317 at [35].

280 *XLK v XLJ* [2025] 2 SLR 317 at [36].

281 *XLK v XLJ* [2025] 2 SLR 317 at [37].

282 [2014] 2 SLR 725 at [25], citing Leong Wai Kum, *Elements of Family Law in Singapore* (LexisNexis, 2nd Ed, 2013) at p 270.

unlawfully removed from her habitual residence, her welfare is best served by swiftly returning her to her habitual residence.

17.112 By contrast, where the child is removed from a non-Convention State and brought to Singapore, *XLK* makes clear that the Singapore court will apply the welfare principle as the paramount consideration. Considerations of comity do not override the welfare principle in guardianship and custody applications outside of the Hague Convention.²⁸³ They do not displace the welfare principle and are only relevant to the extent that they have an impact on the child's welfare. The considerations in *XLK* of the Chinese courts issuing subsisting orders on custody and the father removing the child from China without the mother's consent were relevant not because of comity, but because they went towards indicating the parties' and the child's lack of connection to Singapore. This in turn had a material bearing on the child's welfare.

B. *Applications for extension of time*

17.113 In *VTP*, the HCF dealt with an application by a self-represented husband for a *further* extension of time to file a notice of appeal against an ancillary matters decision that was delivered by the Family Court on 27 September 2024.²⁸⁴ The husband filed a notice of appeal against the Family Court's decision on 11 October 2024, which was the final day for filing an appeal. The filing was rejected as it was filed incorrectly. The husband claimed that he had attempted to file the notice of appeal again on 14 October 2024, but it was rejected for being out of time.²⁸⁵

17.114 Following the rejection of his notice of appeal on 14 October 2024, the husband did not immediately apply for an extension of time to file a notice of appeal. Instead, he requested a waiver of the requisite court fees on 1 November 2024 to file an application for the extension of time. After receiving advice from the Legal Aid Bureau to apply for an extension of time without delay, he proceeded to file an application for the extension of time to file his notice of appeal in OSF 6/2024 ("OSF 6") on 3 December 2024. This was despite not having secured any court fees waiver. OSF 6 was heard on 27 March 2025 and the HCF granted the husband an extension of time until 4.00pm on 7 April 2025 to file the notice of appeal. However, he did not do so and instead filed SUM 109/2025 ("SUM 109") on 7 April 2025 to seek a further 28-day extension to enable him to obtain waivers of court fees to file the intended

283 *XLK v XLJ* [2025] 2 SLR 317 at [39].

284 *VTP v VTO* [2025] SGHCF 52 at [4].

285 *VTP v VTO* [2025] SGHCF 52 at [5].

appeal and the requirement to provide security for the wife's costs. The HCF heard SUM 109 on 3 July 2025 and dismissed it on 15 July 2025.²⁸⁶

17.115 In coming to this decision, the HCF considered the four factors set out in *Lee Hsien Loong v Singapore Democratic Party*²⁸⁷ ("*Lee Hsien Loong*"): (a) the length of delay; (b) the reasons for the delay; (c) the chances of the appeal succeeding if the time for appealing were extended; and (d) the prejudice caused to the would-be respondent if an extension of time was in fact granted. Importantly, the HCF explained that in an application for a *further* extension of time to file a notice of appeal, as was the case in *VTP*, the court's focus in applying the four factors in *Lee Hsien Loong* would be on why the would-be appellant had failed to file the appeal despite the extension of time already granted.²⁸⁸ As the HCF explained, "[t]he inquiry centres on why the would-be appellant did not avail himself of the earlier indulgence, and strong justifications must be shown".²⁸⁹ After considering the four factors in *Lee Hsien Loong*, and bearing in mind that this was an application for a further extension of time, the HCF rejected the husband's application in SUM 109.

17.116 In respect of the length of delay, the time between the first deadline to file the notice of appeal and the filing of SUM 109 was a cumulative total of 178 days, which was a substantial delay.²⁹⁰ The HCF accepted the wife's submission that the husband had demonstrated a "scant regard for the court process",²⁹¹ which was further demonstrated by his repeated request to refile the hearing of his application in SUM 109 for a further extension of time. This pattern of conduct was also observed in relation to his application in OSF 6 and in the divorce proceedings in the Family Courts.²⁹²

17.117 As for the reasons for the delay, the husband's primary explanation for failing to file his notice of appeal by the extended deadline was his failure to obtain a waiver of the requisite court fees and the requirement to provide security for the wife's costs.²⁹³ He had requested, on 27 March 2025 and 4 April 2025, the waivers of court fees and the requirement to provide security for the wife's costs. These requests were rejected on 28 March 2025 and 7 April 2025 by the Registrar.²⁹⁴ The HCF observed

286 *VTP v VTO* [2025] SGHCF 52 at [6]–[7].

287 [2008] 1 SLR(R) 757.

288 *VTP v VTO* [2025] SGHCF 52 at [9].

289 *VTP v VTO* [2025] SGHCF 52 at [9].

290 *VTP v VTO* [2025] SGHCF 52 at [10].

291 *VTP v VTO* [2025] SGHCF 52 at [12].

292 *VTP v VTO* [2025] SGHCF 52 at [12].

293 *VTP v VTO* [2025] SGHCF 52 at [14].

294 *VTP v VTO* [2025] SGHCF 52 at [17].

that the credibility of his claims regarding his financial situation that necessitated the waivers was undermined by his apparent ability to travel, and the evidence of his business activities and property ownership in India.²⁹⁵ Further, there was no reason for the husband to presume that his requests for the waivers of court fees and security for costs would be granted. If the husband indeed had financial difficulties and funds had to be raised, he had ample time to secure them from the relatives whom he said were willing to support him (or other sources), in preparation for the filing of the notice of appeal should the extension of time be granted.²⁹⁶ As such, the HCF found that the husband did not provide any satisfactory explanation or show any strong justification to excuse his failure to file the notice of appeal by 7 April 2025.²⁹⁷

17.118 On the question of the merits of the appeal, the HCF found that the husband's intended appeal met the low threshold of not being hopeless. This was therefore a neutral factor in the analysis.²⁹⁸ Turning lastly to the question of prejudice, the HCF found that granting a further extension of time would cause prejudice to the wife that could not be adequately compensated by costs, given that one basis on which the husband was relying for more time was the waiver of security for the wife's costs of the appeal.²⁹⁹ The prejudice to the wife was particularly acute given that the husband had already accumulated, but failed to pay back, costs ordered against him exceeding \$37,000, dating as far back as 3 August 2021. He had also shown no indication of any willingness to satisfy those obligations. The HCF was of the view that it would be unjust to subject the wife to further financial burdens that would only exacerbate the emotional strain of prolonged litigation, while she remained unable to move on from the divorce as the husband continued to protract the court proceedings. The HCF concluded that the wife would suffer prejudice that could not be compensated by an appropriate order as to costs if the application were allowed, as there was sufficient cause to believe that the husband was unlikely to comply with, or satisfy, any potential costs orders that may be made against him.³⁰⁰

17.119 Overall, *VTP* reflects the importance of the finality of litigation within the Family Courts, viewed through the lens of TJ. While self-represented litigants might warrant some latitude in deserving situations – such as where there are genuine procedural missteps – such

295 *VTP v VTO* [2025] SGHCF 52 at [14].

296 *VTP v VTO* [2025] SGHCF 52 at [18].

297 *VTP v VTO* [2025] SGHCF 52 at [19].

298 *VTP v VTO* [2025] SGHCF 52 at [20]–[22].

299 *VTP v VTO* [2025] SGHCF 52 at [24].

300 *VTP v VTO* [2025] SGHCF 52 at [25].

accommodations cannot be extended without limits.³⁰¹ In the context of an application for an extension of time, any latitude granted to self-represented litigants must be balanced with the need to achieve a fair and just result. Where granting a further extension of time would undermine, as opposed to advance, that objective, the court is justified in refusing such relief. This approach is consistent with TJ, which is “forward-looking, and directed at enabling parties to move on with their lives following a divorce”.³⁰² By declining to grant the further application for an extension of time, the HCF in *VTP* prevented the unjust prolonging of the dispute by a party who had been granted sufficient indulgences by the court.

301 *VTP v VTO* [2025] SGHCF 52 at [26].

302 *VTP v VTO* [2025] SGHCF 52 at [28].