IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2019] SGHC 133

Originating Summons No 1407 of 2018

In the matter of the Last Will & Testament of
Low Gek Huay, deceased, dated 24 October 2000

And

In the matter of the Estate of Low Gek Huay, deceased,
late of 61 Kovan Road, Singapore 548149

And

In the matter of the property known as 61 Kovan Road, Singapore 548149

Between

Goh Rosaline

… *Plaintiff*

And

1. Goh Lian Chyu
2. Low Djau Ai

… *Defendants*

JUDGMENT

[Succession and Wills] — [Construction]

Goh Rosaline
v
Goh Lian Chyu and another

[2019] SGHC 133

High Court — Originating Summons No 1407 of 2018
Choo Han Teck J
15, 22 May 2019

27 May 2019 Judgment reserved.

Choo Han Teck J:

1 Madam Low Gek Huay died on 22 March 2002, leaving behind ten children. In her will dated 24 October 2000, she left a house at 61 Kovan Road ('the House') to her ten children and her grandson. The relevant clause in that will stated that the House 'shall be used as a residence by my children abovenamed and shall not be sold without the consent in writing of the abovenamed 11 beneficiaries and that until completion of the sale thereof my trustee shall permit my children abovenamed or any one of them to occupy the same rent free so long as he or she shall desire'.

2 The plaintiff is the ninth child. She is now 64 years old. The first defendant is the third child and he is now 77 years old. The second defendant is the first defendant's wife. The defendants have been staying in the house and raised their two children (one of them is the grandson named in the will) there.

The grandson is now 48 years old and has moved out of the House. The plaintiff moved out of the House in 2002 after the testatrix died. She moved back briefly for a few months about ten years ago and then moved out again. She now wants to move back into the House.

3 The first defendant, her older brother, does not dispute her right to move into the House, but will not permit her to bring her dogs, a nine-year-old Golden Retriever and a seven-year-old Labrador, into the House. This action was brought by the plaintiff seeking the court's declaration that she be permitted to move into the House with the two dogs. This is the only issue I have to decide.

4 Yet it is a strange matter to have landed in this court. The court is not where one goes to for permission to keep pets. None of the siblings are quarrelling with the point that the plaintiff is entitled to reside in the House should she desire. That is what her mother's will says. The siblings have been to the courts before – three times as last counted by the judge, then Sundaresh Menon JC now Sundaresh Menon CJ who understood the testatrix, just as Andrew Phang Boon Leong JC (as he then was) did in one of the previous actions, that when she declared that the executor "shall permit my children abovenamed or any one of them to occupy the same rent free so long as he or she shall desire", she meant exactly that (see *Goh Nellie v Goh Lian Teck and Others* [2007] 1 SLR (R) 453).

5 So I am left with the small issue of the dogs. The defendants object to the dogs moving in to the House with the plaintiff because they consider the dogs dangerous and dirty. A person who has a right to move into a house, has the right to decide what she brings along with her. The court is not a dog licencing authority. The plaintiff, as a lawful occupant, no greater or lesser than the defendants, is entitled to such pets as do the defendants as the proper

authorities may allow. There is, therefore, in my view, no necessity to make a formal judicial declaration since from my reasoning here, it will be obvious to the parties that there is presently no impediment to the plaintiff moving in with her two dogs, Govi and Lap.

6 I am comforted in ruling as I do because I think that the dogs will probably be the most benign occupants in the House. It seems more likely that it is the human siblings who are going to tear each other apart. They had spurned the suggestion to sell the house, each taking her share of the inheritance and living peacefully apart from the other siblings. So now they have to live with each other. True misery is what we create for ourselves. If the parties here can see what's coming, from the acrimony so obvious in their affidavits, they have to make peace quickly – or else sell the House.

7 The parties are to bear their own legal costs.

- Sgd -
Choo Han Teck
Judge

Irving Choh Thian Chee (Optimus Chambers LLC) for plaintiff;
Shahiran Ibrahim and Marcus Tai Kai Xuan (Asia Law Corporation)
for defendants.
