IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2021] SGHCF 20

Divorce (Transferred) No 2075 of 2020

Between

VSX

… *Plaintiff*

And

VSY

… *Defendant*

JUDGMENT

[Family Law] — [Matrimonial assets] — [Division]
[Family Law] — [Maintenance] — [Child]

Version No 1: 09 Jul 2021 (16:32 hrs)

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VSX
v
VSY

[2021] SGHCF 20

General Division of the High Court (Family Division) — Divorce (Transferred) No 2075 of 2020
Choo Han Teck J
29 June, 7 July 2021

9 July 2021 Judgment reserved.

Choo Han Teck J:

Introduction

1 The plaintiff husband ("the Husband") and the defendant wife ("the Wife") were married on 24 August 2005 in India. At the time of the judgment, the Husband and Wife are both 40 years old. They have two children who are 9 and 4 years old respectively this year ("the Children"). The Husband filed for divorce in Singapore on 5 June 2020; an interim judgment was granted on 11 November 2020. The Husband was then the Chief Information Security Officer of [D] Pte Ltd, drawing an average monthly income of $25,000. The Wife was a full-time homemaker. The Husband now seeks a judgment on the ancillary matters for enforcement in India. The Wife did not enter appearance and remained absent throughout the entire proceedings.

2 According to the Husband, the Wife returned to India with the Children about 18 November 2019, where they remained ever since. In January 2020, the Husband was granted an Interim Custody, Care and Control Order ("the ICCC Order"), for joint custody, with sole care and control of the Children to him. The order required the Children to be returned to Singapore immediately. Proceedings in India to enforce the ICCC Order have been delayed due to COVID-19 pandemic.

3 The Husband claimed that the pool of matrimonial assets included the following:

(a) Flat #209, Block A of "Schweta Aryan" ("Flat 209"): this is a property located at [address redacted], Telengana State, India. It is jointly owned by the Husband and Wife. Flat #209 was purchased in 2014 at INR4,783,350 (approximately $82,255.56). The estimate value as of 30 November 2020 was $200,000.

(b) Adloor Village Land: this refers to the 300 sq yards of land situated in Adloor Village in Kamareddy, Telengana State, India. The Husband claimed that he had paid for it solely even though the Wife is the sole tenant. Its estimated value as of 30 November 2020 was $110,000. The market value at the time of purchase in 2014 was INR150,000 (approximately $2,736).

(c) Lingapur Village Land: this refers to 142.2 sq yards of land at Lingapur Village in Kamareddy, Telegana State, India, with an estimated value of $51,000 as of 30 November 2020. The Husband claimed that he had paid for it solely even though the Wife is the sole tenant. The purchase price was INR28,500 (approximately $519.88).

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(d) Bank Accounts: The Husband and Wife have a joint bank account ([xxx]-[x]-[xx]9506) with a balance of $17.41 as of 30 November 2020. The Husband has a separate DBS Multiplier Account with a balance of $119,533.30. The Husband also has a bank account in an Indian bank, HDFC Bank, with a balance of $6,095.33.

(e) CPF Account: The Husband has the following amounts in his CPF Account:

(i) Ordinary account: $62,185.35

(ii) Medisave account: $48,698.78

(iii) Special account: $32,753.14

(f) Jewellery and gold bars: The Husband claimed that he had paid for jewellery and gold bars which are estimated to weigh 1kg, and worth $79,400. The jewellery and gold bars are in the Wife's possession.

4 In the hearing before me, the Husband's counsel submitted that the matrimonial assets should be divided between the parties in the ratio of 83:17 in favour of the Husband, to be dealt with in the following manner:

(a) The Wife's title, rights and interests in Flat #209 are to be transferred to the Husband without any consideration;

(b) The Adloor Village Land, the Lingapur Village Land and the jewellery and gold bars are to be sold and divided equally between the Parties;

(c) The money in the DBS Joint Account are to be divided equally between the Parties;

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(d) Save for the above division of matrimonial assets, each party keeps their assets under their sole names.

5 The Husband claims that he had made all direct and indirect financial contributions as he was the sole breadwinner. He also made significant non-financial contributions during the marriage by providing moral and financial support to the Wife and assisting her with household chores. He was also involved in the upbringing of the children, while the Wife was often busy with Indian dance classes for at least three times a week, for three to four hours each time.

6 As the pool of matrimonial assets has been identified above at [3], I turn to the issue of ascertaining the total value of the pool of matrimonial assets, before determining a just and equitable division pursuant to s 112(10) of the Women's Charter (Cap 353, 2009 Rev Ed).

7 The Husband has not adduced any valuation report for the Indian properties, but only enclosed search results of online property listings in India. Without a proper valuation, it is difficult for me to ascertain the value of the matrimonial assets. The underlying sale deeds and the property listings tell a different story. The Lingapur Village, for instance, was purchased at $510 in 2014, but is reportedly valued at $51,000 at the time of hearing. Flat 209 was purchased at $82,255.26 in 2014 but is allegedly worth $200,000. Such a drastic increase in value casts doubt on the credibility of the self-reported valuation based on a property listing search. As for the gold bars and jewellery, there is neither proof of purchase nor pictures evidencing the existence of these jewellery. There is insufficient evidence for me to make an order for this item.

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8 I make no order in relation to the division of matrimonial assets, as I am unable to ascertain the value of the matrimonial assets on the evidence adduced by the Husband. It is unfortunate that the Wife has not cooperated despite having been notified about the present hearing. I cannot draw any specific inferences given the circumstances of this case. The Wife had been brought here because the Husband had found a job. She, on the other hand, has neither connections nor ties with this country. Since most of the assets are in India as are the Wife and children, it is my view that it will be more appropriate and efficacious for the Husband to claim his properties before the Indian courts.

9 So far as the Children are concerned, I will grant joint custody but will make no order on care and control for now but with liberty to the Husband to apply. Alternatively, he may also apply for an order for care and control from the Indian courts.

- Sgd -
Choo Han Teck
Judge of the High Court

Cheong Siao Ling Cheryl, Sara Binte Abdul Aziz (Gloria James-Civetta & Co) for the plaintiff;
The defendant absent and unrepresented.

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