

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2021] SGHCF 35

Registrar's Appeal from the Family Justice Courts No 18 of 2021
Summons No 266 of 2021

Between

VWW

... Appellant

And

VWX

... Respondent

GROUND OF DECISION

[Family Law] — [Procedure] — [Abridgement of time to enter final judgment]

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VWW
v
VWX and another matter

[2021] SGHCF 35

General Division of the High Court (Family Division) — Registrar's Appeal
from the Family Justice Courts No 18 of 2021 and Summons No 266 of 2021
Choo Han Teck J
20 October 2021

22 October 2021.

Choo Han Teck J:

1 The wife filed for divorce on 2 November 2020 and the interim judgment was made on 4 March 2021. The ancillary matters have not been disposed of, and the main contention appears to be the disagreement over the value of the husband's motor-workshop. The valuers have not completed their assessment. The husband and wife were married on 18 March 2012. There are no children to the marriage.

2 On 8 June 2021 the husband applied under Rule 96(3)(a) of the Family Justice Rules to enter Final Judgment notwithstanding that the ancillary matters are outstanding. The grounds of his application are that the husband's girlfriend had given birth to a child by him on 7 May 2020, and she is presently pregnant with their second child. The baby is due in a two months' time.

3 Counsel for the husband submitted that the girlfriend and her child are not Singapore citizens and they needed to show the immigration authorities that the child's father is a Singaporean in order that the girlfriend and the child be allowed to remain in Singapore. Since the husband is still married to the wife until the interim judgment is made final, the husband filed this application for an abridgement of time to enter final judgment.

4 The application was dismissed, and the appeal to the DJ was also dismissed. The husband then appeals before me. His counsel contended that there have been cases in which the court had permitted such an abridgement in order that the applicant could remarry and thus save their child from illegitimacy.

5 At the hearing below, counsel for the wife submitted that the husband had not proved that he was the father of his girlfriend's child, as well as the one she is currently carrying. He also submitted that there was no proof that he needed to legitimize the child for her and her mother to remain in Singapore. Hence, the husband applied to adduce further evidence by way of an affidavit by his girlfriend stating that he is the father of the child and that he would be marrying her upon his divorce. The husband says that he is not well-to-do as he earns only \$1,400 a month.

6 Counsel for the husband also submitted that the immigration status of the girlfriend and her child depend on the husband marrying her and thus legitimizing the child as well as the child-to-be. Counsel relied on the website of the Immigration Authority for the proposition she advanced. Counsel must realise that the website of any person, company, or even government body, is not proof of any alleged fact other than the fact that the website carries the

statement adduced. Not only might the website be out-of-date, the statements might be subject to a range of exceptions and internal guidelines. In any event, my decision does not depend on the veracity or truth of the husband's claims. I will assume that the girlfriend's child and child-to-be were fathered by the husband. I can also assume that as a foreigner the girlfriend's immigration status is tenuous.

7 Nonetheless, those are not sufficient reasons to enter the final judgment in this case. There may be exceptional cases in which a court may exercise its discretion to enter final judgment even though the ancillaries have not been resolved, but this case is not one of them. His child with his girlfriend is almost a year and a half. Another child is due in a couple of months. Not only is this a case in which he and the wife had lived separate and apart for a long enough time that the husband might have been justified in starting his life anew in spite of the interim judgment not having been made final. The wife here contends that she had no knowledge of the girlfriend or of her having children with the husband.

8 The abridgement of time for the final judgment is a discretionary order with equity as a guide. Without moralizing on extramarital affairs, the court may at the least, hold that a husband who has kept his extramarital affairs for as long as this husband, cannot be indulged with a final order just so that he can keep his girlfriend in Singapore. He is free to legitimise his children, by s 3(1) of the Legitimacy Act (Cap 162, 1985 Rev Ed) after the event after his divorce is fully and properly concluded.

9 For the reasons above, this appeal is dismissed. I made no order on his pointless application for further evidence and will hear the question of costs for both matters at a later date if parties are unable to agree costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Alina Sim Jin Simm (Axis Law Corporation) for the Appellant;
Nicholas Leow Zhi Wei (Netto & Magin LLC) for the Respondent.
