IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2023] SGHCF 5

District Court Appeal No 75 of 2022

Between

WGW

… *Appellant*

And

WGX

… *Respondent*

JUDGMENT

[Family Law — Matrimonial assets — Division]

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

WGW
v
WGX

[2023] SGHCF 5

General Division of the High Court (Family Division) — District Court Appeal No 75 of 2022
Choo Han Teck J
9 February 2023

13 February 2023 Judgment reserved.

Choo Han Teck J:

1 The appellant (the "Wife") and respondent (the "Husband") were parties to a short, childless marriage of about three and a half years. Interim judgment was granted on 14 April 2022 and was made final on 8 November 2022. The only matrimonial asset liable for division was the matrimonial home — the subject of this appeal.

2 The matrimonial home was purchased in August 2019 wholly using the parties' CPF funds. They renovated the flat at a cost of S$76,762, of which $40,000 was paid for by bank loans. The remaining sum of $36,762 was disputed at the hearing below as to whether it was paid by the Wife solely or equally between the parties, as the Husband claimed. The learned District Judge ("DJ") found in favour of the Wife, as the Husband produced no evidence as to

his alleged payment of cash in hand to the Wife. I find no basis to disturb this finding of fact.

3 The only issue on appeal is whether the Wife's payment of $36,672 was rightly excluded by the DJ when computing the division ratio. The original ratio of 41.21 (Husband): 58.79 (Wife) was derived from parties' respective CPF contributions only. In excluding the $36,672, the DJ considered that the renovation was a basic one which did not significantly alter the property. He further characterised them as indirect financial contributions which were to be considered at the second stage of the structured approach in *ANJ v ANK* [2015] 4 SLR 1043, which the DJ declined to apply on the basis that the structured approach was designed to address contributions of longer marriages or marriages with children.

4 I think the DJ erred in taking the renovation sum as an indirect financial contribution to be considered at the second stage of the structured approach. Direct financial contributions of parties are not limited to monies applied toward the acquisition of a matrimonial asset, but also include monies which go toward the "improvement of the matrimonial asset": *TNK v TNL and another appeal and another matter* [2017] 1 SLR 0609 at [38] affirming *Twiss, Christopher James Hans v Twiss, Yvonne Prendergast* [2015] SGCA 52 at [17(a)].

5 It is not uncommon for new couples to renovate their newly purchased properties to create a special matrimonial home for themselves. Such renovations often involve substantial facelifts and customisation. This appeal is one such illustration — the cost of renovation (S$76,672) was 20% of the purchase price of the flat (S$370,000). It would not be just and equitable for the Court to ignore to sizeable sums of monies expended to improve matrimonial assets.

Version No 1: 13 Feb 2023 (14:45 hrs)

6 At the hearing before me, the Husband again asserted that the $36,672 was not wholly contributed for by the Wife, and that he paid cash in hand to the Wife during the marriage. As mentioned above, the DJ found on the evidence that it was the Wife who contributed wholly to this sum. The Husband repeated his counsel's arguments from the court below. No new evidence was adduced. The Husband submitted in his respondent's case that the cash amount totalled $15,500. At the hearing, however, he said that he passed the Wife cash totalling $29,000. Given the lack of a consistent position and cogent evidence, I am unable to accept the Husband's arguments on appeal. The DJ's finding of fact stands. The Wife's payment of $36,762 should thus be counted toward her direct financial contributions. Accordingly, the direct financial contributions of the parties now total $63,622 (Husband): $127,515 (Wife), translating to a ratio of 33.29: 66.71 respectively.

7 The Court of Appeal in *USB v USA and another appeal* [2020] 2 SLR 588 (at [37]) held that "the structured approach should continue to apply to short marriages", although the court can vary the weightage accorded to direct and indirect contributions. I am of the view that the indirect contributions to this marriage, if any at all, were minimal. The parties did not go through with the customary traditions of marriage, there was no consummation, and there were no children to take care of. While parties disputed at length at the hearing before me whether they had in fact lived together, this factor was ultimately immaterial. Even if the parties had resided together physically, it seemed to me on the evidence and the statement of particulars that parties were unable to get along from the start, and the consortium of marriage failed before it even had the opportunity to form. The Husband himself admitted before me that they tried to live in the flat during the five months of renovation but the dust and noise eventually forced them to leave. I thus give no weight to indirect contributions.

Version No 1: 13 Feb 2023 (14:45 hrs)

8 For the above reasons, the appeal is allowed. I order that the proceeds of the matrimonial home, once sold, is to be divided in the ratio of 33.29 (Husband): 66.71 (Wife) after paying off the expenses in paragraph 1 of the order of court FC/ORC 5168/2022. The matrimonial home is to be sold after the Minimum Occupancy Period has elapsed.

- Sgd -
Choo Han Teck
Judge of the High Court

Sarbrinder Singh s/o Naranjan Singh (Sanders Law LLC) for the appellant;
The respondent in person.

Version No 1: 13 Feb 2023 (14:45 hrs)