1. This judgment DOES need redaction.
2. Redaction HAS been done.

Kow Keng Siong
District Judge
22 July 2025

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGFC 75

Divorce No. 3029 of 2024

Between

XOS

… *Plaintiff*

And

XOT

… *Defendant*

JUDGEMENT – ANCILLARY MATTERS

Version No 1: 16 Sep 2025 (15:15 hrs)

Family Procedure *– Reference to pre-trial discussions in a party's written submissions for hearing on ancillary matters – Whether reference is proper*

Family Law – *Maintenance – Former wife – Wife unemployed for five years – Applicable considerations – Considerations for determining duration of spousal maintenance – Section 114(2) of the Women's Charter 1961*

Family Law – *Maintenance – Child – Section 69 of the Women's Charter 1961*

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XOS
v
XOT

[2025] SGFC 75

Family Court – Divorce No 3029 of 2024 (Ancillary Matters)

District Judge Kow Keng Siong
14 July 2025

22 July 2025

District Judge Kow Keng Siong:

Introduction

1 The Plaintiff-Husband (German national) and the Defendant-Wife (Chinese national) were married in 2009. They have a son, born in November 2013.

2 On 26 November 2024, the parties obtained an interim judgment of divorce by consent. The terms of the judgment included their agreement on (a) the division of matrimonial assets, (b) joint custody of the son, and (c) care and control of the child to the Wife, with the Husband to have reasonable access.

3 The parties were unable to agree on the issues of spousal and child maintenance. On 28 November 2024, they entered a consent order whereby,

pending the resolution of these issues, the Husband would pay interim maintenance of $8,000/month for the Wife and the son ("**Interim Order**"). For the terms of the order, see **Annex A**.

Issues for determination

4 The unresolved issues of spousal and child maintenance came before me for determination. The parties' positions on these issues are as follows:

	Maintenance for –	Husband's position	Wife's position
(a)	Wife	NIL[1]	$5,000/month[2]
(b)	Son	$3,750/month[3]	$8,000/month[4]
		The Husband to make **direct payment** to the service provider for the son's – (1) School fees ($3,500/month) and (2) School bus fees ($266.67/month)	
(c)	Total	$7,516.67/month	$16,766.67/month
(d)	**Total** ***Less* the direct payments in (1) and (2)**	**$3,750/month**	**$13,000/month**

1 Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [5].

2 Defendant's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at Part D.

3 Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [4] and [36].

4 Defendant's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at Part D.

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Pre-hearing discussions

5 Before turning to the parties' substantive positions, I shall first address a preliminary matter.

Parties' submissions

6 The Wife submitted that her claim for $13,000/month in total maintenance is reasonable. She contended that, prior to the commencement of divorce proceedings, the Husband had already agreed to pay this amount in maintenance, in addition to separately covering other expenses. However, he later reduced the amount to $10,000/month. Following mediation, the maintenance was further reduced to $8,000/month.[5]

7 The Husband disputed the Wife's account. He maintained that it was the Wife who had initially demanded $13,000/month, and who subsequently proposed a reduction to $10,000/month. The Husband stated that he had suggested that the parties monitor the actual expenses incurred by the Wife and the son before reaching a mutually agreed amount. He further explained that he had agreed to pay interim maintenance of $8,000/month solely to secure the Wife's withdrawal of (a) her maintenance application (MSS 1174/2024), and (b) her application for a personal protection order (SS 1056/2024).[6]

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5 Defendant's Written Submissions for Ancillary matters Hearing dated 04.07.25 at [44] to [46].

6 Plaintiff's Affidavit of Assets and Means affirmed on 13.01.25 at [29] to [31]; Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [49] to [51].

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My decision

8 I reject the Wife's reference to the pre-trial discussions in support of her case. I wish to take this opportunity to express my concern with such references in general.

(a) As a matter of general principle, such discussions are conducted on a "without prejudice" basis and are therefore inadmissible in determining the substantive issues before the Court.

(b) This principle holds particular significance in the family justice context, where the Court adheres to the framework of therapeutic justice. Therapeutic justice promotes reconciliation and encourages the amicable resolution of disputes as the preferred way forward. For this approach to be effective, parties must be able to engage in pre-trial discussions openly and candidly, without fear that their statements may later be used against them in litigation.

(c) To reference such discussions in submissions is to undermine the very foundations of therapeutic justice. It erodes trust between parties, heightens adversarial tension, and detracts from the goal of preserving relational stability. If parties are discouraged from speaking freely during pre-trial discussions, the prospects for healing, resolution, and meaningful cooperation post-divorce will be significantly compromised.

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Spousal maintenance

9 I shall now consider the Wife's application for spousal maintenance.

Applicable principles

10 *Threshold requirements*. To establish a claim for spousal maintenance, a former wife must prove that such maintenance is necessary –

(a) To address any financial disadvantage that she has suffered arising from the marriage – for example, where she left employment to assume the role of a full-time caregiver; and/or.

(b) To mitigate the financial consequences of the divorce – for instance, where she is now required to bear expenses, such as rent, that were previously covered by the husband during the marriage.

See, e.g., *ATE v ATD* [2016] SGCA 2 ("***ATE***") at [31] and [33]. For a discussion of the above, see *XCR v XCS* [2025] SGFC 64 ("***XCR***") at [64].

11 *Other considerations*. If the former wife can show that spousal maintenance is necessary, the court will then assess the appropriate terms of the maintenance by considering the following factors:

<u>The duration of the maintenance</u>

(a) Maintenance is intended to assist a former wife in transitioning towards financial self-sufficiency, where reasonably possible. It is not meant to create long-term financial dependence, particularly where the wife is in good health, well-educated, or has prior work experience: *ATE* at [31]; *Chan Yuen Boey v Sia Hee Soon* [2012] 3 SLR 402 at [69]; *NI v*

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NJ [2007] 1 SLR(R) 75 ("***NI***") at [11] and [14]; *ATS v ATT* [2016] SGHC 196 at [33]; *UHK v UHL* [2025] SLR(FC) 98 at [13].

(b) In determining the duration of the maintenance, courts will consider, among others, (i) the time needed for the wife to adapt to her new circumstances post-divorce, (ii) the time needed to stabilise her finances, and (iii) the length of the marriage. For further discussion, see, e.g., *XCR* at [72] and [73].

The quantum of the maintenance

(c) This is assessed in light of the wife's reasonable needs. For a fuller discussion, see, e.g., *XCR* at [67] to [69].

The husband's financial capacity

(d) Courts will not order spousal maintenance where the husband is clearly unable to provide such support: for instance, where he –

(i) Is a bankrupt: *UAP v UAQ* [2018] 3 SLR 319 ("***UAP***") at [96]; *AVM v AWH* [2015] 4 SLR 1274 at [96].

(ii) Is elderly or suffers from health issues: *UJF v UJG* [2019] 3 SLR 178 at [3] and [139]; *TXW v TXX* [2017] 4 SLR 799 at [48] and [49].

(iii) Has low income or limited earning capacity: *Lock Yeng Fun v Chua Hock Chye* [2007] 3 SLR(R) 520 at [21] and [48].

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(iv) Is retired or unemployed: *UVF v UVG* [2019] SGHCF 21 at [65]; *VXQ v VXR* [2021] SGHCF 38 at [28]; *DBA v DBB* [2024] 1 SLR 459 at [41].

(v) Is incarcerated: *TUH v TUG* [2016] SGFC 149 at [3], [11] and [13].

The Wife's case

12 In the present case, the Wife's application for spousal maintenance rests on two main grounds.

(a) *First*, she contended that she had made significant sacrifices for the marriage.

(i) She gave up a lucrative career in the insurance industry in Hong Kong – where she was earning approximately $18,000/month – to relocate to Singapore in 2020 to join the Husband; and

(ii) In Singapore, she has spent the past five years as a stay-home mother, serving as the primary caregiver to their son.[7]

(b) *Second*, the Wife submitted that she requires financial support to mitigate the consequences of the divorce.

(i) She has limited assets to meet her living expenses.[8]

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7 Defendant's Written Submissions for Ancillary matters Hearing dated 04.07.25 at [22].

8 Defendant's Written Submissions for Ancillary matters Hearing dated 04.07.25 at [23] to [25].

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(ii) She faces challenges re-entering the workforce, given her age (approaching 50), limited proficiency in English, and ongoing responsibilities in caring for the son. She also cited medical issues and emotional distress arising from the breakdown of the marriage.[9]

13 The Husband disputed the Wife's claims.

14 I will now consider the merits of the Wife's grounds for seeking spousal maintenance.

Did the Wife relocate to Singapore because of the Husband

Husband's response

15 In relation to [12(a)(i)] above, the Husband contended that it was the Wife who had wanted to relocate to Singapore in 2020. At the material time, she had felt unsafe remaining in Hong Kong due to the widespread violence and civil unrest arising from the protests against China. (The Wife is a Chinese national.)[10]

My decision

16 I find the Husband's evidence to be plausible. The large-scale protests in Hong Kong during 2019 and 2020 – marked by significant violence and civil unrest – were widely reported in the media. The unrest stemmed from, among

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9 Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at [22]; Defendant's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [22], [33], [34] and [42].

10 Plaintiff's 2nd Ancillary Matters Affidavit dated 03.06.25 at [31].

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other things: (a) opposition to an extradition bill that would have permitted the transfer of criminal suspects to mainland China; (b) alleged misconduct by the Hong Kong Police Force; and (c) broader tensions between Hong Kong and mainland China. The situation was serious enough for Singapore's Ministry of Foreign Affairs to issue an advisory against non-essential travel to Hong Kong.

17 In light of these circumstances, there were reasons for the Wife to wish to relocate to Singapore in 2020. Accordingly, the fact that she gave up a high-paying job in Hong Kong cannot, on its own, be regarded as a strong basis for awarding spousal maintenance.

Has the Wife stopped working for the past five years

18 Next, I consider whether the Wife has, in fact, been unemployed during the past five years: see [12(a)(ii)] above.

Husband's response

19 The Husband submitted that the Wife had remained employed by her former employer in Hong Kong ("**Hong Kong company**") even after relocating to Singapore in 2020. This submission is based on the following.[11]

(a) In December 2024, the Husband observed a deduction from the parties' joint account for the Mandatory Provident Fund ("**MPF**") – a contribution scheme applicable to individuals employed in Hong Kong. When questioned, the Wife confirmed that the deduction was for her MPF contributions but declined to reimburse the sum, stating instead

[11] Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at [14] to [18]; Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [22] to [27].

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that she would pay it "next year," thereby suggesting she intended to make further contributions. The Husband tendered WhatsApp messages relating to this exchange in evidence.[12]

(b) In response to the Husband's discovery requests, the Wife acknowledged that she had no resignation or termination letter from the Hong Kong company. She instead disclosed an email dated February 2025, in which the company indicated that her contract and rank would be temporarily maintained until January 2025, pending a further review of her performance. She also produced payslips from the company covering the period from September 2024 to February 2025.[13]

(c) In addition, the Husband tendered banking and WeChat transaction records from late 2024 and March 2025, which showed that the Wife had continued to remit insurance premiums on behalf of clients to the Hong Kong company.

My decision

20 Taken together, the above evidence supports the inference that the Wife had remained formally employed by the Hong Kong company for a period after relocating to Singapore.

21 That said, the evidence also suggests that while the Wife remained formally affiliated with the Hong Kong company, she was not gainfully employed in Singapore during this period.

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12 These messages are contained in the Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 487 to page 491.

13 These payslips are in the Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 158 to page 174.

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(a) *First*, her commission statements between September 2024 and February 2025 indicate that she had received insignificant income (averaging about $338/month) during this period.[14] The income is primarily from the renewal of a handful of existing insurance policies (dating back to 2015 and 2018), rather than from new business activity. There is no evidence to show that she had acquired any new clients or performed substantive income-generating work in Singapore.[15] It appears that because of this poor performance, the Hong Kong company had threatened to terminate the Wife in February 2025 – informing her that they would temporarily maintain her contract and rank only until January 2025 for further review of her performance.[16]

(b) *Second*, it is not disputed that the Wife is not licensed to operate as an insurance agent in Singapore, having failed the requisite examinations administered by the Singapore College of Insurance.

(c) *Finally*, it is the Husband's own case that the Wife has not been gainfully employed while in Singapore. According to him –

> ... the Complainant is highly educated and more than capable of securing gainful employment. At present, she is still employed

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14 According to the commission statements, the Wife had only received HKD10,438.65 over a five-month period. This is based on HKD149.93 (30.09.24) + HKD2,848.69 (14.09.24) + HKD842.40 (31.10.24) + HKD894.66 (30.11.24) + HKD2,919.28 (31.12.24) + HKD1,031.84 (15.02.25) + HKD1,751.85 (28.02.25).

HKD10,438.65 is equivalent to $1,693.71, based on HKD1 = $0.162254 as of 25.06.25: see Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [5(b)]. This exchange rate is similar to the Wife's rate of $1 = HKD5.718: see Defendant's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [7].

15 Defendant's 2nd Affidavit of Assets and Means affirmed on 03.06.25 at [8].

16 This email is in the Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 184.

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> by Prudential HK. *Yet, the Complainant refuses to actively work*, and has persistently refused to find other sources of employment and contribute meaningfully to the family's finances. This was one of the reasons that had let to the breakdown of our marriage and which had compelled me to file for a divorce, *as elaborated in my Statement of Particulars*. The Complainant expects me to fund her lifestyle *while she sits idle at home*.[17]
>
> [emphasis added]

The relevant passages in the Husband's Statement of Particulars are in [2(c)] and [2(d)].[18] It is also the Husband's evidence that (i) he had "many conversations and discussions" with the Wife "on the issue of [her] finding employment in Singapore", (ii) he was "disappointed and frustrated" upon hearing her say that she was not interested in working, (iii) they had "frequent arguments towards the end of 2023, which largely surrounded the issue of the [Wife] refusing to work and contribute to [the] family", and (iv) she did not make any genuine attempt to seek employment after 2023.[19]

22 Given the above factors, I do not consider the Wife's residual role with the Hong Kong company during the relevant period to constitute gainful employment in Singapore.

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17 Plaintiff' Affidavit of Assets and Means affirmed on 13.01.25 at [25].

18 The relevant passages can be found in the Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 532 to page 536.

19 Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at [32], [33], [40] and [51].

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Did the Wife become a stay home mother to be the son's primary caregiver

Husband's response

23 The Husband invited the Court to reject the Wife's assertion that she had assumed the role of a stay-home mother and primary caregiver to the son: see [12(a)(ii)] above. He contended that the domestic helper was responsible for accompanying the child to school and enrichment classes, and that he himself had attended the child's school meetings and birthday celebrations.[20]

My decision

24 I do not find the Husband's assertions sufficient to displace the Wife's evidence that she has been the son's primary caregiver.

(a) The mere fact that a domestic helper assisted with certain logistical tasks, such as bringing the son to school or enrichment classes, does not negate the Wife's overarching caregiving role. It is common for parents to rely on domestic assistance, and the involvement of a helper does not, in itself, undermine a parent's status as the primary caregiver.

(b) Likewise, the Wife's absence from the son's school meetings and birthday celebrations does not, in my view, indicate a lack of interest in his life. According to the Husband's own evidence, the Wife refrained from attending these events due to her concern about her limited proficiency in English.[21] Moreover, the Husband's involvement in such

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20 Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at [34] and [35].

21 Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at [34].

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events does not negate the possibility that the Wife undertook the day-to-day caregiving responsibilities. These include attending to the child's daily needs, managing his routine, and providing continuous supervision and emotional support – tasks she was well positioned to perform, given that she was not gainfully employed during the relevant period.

25 I have no reason to doubt the Wife's evidence that she ceased working in order to be the son's primary caregiver. This conclusion is supported by the following undisputed facts:

(a) *First,* the Husband would not have been in a position to give reliable and direct evidence on the Wife's daytime caregiving role, as he was likely occupied with work commitments during those hours.

(b) *Second*, as noted at [21] above, the Wife has not been gainfully employed in Singapore since relocating in 2020. She would therefore have had the capacity to attend to the child's daily needs and overall welfare.

(c) *Third,* the Husband had consented to the Interim Judgment granting the Wife care and control of the son. This indicates his acknowledgment that the Wife was the more appropriate parent to meet the child's day-to-day emotional, developmental, and practical needs. See *TSF v TSE* [2018] 2 SLR 833 at [67] to [69]; *AZZ v BAA* [2016] SGHC 44 at [72]. This acknowledgement is likely to have been based on, among others, the fact that she had been the son's primary caregiver: *XDZ v XEA* [2024] SGFC 90 ("***XDZ***") at [14(a)] to [14(d)].

26 In summary, I find that the Wife had made significant sacrifices for the marriage by remaining a stay-home mother over the past five years to care for

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the son. This prolonged caregiving role provides a compelling basis for her claim for spousal maintenance.

Are the Wife's assets limited

27 I shall now consider the Wife's financial position and assess whether she requires financial support: see [12(b)(i)] above

Husband's response

28 The Husband submitted that, contrary to the Wife's assertion, she possesses significant assets. The key ones are listed below:

	Asset	Amount
(1)	Share in matrimonial asset pursuant to Interim Judgement (iFAST Global Prestige)	$174,271.03
(2)	ORSO Fund (Hong Kong)[22]	$186,014.17
(3)	Huizhou apartment[23]	$118,510.16
(4)	Hong Kong BCT Fund[24]	$14,615.51
(5)	**Total: Sum of (1) to (4)**	**$493,410.87**

29 In addition, the Husband submitted that the Wife had withdrawn a total of $35,000 from the parties' joint accounts in May 2024. He contended that

[22] Defendant's Affidavit of Assets and Means affirmed on 04.02.25 at page 134; Plaintiff's 2nd Ancillary Matters Affidavit dated 03.06.25 at [31].

[23] Defendant's Affidavit of Assets and Means affirmed on 04.02.25 at [3].

[24] Defendant's Affidavit of Assets and Means affirmed on 04.02.25 at page 135.

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these funds could have been applied toward meeting her own expenses and those of the child.[25]

My decision

30 I make the following observations.

(a) *Withdrawal of $35,000*. I find that the $35,000 withdrawn by the Wife in May 2024 would likely have been substantially, if not entirely, depleted by the time of this judgment. The estimated monthly living expenses of the Wife ($3,800/month) and the son ($4,600/month) is approximately $8,400/month in total: see **Annex B-2 (18)** and **Annex C (24)**. The $35,000 would have covered just over four months of their expenses.

(b) *ORSO Fund*. The Occupational Retirement Schemes Ordinance ("**ORSO**") is administered by the Mandatory Provident Fund Schemes Authority, Hong Kong's statutory body overseeing both MPF and ORSO schemes.[26] In my view, the ORSO fund should not be treated as a readily available resource for the purposes of assessing the Wife's ability to support herself post-divorce. The fund is a form of retirement savings subject to statutory restrictions on withdrawal under Hong Kong law. There is no evidence to suggest that the Wife is currently eligible to access the funds, nor that early withdrawal is permitted without penalty. It would be inappropriate and unfair to require her to rely on funds earmarked for her long-term financial security – particularly

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25 Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [30] to [33] and [64].

26 https://www.mpfa.org.hk/en/orso/overview?utm_source=chatgpt.com

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where she lacks other stable sources of income and is still in the process of re-establishing economic independence. As such, I do not consider the ORSO fund to be a disposable asset that can be considered when determining the necessity or quantum of spousal maintenance.

(c) *Huizhou apartment*. According to the Wife, the apartment will need renovations before it can be rented out to generate income. I have no reason to disbelieve her evidence.

(d) *Hong Kong BCT Fund*. This is a pension fund and is thus illiquid.[27]

31 Excluding the ORSO Fund, the Huizhou apartment, and the Hong Kong BCT Fund – none of which are presently liquid or readily realisable – the Wife's disposable assets amount to approximately $174,271.03. This sum represents her share in the matrimonial asset as provided under the Interim Judgment.

32 In my view, it is not reasonable for the Wife to rely solely on this amount to meet her living expenses post-divorce.

(a) As of the date of this judgment, the Wife is 47 years old. The average life expectancy for women in Singapore is approximately 85 years. This means that she may have nearly four decades ahead of her.

(b) Based on the evidence before the Court, I estimate the Wife's personal living expenses to be approximately $3,800/month, or $45,600/year: see **Annex B-1** and **Annex B-2**. If she were to rely

[27] Defendant's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at page 49.

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exclusively on her disposable assets ($174,271.03) to cover these expenses, these assets will likely be exhausted in fewer than four years.

Can the Wife find employment in Singapore

Applicable principles

33 Ability to work. Does the above analysis mean that the Wife is entitled to spousal maintenance? The short answer is no. The law does not presume that a wife is entitled to spousal maintenance solely because she is unemployed. Section 114(1)(c) of the Women's Charter 1961 expressly requires the Court to consider her "earning capacity" in determining whether maintenance should be ordered. Thus, a wife who claims that she is unable to work must prove this claim. For instance, if the inability to work is claimed on medical grounds, then she must adduce relevant and persuasive medical evidence to support her case: see e.g., *UWM v UWL* [2021] SGCA 105 at [26]. Likewise, if a wife contends that she cannot work because she needs to care for her child, then she must show (a) why the child's needs preclude her from working, (b) that she has explored all reasonable alternatives, and (c) that none of these are viable: *TYS v TYT* [2017] 5 SLR 244 at [55].

34 Efforts to secure employment. Where the wife is assessed to have earning capacity, the Court will examine whether she has made genuine and sustained efforts to seek employment. Mere token attempts or an unduly narrow search – such as limiting applications to certain industries or roles – will not suffice: *TXU v TXV* [2017] SGFC 19 at [22].

35 Estimated income. The Court will also consider what the wife could reasonably be expected to earn upon re-entering the workforce. This involves an assessment of factors such as (a) her academic and professional

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qualifications, (b) her age, (c) her employment history, (d) her previous income, and (e) prevailing market conditions. See *ANZ v AOA* [2014] SGHC 243 at [71] and [72] (considerations for assessing earning capacity); *CYH v CYI* [2023] SGHCF 4 at [63] (wife's earning capacity assessed to be higher than her last drawn salary one year before her unemployment); *WGJ v WGI* [2023] SGHCF 11 at [36] (wife's earning capacity pegged to the last drawn income one year before her unemployment).

36 Possible outcomes. When determining an application for spousal maintenance, the Court may adopt one of several approaches, depending on the facts and circumstances of the case:

(a) Reject the application.

This is appropriate where there is no need to mitigate the financial impact of the divorce on the wife or to redress any financial disadvantage arising from the marriage. Examples include cases –

(i) Where the wife possesses substantial financial resources, either from her share of the matrimonial assets or from other independent means.

(1) See *VTQ v VTR* [2022] SGFC 78 at [120]; *AOB v AOC* [2015] 2 SLR 307 ("***AOB***") at [29]; *WDO v WDP* [2022] SGHCF 11 at [23]; *BOR v BOS* [2018] SGCA 78 at [118] and [119]; *TNC v TND* [2016] 3 SLR 1172 at [67]; *O'Connor Rosamund Monica v Potter Derek John* [2011] 3 SLR 294 at [56] and [63]; *UAP* at [95], [96], [101(a)] and [101(b)].

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(2) It bears highlighting that the liquidity of the wife's assets, and the timeframe required to realise them, are also relevant considerations: *XFD v XFE* [2024] SGHCF 43 ("***XFD***") at [9]; *UYD v UYE* [2019] SGHCF 20 at [66] and [67]; *UZO v UZP* [2019] SGHCF 27 at [85] to [89]; *XFD* at [9].

(ii) Where the wife has been gainfully employed throughout the marriage and earns sufficient income to meet her own needs.

(1) See e.g., *AOB* at [17], [18] and [29]; *AOF v ACP* [2014] SGHC 99 at [9], [10] and [78]; *TZK v TZL* [2017] SGFC 33 at [21] to [26].

(2) This includes cases where the wife was continuously employed except for a brief period preceding the ancillary matters hearing: *VTU v VTV* [2022] SGHCF 23 at [38] (wife had been working throughout marriage); *WRX v WRY* [2024] 1 SLR 851 at [56] and [57] (wife remained employed until about a year after the date of the interim judgement and had received severance pay).

(b) Award nominal maintenance.

This is intended to preserve the wife's legal right to apply for substantive maintenance in the future should circumstances materially change. The applicable considerations are discussed in *XDZ* at [49] to [53].

(c) Grant a limited maintenance award.

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> This provides transitional financial support for the wife, typically where she has earning capacity but requires time to secure employment and attain financial self-sufficiency.

Parties' case

37 In the present case, the Wife contended that she would face significant challenges in securing employment in Singapore. She attributed this to a combination of factors – her age, limited proficiency in English, existing medical and mental health issues, and her ongoing caregiving responsibilities for the son.

38 The Husband disagreed with the Wife's assertion that she faces significant barriers to re-employment.[28]

(a) He noted that the Wife is highly educated, holding an Executive Master's Degree in Advanced Management. She had previously worked as a freelance Chinese language teacher in Hong Kong, held the position of financial advisor and unit manager at the Hong Kong company, and had also established a business selling veterinary diagnostic products.[29]

(b) The Wife is a Singapore Permanent Resident and has been taking English lessons since 2010. The Husband highlighted that her email correspondence with the German Embassy was written entirely in English, which, in his view, contradicts her claim of limited English proficiency.

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28 Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [28], [53] and [59] to [63], [66].

29 Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [28].

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(c) As for her assertion that she suffers from various health issues – such as gastritis and breast lumps – and requires regular medical attention,[30] the Husband pointed out that no supporting medical evidence has been tendered to show that these conditions impair her ability to work.

39 The Husband further submitted that, despite their separation in June 2024, the Wife has made minimal efforts to secure employment in Singapore. He emphasised that she previously earned over $18,000/month between April 2018 and March 2019. Even accepting that her earning capacity may now be reduced, he estimated that she should still be capable of earning approximately $9,000/month, which would be more than sufficient to meet her monthly expenses.

My decision

40 Having considered the parties' submissions and the evidence before me, I find that while the Wife may face some challenges in re-entering the workforce, these do not render her unemployable. Her educational qualifications, prior work experience, and past earnings indicate that she possesses marketable skills. The fact that she had previously held managerial positions and operated a business reflects a degree of professional competence and entrepreneurial initiative.

41 Although the Wife has cited age, language barriers, and health concerns, there is insufficient evidence to establish that these factors substantially impair her ability to work. Notably, no medical reports have been produced to

30 Defendant's Affidavit of Assets and Means affirmed on 04.02.25 at [17].

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substantiate her claims of ill health. As for her English proficiency, the evidence (e.g., her correspondences) shows that she is functionally literate in English.[31]

42 That said, I accept that the Wife has been out of full-time employment for several years and may not be able to command the same income she once earned.

43 Considering the Wife's qualifications, work history, the duration of her employment gap, as well as the relevant salary guides and information,[32] I estimate her current earning capacity to be in the range of **$3,500 to $4,000/month**. This is a conservative approximation that recognises both her professional background and the challenges she may face in re-entering the job market after several years as a homemaker.

Spousal maintenance is appropriate

Time is needed

44 In my view, the key issue is not whether the Wife is capable of securing employment in Singapore, but how much time she reasonably requires to attain full financial independence. My assessment on this point is as follows:

(a) It would not be reasonable to expect the Wife to resume employment immediately. She will require time to identify suitable work opportunities. If she intends to leverage her prior experience by returning to the insurance or financial advisory industry, she must first

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31 Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 137 to page 144, page 146, page 147, page 487 to page 499.

32 See e.g., the relevant materials published by the Ministry of Manpower, MyCareersFuture, and job portals such as the Straits Times.

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undertake and pass the requisite regulatory examinations, and obtain the necessary certifications and licences. This process will inevitably take time and preparation.

(b) More significantly, the time required for the Wife to return to work is influenced by the needs of the son, whose welfare remains the Court's paramount consideration. At 12 years of age, he is entering a formative phase of adolescence and is likely to still require close care, guidance, and supervision. The transition from being cared for by a stay-home mother to adjusting to her working outside the home is one that must be managed carefully to minimise disruption to his well-being.

Wife's assets will be depleted quickly

45 In my assessment, the Wife's expenses are likely to increase during the transition from being a stay-home mother to becoming fully economically self-sufficient. She will need to incur costs associated with preparing for re-employment, including expenses for professional certification or licensing, transportation to attend job interviews, and possibly enrolling in refresher courses. In addition, she may need to engage childcare support to supervise the son while she attends to examinations, training, or work-related commitments.

46 The assets identified at [28] above represent the Wife's sole source of financial security. These resources are finite and will likely be depleted during her transition to full-time employment. There is no evidence to suggest that the Wife has access to alternative sources of familial or financial support in Singapore during this period, or in the event of an emergency. The available evidence indicates that her parents reside in China and the Husband now resides in Thailand. This absence of a support network may place significant stress on

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the Wife, which in turn could adversely affect the welfare of the son – whose well-being remains the primary consideration.

Maintenance is necessary

47 In my view, fairness to the Wife and the best interests of the son support the granting of short-term spousal maintenance. Such an order –

(a) Gives due recognition to the sacrifices the Wife made during the marriage by serving as the son's primary caregiver over the past five years: see [26] above.

(b) Affords the Wife a reasonable period to re-enter the workforce and regain financial independence: see [44(a)] above.

(c) Cushions the emotional and practical impact of the transition on the son, who is entering a formative stage of development and adjusting to the Wife's shift from a stay-home to working parent: see [44(b)] above.

(d) Preserves the Wife's limited capital from premature depletion, thereby protecting her long-term financial security: see [45] and [46] above; *VJM v VJL* [2021] 5 SLR 1233 at [44]; *ATE* at [31].

48 To summarise – A limited maintenance order will provide the Wife with essential transitional support as she works toward resuming economic self-sufficiency. At the same time, it reflects the principle that spousal maintenance is not meant to be indefinite, particularly where the recipient is capable of regaining financial independence with time and effort.

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Duration of the maintenance

49 The next question is how long the spousal maintenance should last. In my view, a period of **two years** is appropriate in the circumstances.

(a) This duration will provide the Wife with a reasonable window to adjust to her post-divorce circumstances, including her transition to full-time employment while continuing to care for the son.

(b) By the end of this period, the son will be approximately 14 years old – an age at which he is likely to have developed greater maturity and independence, thereby easing the practical demands on the Wife as a working parent.

(c) A two-year term is also proportionate when viewed against the length of the marriage, which spanned approximately 15 years. Courts have generally regarded short-term maintenance within such a context as fair and reasonable: *ACY v ACZ* [2014] 2 SLR 1320 at [55].

Maintenance amount

50 I shall now turn to the next issue – the appropriate quantum of spousal maintenance.

51 Having considered the evidence, I find the Wife's reasonable monthly expenses to be approximately **$3,800**. In arriving at this figure, I have excluded several items from her stated list of expenses on the basis that these are more appropriately met from her existing personal funds. The amount of $3,800 comprises her share of household expenses, transport costs, and basic personal needs such as toiletries: see **Annex B-1** and **Annex B-2**.

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52 The Wife's estimated earning capacity should be sufficient to meet these expenses over time: see [43] above. However, in the interim, a short-term maintenance award is warranted to provide financial stability while she re-establishes her income stream.

Husband can afford

53 In my view, the Husband has the financial means to provide the Wife with monthly maintenance of $3,800.

(a) Based on his tax returns,[33] the Husband's average monthly income (after tax but before CPF deduction) from Company A is $30,364.20. The relevant income data are as follows:

	Year of assessment	Annual income	Annual income after income tax payment
(1)	2024	$386,544.00	$386,544.00[34]
(2)	2023	$450,827.00	$379,035.06
(3)	2022	$384,727.00	$327,532.06
(4)	**Average annual income after income tax payment**		**$364,370.37[35]**
(5)	**Average monthly income after income tax payment**		**$30,364.20[36]**

33 Plaintiff's Affidavit of Assets and Means affirmed on 13.01.25 at page 267 to page 269.

34 The Husband did not need to pay tax for this year. There was instead a $200 tax rebate: see Plaintiff's Affidavit of Assets and Means affirmed on 13.01.25 at page 269.

35 Based on sum of [53(a)(1)] to [53(a)(3)] divide by 3.

36 Based on the amount in [53(a)(4)] divide by 12 months.

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(b) According to his latest CPF statement, the Husband's CPF contributions are approximately $2,177/month.[37] This results in a **take-home income** of approximately **$28,190.20/month** from Company A.[38]

(c) The Husband has estimated his personal monthly expenses to be $16,785, which includes an $8,000 income tax payment.[39] As this tax amount has already been accounted for in determining his average monthly income (see [53(a)] above), it should not be deducted again. Removing the double-counted tax component, his actual monthly expenses are $8,785.[40] This leaves him with a monthly disposable income of approximately **$19,405.20**, which is more than sufficient to meet a monthly spousal maintenance obligation of $3,800.

(d) For completeness, in computing the Husband's monthly income, I have not included his income from Company B for work on *ad hoc* projects in Thailand. (I note that there is no evidence to show that his income from Company B has been included in his tax returns or CPF statements – presumably because the income is received in Thailand and thus not subject to Singapore tax laws.)

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37 See the December 2024 contributions in the Plaintiff's Affidavit of Assets and Means affirmed on 13.01.25 at page 419.

38 Based on $30,364.20/month minus $2,177/month. The amount of $28,190.20/month is higher than the Husband's stated take-home income of approximately $20,000/month: see Plaintiff's Affidavit of Assets and Means affirmed on 13.01.25 at [19] and [20].

39 Plaintiff's Affidavit of Assets and Means affirmed on 13.01.25 at page 13 and page 14.

40 Based on $16,785/month minus $8,000/month (i.e., personal income tax payment).

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(i) In February 2024, the Husband earned approximately $17,100 over nine months from one such project.[41]

(ii) In February 2025, he commenced a second project lasting five months, from which he earns about $1,900/month.

There is a reasonable likelihood that the Husband will continue to undertake such projects, particularly since he has indicated that his aim is to secure work permits in Thailand through this employment.[42]

Summing up

54 In light of the above, I am satisfied that the Husband has sufficient financial means to provide spousal maintenance. Accordingly, I order the Husband to pay the Wife $3,800/month for two years.

Child maintenance

55 Finally, I turn to the issue of child maintenance.

Son's reasonable expenses

56 The Wife is seeking child maintenance of $12,406.20/month.

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41 Based on $1,900/month x 9 months. See Plaintiff's 2nd Ancillary Matters Affidavit at [10].

42 Based on $1,900/month x 9 months. See Plaintiff's 2nd Ancillary Matters Affidavit at [11].

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57 I agree with the Husband that this amount is excessive for a 12-year-old child.[43] I estimate the son's reasonable monthly expenses to be $8,400. For the breakdown, see **Annex C**.

Husband can afford

58 The Husband can afford to provide for the son's maintenance of $8,400/month. After deducting child and spousal maintenance payments, the Husband will still have a healthy balance of $15,990/month from his income.

	Items	Amount
(a)	Husband's income (take-home pay)	$28,190
(b)	Spousal maintenance	$3,800
(c)	Child maintenance	$8,400
(d)	Sum of (b) and (c)	$12,200
(e)	**Balance: (a) minus (d)**	**$15,990**

Conclusion

Orders made

59 To sum up, my decision on the issue of maintenance is as follows:

	Maintenance for –	Decision
(a)	Son	Consists of – (1) Payment to the Wife – $4,600/month (2) Direct payment: School fees ($3,500/month)

[43] Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [42], [44].

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	Maintenance for –	Decision
		(3) Direct payment: School bus fees ($266.67/month)
		Total: About $8,400/month
(b)	Wife	$3,800/month
(c)	**Total**	**$12,200/month**

60 I made the following orders:

(a) The Husband is to pay $4,600/month (child maintenance) and $3,800/month (spousal maintenance) into a bank account to be designated by the Wife.

(b) These payments are to commence from 15 August 2025, and thereafter, on the 15th day of each month.

(c) For spousal maintenance, this shall be for a period of two years commencing from 15 August 2025.

(d) The Husband is to show proof of the payments of spousal and child maintenance on or before the following dates. (The show-payment may be done online.)

	Payment for –	Show-payment date
(a)	August maintenance	18 August 2025
(b)	September maintenance	18 September 2025
(c)	October maintenance	18 October 2025

(e) In default of each show-payment, the Husband is to serve imprisonment as follows:

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	Default of –	Imprisonment
(a)	Spousal maintenance	7 days
(b)	Child maintenance	9 days

In other words, if the Husband fails to show payment for both spousal and child maintenance on 18 August 2025, he is to serve 16 days' imprisonment.

Final remarks

61 Before concluding, I wish to convey the following to the parties:

To the Wife

(a) I am aware that you have expressed doubts about your proficiency in English and how this may affect your employment prospects in Singapore. I urge you to have more confidence in your abilities. The evidence clearly shows that you can understand and read English.[44] You have also previously drawn a strong income in Hong Kong. With determination and perseverance, I am confident that you will be able to secure suitable employment in Singapore. I encourage you to have confidence in your abilities and to take active steps toward financial independence.

(b) You may also have concerns about how your son will adjust to you becoming a working mother. Such concerns are natural. However,

[44] Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 137 to page 144, page 146, page 147, page 487 to page 499.

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children are generally resilient, especially when they are supported by loving and consistent parenting. You can contribute to his development – not only by being present, but also by modelling the values of perseverance and responsibility through your own actions.

To the Husband

(c) Divorce inevitably entails disruption and adjustment for all parties. Your former wife faces the difficult challenge of transitioning from a stay-home mother to a working parent. Your son, in turn, must adapt to having less time and attention from his primary caregiver.

(d) These transitional challenges can be softened if both parents adopt a cooperative and equitable approach to post-divorce parenting. As the financially stronger party, your willingness to support your former wife through this limited period of spousal maintenance can make a significant difference. The maintenance ordered is not indefinite – it is a temporary, transitional measure aimed at enabling her to regain financial independence and ensuring continuity and stability for your son during this sensitive period. I hope you can view it not as a burden, but as part of a broader, shared commitment to your child's well-being and long-term adjustment.

Kow Keng Siong
District Judge

Clement Yap, Jasmine Chang (M/s Harry Elias Partnership LLP) for the Husband;
Kishan Pratap (M/s Kishan Law Chambers LLC) for the Wife.

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ANNEX A

INTERIM ORDER

ENTERED ON 28 NOVEMBER 2024

Orders Made:

By Consent,

1. *In the interim pending the resolution of the issue of spousal and child maintenance in FC/D 3029/2024*, and *without prejudice to either party's litigated positions*:

(a) As and when directed by the service provider, the Plaintiff will make direct payment for the school fees (which is presently about SGD 3,500/month pro rata) and school related expenses (being the school bus and school mandated activities) for the child of the marriage, **XXX** (NRIC No.: YYY) ("**the Child**") and car leasing expenses for the car bearing registration number ZZZ.

(b) Notwithstanding the above paragraph, if the Plaintiff is able to find someone to take over the existing car lease, he shall be at liberty to do so. Instead, he shall pay to the Defendant a sum of *SGD 1,000/month as transportation expenses for the Defendant and the Child* from the date that the car is returned / surrendered / transferred.

(c) The Plaintiff will pay to the Defendant a sum of *SGD 8,000/month as interim spousal maintenance and interim child maintenance* (not including school fees which have been provided for separately).

2. The Defendant shall *withdraw MSS 1174/2024 and SS 1056/2024 forthwith*.

3. Liberty to apply.

[Emphasis added]

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ANNEX B-1

WIFE'S REASONABLE EXPENSES

PART 1 – HOUSEHOLD EXPENSES

	Expense item	Wife's estimate[45]	Husband's estimate[46]	My estimate
(1)	Rental	$6,000	$4,000	$4,000 Based on the Letter of Intent for the Wife to lease the relevant premises[47]
(2)	Groceries	$1,900	$1,000	$1,000
(3)	Streaming services	$120	$34	$34[48]
(4)	Utilities	$300	$150	$200
(5)	Electronics and Appliances	$132	$50	$50
(6)	Internet	$70	$48	$48[49]
(7)	Maintenance of aircon and parts	$50	$17	$20
(8)	Repair and maintenance of electronics, appliances, lighting, etc.	$124	$50	$50
(9)	Beddings and Towels	$50	$20	$20
(10)	Helper	$1,023.40	$0	$1,000

45 Defendant's Affidavit of Assets and Means affirmed on 04.02.25 at [12]; Defendant's Written Submissions for Ancillary matters Hearing dated 04.07.25 at [20]; Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [38].

46 Plaintiff Husband's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [42].

47 Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 176.

48 Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 11.

49 Plaintiff's 2nd Ancillary Matters Affidavit affirmed on 03.06.25 at page 11.

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	Expense item	Wife's estimate[45]	Husband's estimate[46]	My estimate
		According to the Wife, she needs a helper when she travels to China every three months to care for her elderly and sickly parents.[50]		The son is 12 years old and will still require care and supervision. A helper will be needed if the Wife is to look for a job or enter full-time employment.
(11)	Car	$2,000	$0	$500 This is for transport expenses based on public transport and taxis/private hire vehicles
(12)	Total: 2 persons	$11,769.40	$5,369	$6,922
(13)	**Total: 1 person**	**$5,884.70**	**$2,684.50**	**$3,461**

[50] Defendant's Written Submissions for Ancillary Matters Hearing dated 04.07.25 at [28].

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ANNEX B-2

WIFE'S REASONABLE EXPENSES
PART 2 – PERSONAL EXPENSES

	Expense item	Wife's estimate[51]	My estimate
(1)	Food and dining out	$150	$150
(2)	Clothes, shoes and accessories	$300	$0 The Wife can pay for this item from her own funds
(3)	Holidays	$416	
(4)	Medical	$166.67	
(5)	Dental	$34	
(6)	Personal grooming	$192	
(7)	Massage/spa	$79	
(8)	Counselling	$30	
(9)	Toiletries	$20	$20
(10)	Cosmetics	$132	$0 The Wife can pay for this item from own funds
(11)	Public transport and cabs	$100	$100
(12)	Pet food and grooming	$200	$0 The Wife can pay for this item from her own funds
(13)	Entertainment	$50	
(14)	Phone bills	$40	
(15)	Hobbies/sports	$400	
(16)	Red packets and festive gifts	$20.83	
(17)	Wife's share of household expenses	$5,884.70	$3,461
(18)	**Total**	**$7,840.20**	**$3,800** (rounded up from $3,731)

[51] Defendant's Affidavit of Assets and Means affirmed on 04.02.25 at [12].

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ANNEX C

SON'S REASONABLE EXPENSES

	Expense item	Wife's estimate[52]	Husband's estimate	My estimate
(1)	School fees	$3,537	$3,500	$3,500
(2)	School bus	$279	$266.67	$266.67
(3)	School uniforms and shoes	$12.50		
(4)	School books and stationeries	$50	$20	$20
(5)	Phone bill	$32	$10	$10
(6)	Pocket money and lunch in school	$220	$50	$100
(7)	Dental	$100	$50	$50 The Wife's estimate is higher than her estimate for her own dental expenses ($34).
(8)	Haircut	$10		
(9)	Toys, story books and assessment books	$50		
(10)	Dining out and food delivery	$193	$50	$50 The Wife's estimate is higher than her estimate for her own dining out and food delivery expenses ($150). It is

[52] Defendant's Affidavit of Assets and Means affirmed on 04.02.25 at [13]; Defendant's Written Submissions for Ancillary matters Hearing dated 04.07.25 at [36].

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	Expense item	Wife's estimate[52]	Husband's estimate	My estimate
				unreasonable that a 12-year-old child's expenses are higher than that of an adult
(11)	Outings and entertainment	$40		
(12)	Clothes, shoes and bags	$120	$40	$40
(13)	Toiletries	$20		
(14)	Vitamins and supplements	$90	$50	$50
(15)	Tuition	$189		
(16)	Enrichment classes	$780	$445.83	$450
(17)	Purchase of electronic products such as laptop, computer, phone	$100	$30	$30
(18)	Entertainment	$150	$0	$0 This item comes under item (11). Further, the Wife's estimate is higher than her estimate entertainment expenses ($50).
(19)	Holidays	$416	$0	$0 This is not a necessity. The Wife can pay for this item from own funds
(20)	Birthday	$83	$0	
(21)	Gifts for birthdays	$50	$0	

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	Expense item	Wife's estimate[52]	Husband's estimate	My estimate
(22)	Child's share of household expenses	$5,884.70	$2,684.50	$3,461
(23)	Total	$12,406.20	$7,518.50	**$8,400** (rounded up from $8,349.17)
(24)	**Total: *Less* (1) & (2)** The Husband will pay for items (1) and (2) directly to the service providers	**$8,590.20**	**$3,751.83**	**$4,600** (rounded up from $4,582.50)

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