

**IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE**

**[2025] SGHCF 50**

District Court Appeal No 39 of 2025

Between

XLK

*... Appellant*

And

XLJ

*... Respondent*

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**GROUND OF DECISION**

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[Family Law — Child — Custody]

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**XLK**

**v**

**XLJ**

**[2025] SGHCF 50**

General Division of the High Court (Family Division) — District Court  
Appeal No 39 of 2025  
Choo Han Teck J  
14, 27 August 2025

28 August 2025.

**Choo Han Teck J:**

1 The appellant-father (the “Appellant”) married the respondent-mother (the “Respondent”) in China in 2016. They have a son born in 2019. The parties are all China nationals. The Appellant, aged 38, runs a family business in China dealing in jade. The Respondent is 33 years old and works as an insurance agent and freelance event planner.

2 The parties filed for divorce in Hangzhou, China on 26 June 2023. On 7 August 2023 the court granted the divorce and ordered that the son be “raised and educated by [the Respondent]”. However, on 28 June 2023, the Appellant took the son away from the Respondent’s care. Though he denied this, the evidence indicates otherwise.

3 The Appellant appealed against the orders of the Hangzhou court, but the appellate court upheld the Hangzhou court's orders. The Respondent then filed an application in Singapore under the Guardianship of Infants Act 1934 (2020 Rev Ed) ("FC/OSG 77/2024") to claim custody of the child. Subsequently, the Appellant filed Summons 3478 of 2024 ("Summons 3478") asking for joint custody and access orders. Eventually, both FC/OSG 77/2024 and Summons 3487 were jointly heard by the learned DJ. The learned judge granted the Respondent's application in FC/OSG 77/2024 and dismissed the Appellant's Summons 3478. The Appellant sought leave to stay the orders pending an appeal, but his application was denied. The appeal is now before me.

4 From documents discovered, the Respondent showed that the Appellant brought the son to Singapore on 11 December 2023. The Respondent obtained enforcement orders against the Appellant in the Hangzhou court on 9 February 2024 and the appellate court on 27 February 2024. The latter court made an order preventing the Appellant from leaving China. Mr Sng, counsel for the Respondent submits that the China lawyers had advised that the Appellant's travel documents had been cancelled, and he had been ordered to be detained for 15 days for non-compliance of the court orders.

5 Further orders were made on 8 April 2024 by the appellate court requiring the Appellant to hand over the son's identity card and travel documents. The Appellant claimed that the child was no longer in China. He was, as events showed, in Singapore, being looked after by the Appellant's 62 years old mother. Despite counsel for the Appellant's further submissions, the incontrovertible facts remain that the Chinese court had granted care and control to the Respondent.

6 I agree entirely with the learned DJ's decision and his grounds. In my view, the facts show clearly that this is a case of outright child abduction. Although the Hague Convention does not apply, the incontrovertible evidence is clear. The Respondent was given custody, care and control of the son. The court orders were challenged all the way to the final court of their own country. Not only had the Appellant failed in all his attempts to gain custody of the son in China, but his travel documents had since been cancelled. Unfortunately, he managed to have the son brought to Singapore and is being looked after by the Appellant's mother although the appellant claims that he is also here but he is on short term pass.

7 The doctrine of comity of nations has immense force on the facts of this case, and on that basis alone, the appeal ought to be dismissed, but the facts also show that the child was only brought here to be registered in an international school. The claim that this would be in the son's best interest is not persuasive. Neither parent has long term passes to be here. Mr Lun, counsel for the Appellant, asserts that his client has been "flying in and out", but Mr Sng, submits that the Appellant may not be allowed out of China once he returns there. I am of the view that the crucial point is that it is in the best interests of the child to be with the mother.

8 Mr Lun asked for a stay of the order but I am of the view that there are no merits for a stay. On the contrary, the sooner the child is reunited with the Respondent the better.

9 The appeal is therefore dismissed with costs. I ordered costs of \$8,500, all in, to be paid by the Appellant to the Respondent. The cost incurred by the Respondent in engaging Chinese lawyers on a point of Chinese law raised by

the Appellant was approximately S\$2,700, and the translation costs here was S\$1,200.

Choo Han Teck  
Judge of the High Court

Clarence Lun Yaodong (Fervent Chambers LLC) for the appellant;  
Cornelius Sng Jia Chong (Advov Law LLC) for the respondent.

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