

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 53

Registrar's Appeal from the Family Justice Courts No 12 of 2025

Between

XLM

... Appellant

And

XLN

... Respondent

JUDGMENT

[Family Law — Maintenance — Interim maintenance]

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XLM

v

XLN

[2025] SGHCF 53

General Division of the High Court (Family Division) — Registrar's Appeal
from the Family Justice Courts No 12 of 2025

Choo Han Teck J

21 August 2025

25 August 2025

Judgment reserved.

Choo Han Teck J:

1 The appellant husband married the respondent in India on 16 November 2016. Both were, and still are, Indian nationals. They have a son, born on 21 June 2022 in India. The appellant is a 36-year-old data scientist earning \$10,000 a month in Singapore. The respondent is a data engineer earning \$8,000 a month in Singapore.

2 The respondent filed for divorce in Singapore and shortly thereafter, the appellant filed for divorce in India, and on 30 December 2024, obtained an order from the Family Court in Singapore staying the respondent's application for divorce on the ground that India is the more appropriate forum.

3 The respondent subsequently applied for maintenance by way of Maintenance Summons No 1289 of 2024 ("MSS 1289"). She also applied for a

personal protection order. The appellant applied for a stay of both applications and his application for stay were dismissed. The appellant now appeals against MSS 1289 before me.

4 The learned district judge (the “DJ”) below recognised that divorce proceedings in Singapore had been stayed. However, she was of the view that since all parties are in Singapore, it would be inconvenient for both parties in having to return to India to apply for an interim maintenance in there. Secondly, the interim maintenance order here would be temporary and the final maintenance would have to be made by the India court. The learned DJ concluded that the appellant had not shown that India is “clearly or distinctly a more appropriate forum”.

5 Before me, Mr Gaznavi, counsel for the respondent further argued that an interim maintenance order is conceptually different from a final order because “where one ends, the other begins”. He further submits that the Singapore court is better placed to assess an interim maintenance order because it would have better knowledge of the costs of living here. He also argued that an interim maintenance order and a final order are naturally different, and depending on the facts of each case, interim maintenance orders may not always be granted and, if granted, the amount will also depend on the facts.

6 However, I am of the view that in this case, the parties are both Indian nationals and so is their son. There is a divorce action in progress in India and the court in Singapore had stayed the divorce proceedings in Singapore. The India court is therefore the court that will hear the divorce application and consequently the ancillary matters such as maintenance payments.

7 In such circumstances, the Singapore court should be slow to intervene in any interim applications be it interlocutory matters or interim payments. It should only make an order for interim maintenance if there are strong reasons and is in the interests of justice to do so.

8 In this case, the Indian divorce proceedings appear to be progressing although the respondent claims that the ancillaries will not be heard until next year, but there is no reason why she cannot apply for interim maintenance in India. She has given a power of attorney to her sister, who is in India. That will help facilitate any application that she might wish to make, and thus, may only need to return back to India should her personal attendance be required.

9 More importantly, to assess maintenance or whether it ought to be granted at all, requires both parties to establish not just the expenditure and financial requirements but also to disclose what assets each has.

10 The appellant says he is from a “poor low level government employee family” but the respondent is from a “wealthy and influential family”. He asserts that she has “a lot of passive income” and “multiple properties”. This is subject to proof, but the assets are in India, and the Indian court is, therefore, better placed to order disclosure and enforcing that order. There is also no impediment for the respondent should she wish to enforce a maintenance order made by the Indian court, whether in India or here.

11 Finally, the respondent earns about the same amount as the appellant in Singapore. The child is only three years old. There are no pressing needs for an interim maintenance to be ordered by a Singapore court.

12 The appeal is therefore allowed. The application for maintenance is stayed.

- Sgd -
Choo Han Teck
Judge of the High Court

Appellant in-person;
Rezza Gaznavi (Mahmood Gaznavi Chambers LLC) for the
respondent.
