IN THE COURT OF APPEAL OF THE REPUBLIC OF SINGAPORE

[2026] SGCA 19

Court of Appeal / Civil Appeal No 35 of 2025

Between

Qureshi Mohamed Aslam

… *Appellant*

And

Majlis Ugama Islam,
Singapura

… *Respondent*

In the matter of Originating Application No 404 of 2025

Between

Qureshi Mohamed Aslam

… *Applicant*

And

Majlis Ugama Islam,
Singapura

… *Defendant*

GROUNDS OF DECISION

Version No 1: 17 Apr 2026 (14:49 hrs)

[Administrative Law — Judicial review — Duty to give reasons — Whether there was a breach of a duty to give reasons]

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Qureshi Mohamed Aslam
v
Majlis Ugama Islam, Singapura

[2026] SGCA 19

Court of Appeal — Civil Appeal No 35 of 2025
Sundaresh Menon CJ, Ang Cheng Hock JCA and Debbie Ong Siew Ling JAD
27 February 2026

17 April 2026

Ang Cheng Hock JCA (delivering the grounds of decision of the court):

Introduction

1 This was an appeal against the decision of a judge of the General Division of the High Court ("Judge") in HC/OA 404/2025 ("OA 404"), dismissing an application for permission to commence judicial review of a decision of the Appeal Board ("Board") constituted under s 55 of the Administration of Muslim Law Act 1966 (2020 Rev Ed) ("AMLA"). After hearing the parties and considering their written submissions, we dismissed the appeal and provided brief reasons for our decision. We now provide more detailed grounds.

Background facts and procedural history

The parties

2 The appellant is Mr Qureshi Mohamed Aslam. He was involved as the defendant in matrimonial proceedings at the Syariah Court in Originating Summons No. 59211, which was an application by the appellant's first wife ("Wife") for a divorce from him. The respondent is Majlis Ugama Islam, Singapura ("MUIS"), a statutory board established under the AMLA.

The Syariah Court proceedings

Arguments before the Syariah Court

3 After the parties were divorced by pronouncement of *talak wajib*, the Syariah Court turned to determine ancillary matters. Two issues arose in relation to the division of matrimonial assets which were of especial contention between parties:

(a) Whether certain assets in the appellant's name, in particular a condominium unit at Watermark ("Watermark Condominium") located in Bangkok, Thailand, were matrimonial assets to be included in the matrimonial pool for division ("Assets Issue").

(b) The appropriate ratio to be applied to the division of matrimonial assets, considering the circumstances of the marriage and the appellant's polygamous marriage with his second wife ("Second Wife") ("Ratio Issue").

4 We set out below in some detail the arguments made by the appellant and the Wife in those proceedings because this was ultimately relevant to the

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question of whether the Board had breached its duty to give reasons, as contended by the appellant.

5 In the appellant's written submissions before the Syariah Court, he argued that the Watermark Condominium was not used as a matrimonial home, and that it was in fact financed from the net proceeds from the sale of an Eastpoint Green condominium unit which he owned in Singapore, which was in turn financed from gifts and his inheritance from his late father. As such, his position was that the Watermark Condominium retained its character as a gift to be excluded as a matrimonial asset.

6 Further, the appellant submitted that, in light of his second polygamous marriage, the legal principles in *TIG v TIH* [2016] 1 SLR 1218 ("*TIG*"), which had involved a division of matrimonial assets in a non-Muslim polygamous marriage, should be applied to his case to ascertain the appropriate ratio for the division of matrimonial assets. That meant the approach in *ANJ v ANK* [2015] 4 SLR 1043 ("*ANJ*") should apply in a modified manner to take into consideration the direct and indirect contributions of the Second Wife. The appellant submitted that he and the Second Wife should be attributed 100% of the direct contributions while indirect contributions should be attributed in the following ratio: 40% for the appellant, 40% for the Wife and 20% for the Second Wife. After some adjustments as proposed by the appellant, he submitted that the division of assets should be 85:15 in his favour.

7 The Wife, on the other hand, submitted that the Watermark Condominium (and indeed all the contested assets) should form part of the pool of matrimonial assets. While the purchase of the Eastpoint Green condominium unit had been financed from gifts to the appellant and his inheritance, it had been used as a matrimonial home and thus could no longer retain its character

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as a gift that was outside the matrimonial pool of assets. Further, the Watermark Condominium was also used as a matrimonial home.

8 The Wife further argued that the approach in *TNL v TNK* [2017] 1 SLR 609 ("*TNL*") for long single-income marriages should be applied and that it would be just and equitable for the court to order an equal division of matrimonial assets as between the appellant and the Wife. The Wife had been a housewife for all 56 years of the marriage with no income of her own.

Decision of the Syariah Court

9 The President of the Syariah Court, who presided over the matter, delivered her judgment on 8 November 2023 and issued a 17-page Grounds of Decision on 30 September 2024 ("Syariah Court's GD"). On the Assets Issue, the Syariah Court was satisfied from the Wife's evidence that the Watermark Condominium was used as a matrimonial home, although there had been insufficient evidence to conclude that the condominium unit at Eastpoint Green had earlier been used as the same. The Watermark Condominium was thus transformed by its use into a matrimonial asset. For completeness, the Syariah Court also found the appellant's business in Thailand, A Qureshi Carpets Co Ltd, to likewise constitute a matrimonial asset as it was set up during the marriage, but found on the evidence that no value ought to be attributed to the business as the company was operating at a loss since 2018.

10 On the Ratio Issue, the court did not accept the appellant's reliance on *TIG* to also consider the Second Wife's contributions. The court explained that *TIG* did not involve a Muslim polygamous marriage and more importantly, there was no evidence from the Second Wife, whether as a witness or as an intervener, on her contributions to the matrimonial assets. Further, the appellant

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himself had taken the position that the Second Wife had left him, taken his money and collaborated with others to extort him. The court rejected the appellant's argument that the *TNL* approach on long single-income marriages did not apply. The court then decided that the matrimonial assets should be divided 50:50, finding an equal division of matrimonial assets from the 56-year-long marriage to be equitable.

The appeal to the Appeal Board

11 Dissatisfied with the decision of the Syariah Court, the appellant appealed to the Board. In the appellant's written submissions to the Board, on the Assets Issue, he again argued that the Watermark Condominium was purchased with moneys that were traceable to his inheritance, and that the Syariah Court should not have found on the evidence that the unit had been used as a matrimonial home by the parties. The appellant relied on both these grounds in the appeal to contend that the Watermark Condominium was not a matrimonial asset.

12 The appellant again relied on *TIG* and *ANJ* on the Ratio Issue. He argued that a 50:50 division was unjust in the context of a polygamous marriage, as it would benefit the two children he had with the Wife to the detriment of the two children he had with the Second Wife. Further, the practical outcome of the Syariah Court's decision, which would be a 50-25-25 division, was unjust to him. The appellant argued that, even if the Syariah Court was right in adopting the approach in *TNL* instead of *TIG* and *ANJ*, the court should nonetheless have considered that this was a polygamous marriage and the marriage to the Second Wife was also a long one which produced two children. He argued for a one-third division among all three of them. The appellant then relied on the Malaysian position on the division of assets in polygamous marriages even

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though he acknowledged that there was a specific legislative provision in Malaysia, but not in Singapore, to deal with such cases of division.

13 In the Wife's written submissions, the Wife argued that the Syariah Court did not err in finding that the Watermark Condominium was used as a matrimonial home and thus was a matrimonial asset. Neither did the court err in ordering equal division of the matrimonial pool of assets considering the long marriage of 56 years and that the Wife was a homemaker. While the Wife acknowledged that there were no reported Board cases and only one reported case in the High Court (*TIG*) dealing with polygamous marriages and division of matrimonial assets, the Wife submitted that the Syariah Court was right in declining to adopt the approach in *TIG*.

14 After hearing oral arguments on 14 January 2025, the Board dismissed the appellant's appeal on 20 January 2025 but did not issue any reasons.

15 On 5 February 2025, the appellant wrote a letter to the Chief Justice and various political officeholders. The appellant expressed dissatisfaction with (a) judicial inconsistencies in cases involving the division of assets in polygamous marriages as the Syariah Court and the Board had declined to apply *TIG*; (b) unequal appeal rights between Muslim and non-Muslim litigants, that is, that there was no further appeal available from the Board's decision; and (c) urged for legislative and executive intervention, among other things, to mandate written grounds for all appeal decisions. A constant refrain in the letter was that the Board's dismissal of the appeal without written grounds resulted in a lack of transparency and denied the appellant the ability to understand why his case was rejected.

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16 The respondent, MUIS, replied to the appellant in a letter dated 26 February 2025 explaining:

> As a general practice, the Appeal Board has been issuing grounds of decisions ("GDs") for cases they view ought to have GDs, that is, landmark precedent cases involving novel or difficult issues. If a case does not involve any novel or difficult issue and the Appeal Board agrees fully with the reasoning in the first-instance decision by the President of the Syariah Court, there would be nothing for the Appeal Board to add on top of the GD that has already been rendered at first instance. We also understand that civil courts do not necessarily issue a GD for every appeal that is heard and determined by them.

OA 404

17 On 17 April 2025, the appellant filed OA 404, seeking permission to commence judicial review of the Board's decision. The appellant sought a quashing order for the Board's decision and a mandatory order for a differently constituted Board to rehear and determine the appeal.

18 In the appellant's statement in support of the application ("Statement") pursuant to O 24 r 5(3)(*a*) of the Rules of Court 2021 ("ROC 2021"), the appellant relied on the following grounds:

> **a. Illegality** – The Appeal Board failed to apply the legal standards under s 52(14) AMLA, including the test for transformation of inheritance assets, and failed to correct the Syariah Court's disregard of very persuasive High Court authority.
>
> **b. Irrationality** – The Syariah Court's rejection of the very persuasive High Court authority on the ground it was 'not Syariah-based' is legally unsustainable. The finding that the Watermark condominium was a matrimonial home despite no supporting evidence is similarly irrational.
>
> **c. Procedural Impropriety** – The Appeal Board failed to provide reasons for its decision, even though the matter involved novel and complex issues arising from a polygamous marriage, inheritance, and contested legal precedent.

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> **d. Jurisdictional error** – The Appeal Board failed to exercise its appellate function. The absence of legal analysis and findings constitutes a jurisdictional defect.

19 The appellant submitted that s 56A of the AMLA, an ouster clause, does not bar judicial review for jurisdictional error, illegality or breach of natural justice. He also pointed out the "equitable context" of the application, being that the current division of assets would result in a grossly unfair and disproportionate division of assets between his wives and an unjust enrichment of the Wife's children to the exclusion of his other children with the Second Wife.

Arguments before the Judge

(1) The appellant's case

20 The appellant's main contention in his written submissions before the Judge centred on the duty to give reasons. He contended that reasons were necessary as (a) there were novel or complex legal issues (namely, polygamy, transformation of gifts/inheritance and cross-border assets), (b) substantial written and oral submissions were made, and (c) there was no further appeal. The appellant appeared to accept in his written submissions that, by not providing reasons, the Board is deemed to have fully agreed with the Syariah Court's decision, and thus it became necessary to "scrutinise and delve deep into the Syariah Court's decision". According to him, the Syariah Court made a clear error of law in dividing the matrimonial assets without taking into consideration the position of the Second Wife, adopting an "erroneous judicial process" in applying *TNL* to a Muslim polygamous marriage as though it was a non-polygamous marriage. There was also a dearth of reported decisions involving division of matrimonial property in polygamous marriages. The appellant argued that the Board, in fully accepting the Syariah Court's decision

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despite a clear error of law pertaining to an unexplored area of Muslim law in Singapore, had acted irrationally and in breach of natural justice because the Board did not give reasons. There was likewise no intelligible chain of reasoning to show that the proper test in relation to the identification of matrimonial assets was applied.

21 Further, the appellant reiterated that the ouster clause in s 56A of the AMLA does not bar review for jurisdictional error, breach of natural justice or irrationality, contending that "the [Board] [had] exceeded its jurisdiction in that there was an error of law and procedural impropriety resulting in a breach of natural justice". He stressed that, at the permission stage, he need only show a *prima facie* case of reasonable suspicion that a reviewable error may have occurred.

22 Lastly, the appellant also submitted that for non-Muslim family matters, a two-tier appellate pathway exists, first to the Family Division of the High Court and further to the Court of Appeal with permission, but for Muslim family matters, appeals lie only to the Board with no further recourse. The constitutional context, *viz,* Art 12 of the Constitution of the Republic of Singapore (2020 Rev Ed) ("Constitution") and Art 152's duty to care for minorities, demanded a parity-sensitive application of procedural fairness, and standards of natural justice (including an intelligible statement of reasons) must be rigorously observed, in light of the Board's appellate oversight being one-tier and final. Alternatively, the appellant contended that leave should be granted to rely on a narrow constitutional ground: "that the dismissal of a final-tier appeal without written reasons, in an appeal raising complex issues and substantial submissions, is prima facie inconsistent with Article 12's guarantee of equal protection when compared to the procedural safeguards afforded in analogous non-Muslim family appeals" [emphasis omitted].

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(2) The respondent's case

23 The respondent contended that the appellant's application for permission to commence judicial review was without merit as the appellant could not show a *prima facie* case of reasonable suspicion of illegality, irrationality or procedural impropriety.

(a) *Illegality*: There was no evidence that the Board had acted illegally. The Syariah Court's GD showed that the Syariah Court had carefully considered the evidence and arguments before it. Further, the Syariah Court applied the correct legal standards.

(b) *Irrationality*: The appellant had not shown that the Syariah Court's decision was one that no reasonable decision-maker could have made.

(c) *Procedural impropriety*: The absence of written grounds did not constitute procedural impropriety. The Board was entitled to affirm the Syariah Court's reasoning by issuing a summary dismissal of the appeal, especially since the arguments made at first instance had been rehashed in the appeal.

24 The respondent submitted that OA 404 was an impermissible backdoor appeal, as the Syariah Court had properly considered the issues raised by the appellant. The appellant's dissatisfaction stemmed not from the legality of the decision, but disagreement with its merits and equity.

25 Lastly, the respondent referred, for completeness, to s 56A of the AMLA, which confirms there is no right of appeal to the High Court from decisions of the Syariah Court or the Board on the merits. In relation to the

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second part of s 56A which purports to completely exclude judicial review, the respondent submitted that, given the lack of merits to OA 404, it was not necessary to determine the full effect of s 56A as an ouster clause, unless the court directed further submissions on this point.

The Judge's decision

26 After hearing the parties on 17 September 2025, the Judge dismissed OA 404 on 22 September 2025. First, the Judge noted the three requirements under O 24 r 5(3)(*b*) of the ROC 2021 for permission to commence judicial review to be granted: (a) the applicant must have legal standing to make the application, (b) the matters in issue are susceptible to the orders sought, and (c) the evidence discloses an arguable case of reasonable suspicion in favour of the court making the orders sought.

27 The Judge proceeded on the basis that the first two requirements were met. In particular, the Judge did not consider the ouster clause set out in s 56A of the AMLA as the respondent was content to put the issue aside for the time being, and the parties' main contentions related to the third requirement, namely, whether there was an arguable case of reasonable suspicion that a reviewable error might have occurred, which only requires an applicant to show that his case was an arguable one, not one that was doomed to fail.

28 The Judge agreed with the respondent that the appellant failed to show an arguable case of reasonable suspicion in favour of granting the prerogative orders sought.

(a) *Illegality*: The Syariah Court had considered both the appellant's and the Wife's submissions on s 52(14) of the AMLA on the definition of a matrimonial asset and the authorities cited. The Syariah Court then

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applied the law to the evidence before it. The appellant could not show that the Syariah Court and the Board acted outside its legal authority, exercised its discretion other than in good faith, or considered irrelevant factors or ignored relevant ones.

(b) *Irrationality*: The Syariah Court accepted the Wife's evidence concerning the use and occupation of the Watermark Condominium. Further, the Syariah Court distinguished *TIG not solely* on the ground that it was not Syariah-based, as the court also observed that *there was no evidence of the Second Wife's contributions before the court*. There was no basis to say that the outcome was one that no reasonable decision-maker would reach.

(c) *Procedural impropriety*: Where a lower court has given full written reasons, an appellate court may affirm the decision without providing any reasons of its own. The Board was not obliged to repeat the reasons given by the Syariah Court or to give additional ones in a fresh judgment, if it formed the view that this was not necessary. In view of the Syariah Court's GD, the Board did not act irrationally nor had it been procedurally improper in dismissing the appeal without giving reasons. There was no breach of natural justice.

29 The Judge also addressed several miscellaneous points raised by the appellant.

(a) There was no jurisdictional defect as the Board was properly constituted and properly dealt with the appeal.

(b) The appellant's complaints, that the Syariah Court's findings resulted in "grossly unfair and disproportionate division of assets"

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between the appellant's wives, and him being deprived of much of his assets, and that there would be unequal distribution between his two sets of children, were not grounds for judicial review.

(c) The appellant asserted in his affidavit that he had "a legitimate expectation, grounded in natural justice and administrative practice, that reasoned findings would be issued". As this was not raised in his Statement, the appellant could not rely on an alleged legitimate expectation as a basis to seek judicial review. In any case, the appellant failed to point to any clear and unambiguous representation made by the respondent or the Board that could give rise to any legitimate expectation.

(d) The appellant raised arguments in his written submissions based on Art 12 of the Constitution. He could not rely on these arguments because this ground based on Art 12 was not included in the Statement nor in his affidavit. In any case, the Judge found that the arguments had no merit.

30 Finally, the Judge was satisfied that this was a backdoor appeal. The appellant was dissatisfied with the evidential findings made in the matrimonial proceedings and sought to question the substantive merits of the Syariah Court and the Board's decisions.

The parties' cases on appeal

The appellant's case

31 The appellant's main argument on appeal continued to centre around the duty to give reasons. The appellant reiterated that the duty to give reasons should apply more forcefully to the Board as it is the sole appellate body for

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Muslim family law, its decisions are final, there is no statutory right of appeal, and judicial review is the only supervisory mechanism available. An appellate body may dispense with fresh reasoning where it expressly adopts identifiable reasoning below. However, the High Court's approach, in implying adoption without express words by the Board, was untenable because the appeal to the Board had raised distinct questions never addressed by the Syariah Court. The omission to give reasons in circumstances where reasons were legally required amounted to a reviewable jurisdictional error and a breach of natural justice.

32 The appellant submitted that, without reasons, it was impossible to know whether the Board applied the mandatory statutory framework under s 52(14) of the AMLA (in relation to what constitutes a matrimonial asset) or whether it misdirected itself in law, and that these are classic grounds of illegality. Likewise, the Board's unexplained dismissal was irrational as the Board failed to reveal whether it addressed the determinative issues at all.

33 The appellant clarified that he was not mounting a free-standing constitutional challenge, and that Arts 12 and 152 of the Constitution, read with s 35A of the AMLA, operate only as *interpretative context* reinforcing why a final-tier appellate tribunal must provide reasons.

34 At the hearing before us, counsel for the appellant submitted that the focus of the appeal was considerably narrower than what was argued below before the Judge. The appellant accepted that the appellate tribunal need not always give reasons when it disposes of an appeal, but reiterated that whether an appellate tribunal had to do so is dependent on the context and that the Board had a duty to give reasons in the circumstances of this case. This is because the Board had several "pathways" to take in deciding whether the Watermark

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Condominium was a matrimonial asset and how to deal with the division of matrimonial assets in the case of a polygamous marriage.

The respondent's case

35 The respondent observed that the appellant's case on appeal appeared to be solely focused on an alleged breach by the Board of the duty to give reasons. The appellant's case failed as an appellate judge is not required to restate or expressly endorse the reasons below and that, even without an explicit statement of concurrence, it did not require a leap of logic to conclude that the appellate decision in this case rested on the lower court's reasons. Further, the matters which the appellant contended had not been addressed by the Syariah Court were in fact raised before the Syariah Court and dealt with accordingly.

36 The Judge did not err in her approach. The Judge applied the correct framework in assessing the merits of the grounds for judicial review to determine whether a case of reasonable suspicion was established. The Judge was entitled to consider the Syariah Court's GD in assessing whether reasons were supplied and cannot be said to have supplied reasons for the Board, as argued by the appellant.

37 The respondent reiterated that it was not necessary to determine the full import of s 56A of the AMLA. Further, even if the appellant had advanced illegality, irrationality and procedural impropriety as independent heads of challenge as opposed to a challenge being premised solely on the absence of reasons, the grounds raised did not satisfy their respective legal thresholds.

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The issues on appeal

38 The Judge correctly identified the three well-established requirements which must be satisfied for permission to commence judicial review proceedings to be granted (*Syed Suhail bin Syed Zin v Attorney-General* [2021] 1 SLR 809 at [9]; see also O 24 r 5(3)(*b*) of the ROC 2021, which replicates the requirements with substantially similar wording):

(a) The subject matter of the complaint must be susceptible to judicial review.

(b) The applicant must have sufficient interest in the matter.

(c) The material before the court must disclose an arguable or *prima facie* case of reasonable suspicion in favour of granting the remedies sought by the applicant.

39 It is well-established that the court hearing an application for permission for judicial review need not, and should not, embark on a detailed analysis of the materials put forward by the applicant. The court need only peruse the material quickly and appraise whether an arguable or *prima facie* case of reasonable suspicion is disclosed. This is because an application for permission to commence judicial review is a means of filtering out groundless or hopeless cases at an early stage (*Re Nalpon, Zero Geraldo Mario* [2018] 2 SLR 1378 at [19]; *Public Service Commission v Lai Swee Lin Linda* [2001] 1 SLR(R) 133 at [20]–[22])

40 Given that the appellant had framed the duty to give reasons as the foundation of his appeal, the primary issue which arose for consideration was whether there was a *prima facie* case of reasonable suspicion that the Board had

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breached a duty to give reasons when it dismissed the appellant's appeal without itself furnishing any reasons.

The duty to give reasons

The applicable law on duty to give reasons

41 To begin, we summarise the law in relation to a duty by a tribunal to give reasons.

42 The duty to give reasons is necessarily a fact-specific one. It is neither possible nor desirable to attempt to formulate a rule of universal application. The particularity with which a judge is required to set out the reasons must depend on *the circumstances of the case before him* and the *nature of the decision he is giving* (*Thong Ah Fat v Public Prosecutor* [2012] 1 SLR 676 (*"Thong Ah Fat"*) at [41]; *Public Prosecutor v Takaaki Masui* [2022] 1 SLR 1033 ("*Takaaki Masui*") at [49]). The *content* of the duty and, for that matter, the *consequences* of failing to adhere to it, are context-sensitive (*Public Prosecutor v Pek Lian Guan* [2026] SGHC 62 ("*Pek Lian Guan*") at [79]).

43 Several factors guide the degree of explanation required for decisions made by judicial tribunals: "[t]he extent to which reasons have to be given (a) is constrained by the legal system's ability to bear the burden which the duty imposes; (b) should be sufficient to serve the purposes for which the duty was created; (c) is dependent on the nature of the decision and decision-making process" (*Thong Ah Fat* at [42]).

(a) A requirement to set out reasons may increase costs and result in delays, and judges are often expected to manage a heavy court list. The extent of the duty to provide reasons therefore must be tempered with

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the need to ensure judicial time is used effectively and efficiently (*Thong Ah Fat* at [43]).

(b) The purposes of the duty should be broadly understood. Care should be taken not to be fixated on a particular purpose, such as the duty to protect the effectiveness of the right to appeal which may lead one to erroneously think that less elaborate reasons are required where legislation does not give a right to appeal. The highest courts are not exempt from this duty due to the need for justice to be done and seen to be done. The inability to alter the decision may make it more compelling for the parties to understand how it was reached so as to forestall a feeling of injustice in the litigant. Nonetheless, it would ordinarily be sufficient for an appellate court, when it is satisfied with the outcome and adequacy of the reasoning of the lower court, to simply state that it affirms and agrees with the reasons given by the lower court (*Thong Ah Fat* at [44]).

(c) The nature of the decision is highly relevant. Reasons may perhaps be dispensed with if the decision is insignificant, but an important decision (such as cases with significant consequences or those resulting in changes to the law) ought to be more carefully explained (*Thong Ah Fat* at [45]).

44 The courts have identified at least four justifications undergirding the recognition of a duty to give reasons (*Thong Ah Fat* at [20]–[24]). The giving of reasons ensures that:

(a) relevant submissions are confronted and not avoided, and an improper analysis of the evidence will be more readily avoided (*Thong Ah Fat* at [20]);

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(b) the parties know why they have won or lost, and from a broader perspective, allows practitioners, legislators and members of the public to ascertain the basis upon which like cases will probably be decided in the future (*Thong Ah Fat* at [21]). This also furthers the principle of open justice to ensure that the litigant and the public understand the judge's reasoning process which may otherwise detract from the legitimacy of the judge's decision (*Thong Ah Fat* at [24]);

(c) the appellate court will have the proper material to understand and do justice to the decisions made at first instance (*Thong Ah Fat* at [22]); and

(d) a judge's decisions can be debated, attacked and defended, which is an important facet of judicial accountability and acts as an important constraint on the judiciary's exercise of power (*Thong Ah Fat* at [23]).

The Appeal Board is subject to a duty to give reasons

45 Having set out the law as to the duty to give reasons, we briefly consider an anterior issue which the parties have not expressly addressed: whether the Board was even subject to a duty to give reasons in the first place. The parties appeared to have proceeded on the affirmative and were content to cite cases which had considered the duty to give reasons in relation to judges sitting in the High Court and State Courts (*eg*, *Thong Ah Fat*, *Takaaki Masui* and *Ten Leu Jiun Jeanne-Marie v National University of Singapore* [2015] 4 SLR 438 ("*Jeanne-Marie*").

46 The duty to give reasons for their decisions generally applies to judges, and, to a more limited extent, arbitrators or quasi-judicial decision-makers (*Pek*

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Lian Guan at [79]; *cf Manjit Singh s/o Kirpal Singh v Attorney-General* [2013] 2 SLR 844 at [85], where this court held that there is no general duty to give reasons for administrative decisions). The substantive capacity of the decision-maker, in turn, is to be ascertained based on whether the decision-maker had exercised a judicial or quasi-judicial function (see *The Chloe V* [2025] SGHC 142 at [93], citing *Hasan v Secretary of State for Trade and Industry* [2009] 3 All ER 539 at [7]).

47 The judicial function "is premised on the existence of a controversy either between a State and one or more of its subjects, or between two or more subjects of a State … [and which] entails the courts making a finding on the facts as they stand, applying the relevant law to those facts and determining the rights and obligations of the parties concerned for the purpose of governing their relationship in the future" (*Mohammad Faizal bin Sabtu v Public Prosecutor* [2012] 4 SLR 947 at [27], as affirmed in *Nagaenthran a/l K Dharmalingam v Public Prosecutor* [2019] 2 SLR 216 ("*Nagaenthran"*) at [59]). These characteristics of the judicial function are precisely what will generally necessitate a duty to give reasons, as the binding determination of rights and obligations between the parties and the application of law to the facts will in most cases call for reasons to be given, pursuant to the underlying justifications of the duty to give reasons as stated at [44] above. There was no doubt in our mind that the Syariah Court and the Board exercise a judicial function when they decide disputes between litigants. In this regard, we found the following three factors to be particularly relevant.

48 First, proceedings in the Syariah Court and before the Board have all the characteristics of proceedings of a legal nature. They are carried out pursuant to established judicial procedures for the legal resolution of disputes, *ie*, with hearings, evidence presentation, and legal arguments, with the goal of resolving

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disputes between the parties as to their rights according to the law, as opposed to implementing or enforcing administrative functions.

49 Secondly, the decisions and orders made by the Syariah Court and the Board have a binding and coercive effect on the litigants before them. For example, orders made by the Syariah Court on, *inter alia*, maintenance, custody, care and control, access and the disposition or division of property are enforceable as court orders made in a Family Court (see s 53 of the AMLA). Further, subject to the provisions of the Act, s 56A of the AMLA provides that any decision of the Syariah Court or the Board is final.

50 Thirdly, as set out under s 35(2) of the AMLA, the Syariah Court has jurisdiction to hear and determine all actions and proceedings involving Muslim parties or those married under Muslim law which involve disputes relating to matters of marriage, divorce, betrothal and nullification as well as associated ancillary matters. Section 17A of the Supreme Court of Judicature Act 1969 (2020 Rev Ed) ("SCJA") delineates the respective jurisdictions of the General Division of the High Court *vis-à-vis* the Syariah Court, by confirming the exclusive jurisdiction of the Syariah Court in relation to marriage, divorce and betrothal or nullity of marriage (s 17A(1) of the SCJA), whilst providing for concurrent jurisdiction of the High Court with the Syariah Court for other matters (s 17A(2)–(3) of the SCJA). The Syariah Court and the Board have thus been granted the judicial authority by statute to fully and finally decide the parties' rights in relation to these matters falling within their jurisdiction.

51 In performing a judicial function, the Syariah Court and the Board would generally be under a duty to give reasons for their decisions. We saw nothing in the legislation that would displace this general position.

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The duty to give reasons and the established grounds for judicial review

52 We next briefly consider how the duty to give reasons interfaces with the established grounds for judicial review, which are illegality, irrationality and procedural impropriety (see *SGB Starkstrom Pte Ltd v Commissioner for Labour* [2016] 3 SLR 598 at [57], citing *Chng Suan Tze v Minister for Home Affairs* [1988] 2 SLR(R) 525 at [119]). To recapitulate, the appellant had framed his allegations of a breach of the duty to give reasons as making out a breach of natural justice as well as illegality and irrationality (see [31]–[32] above).

53 In our view, a breach of the duty to give reasons may be analysed under the ground of procedural impropriety, which is premised on the decision-maker having reached a decision in breach of basic rules of natural justice and/or failing to adhere to legislatively prescribed procedural rules in reaching that decision (see *Muhammad Ridzuan bin Mohd Ali v Attorney-General* [2015] 5 SLR 1222 at [75]). In *Pek Lian Guan*, the court noted that even though the cases have not situated complaints of inadequate reasons (in the judicial context) within the framework of natural justice, there may be instances where it may be possible to do so (at [76]). In this context, the court observed that while a failure to give adequate reasons will not *typically* afford a freestanding basis to set aside a decision, *one instance* where it may do so is where it is relied on to establish a sufficiently serious breach of natural justice based on the fair hearing rule (at [78]). A failure to state reasons may indicate that a judge has not given judicious consideration to the matter, although this must be assessed in the totality of the circumstances and other indicia (at [87]).

54 We agree with the court's analysis in *Pek Lian Guan*, which suggests that in the context of judicial review, a breach of a duty to give reasons could go towards establishing procedural impropriety as it may be taken as an

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indicium that the decision-maker had breached the fair hearing rule by not having adequately applied his mind to the matter at hand, such that it cannot be said that he has exercised the judgment required of him by law.

55 Turning to the remaining grounds of judicial review, we are preliminarily of the view that a breach of the duty to give reasons would not normally in and of itself constitute illegality or irrationality. There is no illegality because a breach of the duty does not necessarily mean that the decision-maker had acted outside the scope of his authority. Likewise, there is no irrationality as a breach of the duty does not, by that mere fact, mean that the decision was one so absurd that no reasonable decision-maker could have come to it. However, there may be circumstances where an inference of illegality or irrationality might well be appropriate. The English courts have taken the position that a failure to give reasons by a decision-maker may be taken to justify an *inference* of illegality or irrationality where this is justified in all the circumstances. An example can be found in *R v Civil Service Appeal Board, ex parte Cunningham* [1991] 4 All ER 310, where it was held that the Civil Service Appeal Board carried out a judicial function and had, in the circumstances that had arisen in that case, to give reasons for the making of an award of compensation, so that its decision could be judged to be lawful or unlawful. As it did not provide any reasons, and the award made was much lower than other awards given in comparable circumstances, it was found that the decision was *prima facie* irrational. Notably, it was the absence of reasons coupled with the manifest deviation from what appeared to be the norm that justified the inference of irrationality.

56 It has been suggested that, in the context of a challenge to the decision's legality or rationality, an absence of reasons does not automatically give rise to an inference that no reasons exist. In Harry Woolf et al, *De Smith's Judicial*

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Review (Sweet & Maxwell, 8th Ed, 2018) ("*De Smith's*"), the authors note at para 7-111 that:

> Where an applicant seeks to impugn a decision of an administrative authority other than by claiming non-compliance with a duty to give reasons—for example by challenging the legality or rationality of that decision—a failure by that authority to offer any answer to the allegations may justify an inference that its reasons were bad in law and that it had exercised its powers unlawfully. "Absurd" or "perverse" decisions may be presumed to have been decided in that fashion, as may decisions where the given reasons are simply unintelligible. However, the absence of reasons *does not automatically give rise to the inference that none exist* …
>
> [emphasis added]

To complete the point, the English position appears to be that breaches of the duty to give reasons are usually remedied by quashing the unreasoned decision rather than ordering the provision of reasons. An absence or inadequacy of reasons would only be remedied by the provision of further reasons in limited circumstances (*De Smith's* at paras 7-115–7-116). At least preliminarily, it seems arguable to us, given that the decision-maker may have unexpressed reasons, that an order by the reviewing court requiring the decision-maker to give reasons could be an appropriate remedy as a practical response to a challenge against the decision's legality or rationality, as opposed to an order setting aside the decision altogether, for instance.

57 Having said this, we do not express any firm conclusions as to the interaction between a failure to give reasons and the grounds of illegality and irrationality, and the appropriate remedies for a failure to give reasons, as it was not necessary for us to do so in this case given our findings as to the propriety of the Board's decision.

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The Appeal Board did not breach its duty to give reasons

58 At the outset, we stress again that whether reasons must be given depends on the particular facts and context of that decision (see above at [42]). As already explained by this court (in *Thong Ah Fat*), in cases where a decision is made by an appellate court, when the first instance court has already provided reasons for its decision, it would be sufficient for the appellate court to simply state in affirming the earlier decision that it agrees with the reasons given in support of it, if the appellate court is satisfied with the outcome and adequacy of the reasoning of the first instance court. The appellate court is *not obliged* to reprise the reasons or to give additional ones in a fresh judgment if it is of the view that it is not necessary (*Thong Ah Fat* at [44]).

59 The appellant contended that a bare dismissal of the appeal is inadequate, as an appellate body may affirm a lower court's decision without reasons *only if* it expressly states that it adopts the lower court's reasoning. The appellant stressed that silence is insufficient, and "adoption language" ought to have been used. In the hearing, counsel for the appellant accepted that, had the Board expressly agreed with the lower tribunal's reasons without stating anything more, that would be sufficient to fulfil its duty to give reasons.

60 We found the appellant's insistence on express "adoption language" to be quite misconceived. We agreed with the respondent's submission that an appellate court, in the appropriate circumstances, may simply state that the appeal is dismissed without "adoption language". This is because an inference may fairly be drawn that, in dismissing the appeal without setting out specific reasons, the appellate court has accepted the lower court's reasons and agrees entirely with its decision (*Jeanne-Marie* at [51]). In *Jeanne-Marie*, an assistant registrar dismissed the appellant's discovery application and issued grounds for

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his decision (at [14]). The appellant appealed this dismissal, and a High Court judge dismissed the appeal without written grounds of decision (*Jeanne-Marie* at [16]). The appellant applied for written grounds of decision to be provided (*Jeanne-Marie* at [23]). The High Court judge dismissed the application, stating that he had orally explained to the parties the fundamental considerations in discovery applications and that the appellant had not satisfied the principles for discovery (*Jeanne-Marie* at [26]). On an appeal to this court, we clarified that (at [51]):

> Although the Judge neither regurgitated the AR's reasons nor stated explicitly that he concurred with the AR's reasons, it **would not require a leap of logic to conclude that he did indeed accept the reasons of the AR in dismissing the appeal**. It bears emphasising that the issue before this court (charitably interpreted) is whether written grounds should be issued by the Judge in respect of RA 320/2013 and SUM 5875/2013. The issue is not whether the Judge's decision was correct or wrong. Not only did these interlocutory matters fall beyond the ambit of cases that typically require reasons, the Appellant was in fact furnished with a set of reasons by the AR – reasons that the Judge endorsed. She may not have been satisfied with the verdict, or perhaps even the reasons, but that dissatisfaction would pertain to the merits of *those* proceedings – **not that she did not know why the Judge had ruled in the way he did**.
>
> [emphasis added in bold]

61 In *Takaaki Masui*, this court likewise reiterated, in the context of Magistrate's Appeals from the District Courts to the High Court, that "[w]here the grounds raised in the petition of appeal have been considered in detail and rejected by the trial judge, the High Court is not obliged to reprise the trial judge's reasons or to furnish additional ones… In some cases, the very dismissal of an appeal may be taken to mean that the High Court agrees with the trial judge's reasoning" (*Takaaki Masui* at [50]; see also *Pek Lian Guan* at [82]). Indeed, it seems to us this would be the natural inference to be drawn when an

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appeal is dismissed without more, unless there are other circumstances that suggest otherwise.

62 On this basis, the lack of "adoption language", as the appellant put it, did not preclude an *inference* that the Board had dismissed the appeal as it had accepted and agreed with the Syariah Court's reasons. The question was whether there is anything on the facts which would indicate that such an inference should not be drawn. We accept that the inference might be displaced if there are circumstances which suggest that the appellate tribunal could not have simply agreed with the first instance tribunal's reasons. One instance, for example, is if there are substantively new arguments or points raised on appeal that had not been raised before or dealt with by the first instance court.

63 In this case, the Board's dismissal of the appellant's appeal without giving any reasons must mean that the Board agreed with the Syariah Court's GD, and that the Board had nothing to add to those grounds. In our view, there was nothing on the facts of this case that could displace this inference.

64 While the appellant submitted that adoption should not be implied because the appeal before the Board raised distinct questions that were never addressed by the Syariah Court, we were satisfied, on a review of the Syariah Court's GD and the appellant's submissions before the Syariah Court, that these questions were indeed properly considered and dealt with by the Syariah Court.

65 The appellant identified four questions which he claimed were not addressed by the Syariah Court but raised only on appeal to the Board: (a) how polygamy affects the contribution analysis; (b) whether *TIG* should be adopted, adapted or distinguished; (c) whether transformation under s 52(14) of the AMLA applied to specific assets; and (d) how evidence relating to the Second

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Wife's household was weighed. For ease of analysis, we categorise these questions into two broad issues: (i) how the Second Wife ought to have featured in the division of matrimonial assets and the appropriate approach to division in light of the polygamous marriage (consisting of issues (a), (b) and (d)), which corresponds to the Ratio Issue; and (ii) whether the Watermark Condominium ought to be classified as a matrimonial asset (consisting of issue (c)), which corresponds to the Assets Issue. As would be clear, it was quite incorrect to say that these are distinct questions that were never addressed by the Syariah Court, as these two issues squarely arose in the Syariah Court proceedings and were dealt with in the Syariah Court's GD.

66 On the Assets Issue, the Syariah Court, after duly considering the parties' submissions on the law and evidence, was satisfied that the Watermark Condominium was transformed into a matrimonial asset as it had been used as a matrimonial home by the appellant and the Wife. On the Ratio Issue, the Syariah Court distinguished *TIG* on two grounds – that it was not Syariah-based and there was no evidence of the Second Wife's contributions. The court therefore did not factor in any purported contributions of the Second Wife. After canvassing the circumstances of the marriage, the court accepted the Wife's submission that the *TNL* approach should apply to the present marriage which was a long single-income marriage.

67 It was therefore clear to us that the Syariah Court had dealt with and explained its reasoning in relation to these two issues. That being so, the Board was entitled to adopt the Syariah Court's GD in dismissing the appeal. It was not the case that the Syariah Court had omitted any part of its reasoning process which might then have called for some degree of supplementation from the Board to explain why it was dismissing the appeal. The appellant would have understood from the Syariah Court's GD why the Board rejected his arguments

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in his appeal, *ie*, the Board agreed with the reasons set out in the Syariah Court's GD.

68 Apart from the above contention that there were distinct questions before the Board that were unaddressed by the Syariah Court, the appellant did not take the position that he had raised any substantively new arguments before the Board, which could plausibly have called for the Board to furnish reasons for dismissing his appeal. In any event, from our review of the written submissions to the Board, we did not find that the appellant had made any substantively new arguments in his appeal. He was still taking the position that the court, in the division of matrimonial assets, must consider the fact that this was a polygamous marriage, and that the Second Wife had a putative claim to the matrimonial assets. The main difference in his arguments to the Board was his contention that, if the *TNL* approach were to be applied, the Wife should be entitled to one-third of the matrimonial assets, whereas he had previously argued before the Syariah Court that she should only receive 15% of the matrimonial assets on an application of *TIG*.

69 However, the arguments that he had raised to the Board were in substance no different from what he argued before the Syariah Court. While he had repackaged his arguments slightly, there was nothing new that the Syariah Court's GD had not already dealt with. The crucial point in the Syariah Court's GD on this question of the Second Wife's share was that there was no evidence from her as to her contributions, and in fact, the appellant had said that the Second Wife had abandoned him. On appeal to the Board, the appellant's argument in substance was still that the Second Wife's contributions should be considered in the division of matrimonial assets between him and the Wife, an argument that had been dealt with by the Syariah Court. As such, there was nothing new for the Board to deal with.

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70 In the circumstances, we did not agree with the appellant that the Board had breached its duty to give reasons. The inference is that the Board, in dismissing the appeal, had agreed with and adopted the reasons in the Syariah Court's GD. It could not be said that the Board had not given any reasons for dismissing the appeal. No substantively new arguments were raised to the Board that warranted the issuance of reasons by the Board. We think that the appellant had no difficulty understanding the Board's decision to dismiss his appeal, even though he might disagree with that decision. Therefore, it could not be said that there was a reasonable suspicion of a breach of natural justice and procedural impropriety. For completeness, insofar as the appellant had contended that the Board had acted illegally or irrationally in failing to give reasons, the premise of this contention was without basis as the Board did not fail to give reasons. Rather, it can be inferred that the Board adopted the reasons given by the Syariah Court in its GD. We therefore dismissed the appeal.

The relevance of the ouster clause in s 56A of the AMLA

71 For completeness, we make several passing observations in relation to the treatment of s 56A of the AMLA in these proceedings. While the appellant did contend that s 56A did not bar judicial review, the bulk of the appellant's arguments below and on appeal related to whether there was a *prima facie* case of reasonable suspicion in favour of the remedies sought. Likewise, the respondent was content to focus its arguments on the same issue, while reserving its right to rely on s 56A and offering to address the court if the need to consider s 56A arises. Section 56A of the AMLA states:

> **Decision of Court and Appeal Board to be final**
>
> **56A.** Subject to the provisions of this Act, any decision of the Court or the Appeal Board is final, and no decision or order of the Court or the Appeal Board may be challenged, appealed against, reviewed, quashed or called into question in any court

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> and may not be subject to any Quashing Order, Prohibiting Order, Mandatory Order or injunction in any court on any account.

72 This ouster clause would have been germane to the question of permission (see *Nagaenthran* at [18], where this court, in the context of an application for permission to commence judicial review, first considered whether judicial review was precluded by a statutory provision before examining whether the appellant had made out a *prima facie* case of reasonable suspicion). However, the parties were prepared to approach the matter on the basis that the court should consider whether there was a *prima facie* case of reasonable suspicion, before assessing the import of the ouster clause. Since the Judge found that there was no *prima facie* case of reasonable suspicion in favour of the remedies sought, the Judge did not find it necessary to deal with the arguments on the ouster clause's applicability.

73 The parties took the same approach in the appeal before us. As such, we considered the parties' cases in relation to whether there was a *prima facie* case of reasonable suspicion, without considering the ouster clause's applicability. Since we agreed with the Judge that there is no basis for us to grant permission for judicial review, we say no more about s 56A as it was not necessary for us to do so.

Conclusion

74 For the above reasons, we dismissed the appeal.

Postscript: the appellant's request for permission to submit further arguments

75 After the present appeal was dismissed on 27 February 2026, the appellant wrote in on 13 March 2026 to request permission to present further

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arguments, pursuant to O 19 r 34 of the ROC 2021. The appellant requested permission to address the court on two broad points, *viz*:

> (a) The Syariah Court and the Board had acted in breach of natural justice as the procedural course of the proceedings was unfair. The evidentiary gap of the Second Wife's contributions was not pleaded by the Wife, nor identified as a live issue before the Syariah Court and was not put to the appellant as a determinative deficiency requiring further evidence. Fairness required that the concern be raised once it became apparent.
>
> (b) A court or tribunal dismissing an appeal should either give short, intelligible reasons or expressly adopt the lower court's grounds. The law should not develop in a direction that dilutes such minimum standards as it may risk signalling to the lower appellate courts and tribunals that an unexplained dismissal is an acceptable mode of appellate adjudication.

76 We rejected the appellant's request on 17 March 2026. As this court observed in *British Steamship Protection and Indemnity Association Ltd v Thresh, Charles* [2024] 2 SLR 317 ("*British Steamship Protection*"), O 19 r 34 of the ROC 2021 does not permit requests for further arguments as of right as it requires a direction from this court to the parties to provide further arguments. The court in *British Steamship Protection* thus held that the appellants (who had made the request) had an onus to provide good reasons to justify deferring the finality of the appeal process (at [85]). In *Foo Diana v Woo Mui Chan* [2025] SGHC(A) 26 ("*Foo Diana*"), the Appellate Division of the High Court canvassed cases relating to the principle of finality in the litigation process and held (at [37]) that:

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> A party requesting to present further arguments after the court has delivered its decision ought to demonstrate exceptional circumstances sufficient to displace the principle of finality in the process. What is sufficient or not depends on the facts and circumstances of the case. Advancing new or improved arguments in a veiled attempt to get a second bite of the cherry will not suffice. Patching up the deficiencies in one's case after the court has identified them, without more, will also be insufficient; the court does not play the role of legal adviser to parties. Making further arguments in such contexts is, to use the words of Coulson LJ […], akin to treating the court's earlier decision as "some kind of rehearsal" to allow the unsuccessful party to "hurry away to come up with some new evidence or a better legal argument". Such conduct does not promote the interests of justice and falls short of justifying why finality of the court proceedings should be deferred.

77 We agreed with these views articulated by the Appellate Division in *Foo Diana*. The principle of finality is an integral part of justice as judicial decisions must confer certainty and stability, lest all legal decisions be subject to constant and unceasing challenge by dissatisfied litigants (*Kho Jabing v Public Prosecutor* [2016] 3 SLR 135 at [1] and [47], as cited in *Foo Diana* at [34]). This is, however, to be balanced against the other fundamental principle which undergirds the litigation process, which is to ensure that there is no miscarriage of justice (*Foo Diana* at [36]). In our view, given that a party requesting to present further arguments after an appeal is heard and decided would already have had its day in court, the scales ought to be tipped in favour of finality. The balance as propounded in *Foo Diana* is therefore apposite. A party requesting permission to present further arguments after the court has delivered its decision on the appeal must demonstrate *exceptional circumstances* so as to displace the finality principle and warrant a reconsideration of the court's decision. These may include, for instance, some new persuasive authority that is highly material to the appeal but had not been referred to at the hearing because it had not been issued then. This assessment is to be undertaken in the court's discretion, on the particular facts and circumstances of the case. What is clear, however, is that

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exceptional circumstances would obviously not include a party attempting to rehash their arguments already made at the appeal or shore up deficiencies in their arguments which were pointed out at the appeal hearing. That would constitute an attempt to get a second bite of the cherry, which cannot be permitted.

78 Turning to this present case, the appellant did not articulate any exceptional circumstance in his letter to court, and we did not see any which would justify our grant of the request. In any case, there were no merits to the appellant's proposed further arguments. In brief:

(a) His first argument on a breach of natural justice was without merit. The Syariah Court had taken the view that it was for the appellant to prove, on his own case, the Second Wife's contributions as per the modified *ANJ* approach in *TIG*. We did not see how it could be argued that there was any obligation on the Syariah Court to point this deficiency in the evidence out to the appellant.

(b) His second argument on the content of the duty to give reasons was a retread of his earlier submissions (see [31] above). For completeness, we did not think that the position articulated by this court sets a low standard for appellate adjudication, as the inference that a dismissal, without express reasons, is an affirmation of the first instance tribunal's reasons may always be displaced in appropriate circumstances.

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79 We thus rejected the appellant's request for permission to submit further arguments.

Sundaresh Menon
Chief Justice

Ang Cheng Hock
Justice of the Court of Appeal

Debbie Ong Siew Ling
Judge of the Appellate Division

Mohamed Ibrahim s/o Mohamed Yakub (Achievers LLC) for the appellant;
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