

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGHCF 9

District Court Appeal No 101 of 2025

Between

WQY

... Appellant

And

WQZ

... Respondent

JUDGMENT

[Family Law — Matrimonial assets — Division]

[Family Law — Custody — Access]

[Family Law — Custody — Care and control]

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WQY
v
WQZ

[2026] SGHCF 9

General Division of the High Court (Family Division) — District Court
Appeal No 101 of 2025
Kwek Mean Luck J
25 February, 27 March 2026

7 April 2026

Judgment reserved.

Kwek Mean Luck J:

Introduction

1 This is an appeal by the appellant husband (“Husband”) against the decision of the District Judge (“DJ”) on care and control as well as the division of matrimonial assets in FC/D 5152/2023.

2 The Husband and the respondent wife (“Wife”) have two children C1, aged eight, and C2, aged six (collectively, “Children”). C1 is in primary school and C2 is in kindergarten. The parties married on 26 January 2013. The marriage lasted approximately 11 years. The Wife commenced divorce proceedings on 26 October 2023. The Interim Judgment dissolving the marriage is dated 6 March 2024.

3 Prior to the hearing on ancillary matters, the parties entered into an interim consent order on 6 March 2024. It was agreed that parties would have joint custody of the Children, the Wife would have interim care and control of the Children, with access granted to the Husband. The consent order was made without prejudice to the parties' positions on the ancillary matters.

4 At the hearing of the ancillary matters, the DJ ordered joint custody of the Children and sole care and control of the Children to the Wife, with access to the Husband. Following her examination of the various issues relating to the division of matrimonial assets, the DJ divided the matrimonial assets in a ratio of 55.7% to the Wife and 44.3% to the Husband.

Issues on Appeal

5 There are two main planks in the Husband's appeal.

6 First, the Husband appeals against the DJ's decision to grant sole care and control to the Wife.¹

7 Second, the Husband appeals against various aspect of the DJ's decision relating to the division of matrimonial assets. In particular, the Husband submits that the DJ erred in: (a) finding that the Husband owned 100% of XXX Treasure Pte Ltd ("XXX Treasure");² (b) her findings of the Wife's alleged dissipations of joint account monies;³ (c) failing to draw adverse inferences against the Wife's alleged failures to disclose assets;⁴ (d) failing to consider the Husband's

¹ Appellant's Case ("AC") at [41].

² AC at [45].

³ AC at [51].

⁴ AC at [53].

greater contribution to the joint account;⁵ and (e) for awarding the Wife a higher level of indirect contribution than the Husband.⁶

8 Following consideration of the parties' submissions, I dismiss the appeal. I set out below the reasons for my decision.

Appellate intervention

9 Before delving into the appeal, it would be appropriate to reiterate the law on the threshold for appellate intervention. In *UBQ v UBR* [2023] 1 SLR 1294, the Appellate Division of the High Court held at [51] that an appellate court will be slow to reverse or vary a decision made by the judge below unless it can be demonstrated that the judge has committed an error of law or principle, the judge has failed to appreciate certain material facts or the decision was plainly wrong, as would be the case if the judge had exercised their discretion wrongly: *ANJ v ANK* ("*ANJ*") 2015 4 SLR 1043 at [42]; *TSF v TSE* [2018] 2 SLR 833 ("*TSF*") at [49]. That said, in a case where evidence is given by way of affidavits, the appellate court is in as good a position as the trial judge to draw inferences and conclusions from the evidence: *TSF* at [50]. The Husband accepted at the hearing that this is the established law and the threshold he would have to meet.

10 The Husband's submissions on both the care and control order and the division of matrimonial of asset order relate to the DJ's appreciation of and weighing of evidence, rather than to any error of law or principle. The key question then is whether the DJ, in coming to her findings, failed to appreciate certain material facts or if her decision could be said to be plainly wrong.

⁵ AC at [59].

⁶ AC at [62].

Care and control***Husband's case***

11 On the issue of care and control the Husband submits that the DJ should have awarded sole care and control to him instead of the Wife. The Husband submits that the DJ erred in failing to appreciate material facts such as the Husband's evidence on incidents mentioned in the helper's affidavit and the Wife's conduct of alienating the Husband. He avers that the DJ placed undue weight on certain parts of the Wife's evidence such as the Wife's role as sole caregiver after she had moved out unilaterally with the Children, the Wife's claimed concern for the Children, the Wife's conduct when the Children were in her care and control and the continuity of arrangements given that the Wife had engineered the status quo by uprooting the Children. Further, the Husband submits that the DJ was wrong to accept the Wife's denial of vaping in front of the Children.⁷

12 In the event that care and control remains with the Wife, the Husband asks for daily access to the Children; for one hour to send them to school in his car in the morning and one hour to pick them up in the afternoon after school.⁸

Wife's case

13 The Wife submits that the DJ did not err in her decision to grant sole care and control to her. The DJ had considered the alleged alienation and found that there was no evidence to support such a contention.⁹ The DJ correctly held that the helper's evidence carried little to no weight due to the potential conflict

⁷ AC at [14],[15], [19],[27], [39].

⁸ AC at [42]–[43].

⁹ RC at [36].

of interest and the context under which the affidavit was prepared.¹⁰ The DJ had taken into consideration both the copious amounts of evidence provided by the Wife before and after she moved out of the matrimonial home and the Husband's evidence of his involvement, to find that the Wife would be the better parent for care and control.¹¹ The DJ was not plainly wrong to find that the Wife had committed to ceasing vaping in the interest of the Children.¹²

14 With respect to the Husband's request for daily access, the Wife submits that this will not be in the interest of the Children given how the Husband conducts himself and that the DJ's access orders are comprehensive and more than adequate.¹³

My decision

15 I begin with the issue of care and control. I find the following.

16 First, the DJ did appreciate material evidence relating to the extent of care provided by the Wife for the Children. For example, in so far as the Husband alleges that the Wife did not provide sign-in and sign-out records in the proceedings below, I note that such records were requested by him during discovery solely to verify the Wife's claims for childcare and transport costs, and not in relation to whether she is the main caregiver that picks up and drops off the Children.¹⁴

¹⁰ RC at [11].

¹¹ RC at [13].

¹² RC at [47].

¹³ RC at [50].

¹⁴ Record of Appeal ("ROA") at p 3968.

17 I accept that there is evidence that the Husband was involved in the caregiving of the Children. This evidence was considered by the DJ at [34] of the GD. I agree with the DJ that on the whole, however, that there is sufficient and stronger evidence on the record of the Wife's closer involvement as a caregiver, her concern for the Children and her involvement in their school life, during the marriage and after she moved out with the Children. The DJ also considered the stronger bond that the Children had with the Wife. In coming to her decision, the DJ also did not fail to consider the extent of the Husband's involvement with the Children. The DJ recognised correctly that this is one of the factors to take into consideration.

18 Second, the DJ's decision not to rely on the testimony of the helper could not be said to be plainly wrong. I accept the DJ's assessment that there is a potential conflict of interest given that the helper is solely employed by the Husband.

19 Third, comparing the respective future care-giving plans, it could not be said that the DJ's assessment of the Wife's plan as being more structured and well considered, was plainly wrong or that it ignored material evidence. The DJ found this to be so as the younger child was expected to go to the same primary school and the Wife's plan for the younger child mirrored that of the established routine of the older child.

20 Fourth, the DJ was not plainly wrong in rejecting the Husband's allegations of alienating behaviour from the Wife. The DJ did not ignore material evidence, in not placing weight on the 19 April 2024 school incident cited by the Husband (which when considered in its context does not support the allegation of alienation) or the Husband's police report (which could be self-serving).

21 Fifth, the DJ was not plainly wrong nor did she ignore material evidence in accepting that the Wife had committed to stop vaping. Notably, the DJ relied on evidence that there was a Health Sciences Authority (“HSA”) raid on 21 July 2025 on the Wife’s residence, which did not find any vaping items.

22 Sixth, while sole care and control by the Wife during the interim period was initiated by her moving herself and the Children out of the matrimonial home, the Husband did consent to this arrangement continuing. The parties agreed to an interim arrangement whereby the Wife had sole care and control, which has been in place since 6 March 2024.¹⁵ While the Husband submits that he was put in a hard place and had to accept this, the evidence does not substantiate this. In view of this, it could not be said that the DJ ignored material evidence or was plainly wrong, in considering the continuity of arrangements for the Children.

23 Assessing the evidence as a whole, I find no basis to overturn the DJ’s decision that the Wife be awarded sole care and control of the Children.

Extended access

24 I turn next to the Husband’s alternative argument for more access. He submits that he should be allowed one-hour to send the Children to school in the morning and one-hour to pick them from school in the afternoon during weekdays.

25 The DJ declined to allow such access. She observed that morning routines for school children typically involve tight time constraints. Scheduling access during these hours may create unnecessary tension if delays occur. The

¹⁵ ROA at pp 48–49.

Children may also have differing school dismissal times, making daily coordination between the parties necessary, which may likewise create unnecessary complications. Additionally, as the Children get older, they may prefer more autonomy in making their after-school arrangements.

26 I agree with the DJ that given the realities of the early morning rush during school days, a one-hour access in the morning for the Husband to send them to school would not be practical. The Husband himself also acknowledges that his proposed one-hour access for after school pick up may lead to unnecessary tension or discord from time to time, but submits that such arrangements are still in the Children's best interest. In response to this, I would emphasise that leaving aside the impracticality, given that the proposed arrangements would likely lead to *unnecessary* tension or discord between the parents, it can hardly be said to be in the Children's best interest. In the interests of the Children, both Husband and Wife should work together and co-operate with each other as best as they can, rather than continue with their discord.

Pool and division of matrimonial assets

27 I turn next to the Husband's appeal in respect of the division of matrimonial assets. The Husband submits that the DJ erred:

- (a) in rejecting the legitimacy of an investment agreement, which allegedly reflected him as having only 60% ownership of XXX Treasure ("Investment Agreement"). The value that ought to be added into the matrimonial pool for XXX Treasure is consequently \$314,802.00 and not the full value of the Company (*i.e.* \$524,670). In the course of this appeal, the Husband's counsel informed the court that they were instructed that a civil suit was not commenced by various third parties to determine the ownership of XXX Treasure as the amount in dispute

was only \$70,000.¹⁶ The Husband agreed to allow the Family Justice Courts to determine whether the asset is a matrimonial asset without involving third parties to save time and costs;¹⁷

(b) in respect of her findings on the alleged dissipations by the Wife;¹⁸

(c) in not drawing an adverse inference against the Wife for various matters, and consequently not awarding a higher uplift to the Husband;¹⁹

(d) in applying a broad-brush approach to determine equal cash contributions towards the flat by the parties;²⁰

(e) in awarding the Wife a higher level of indirect contribution than the Husband.²¹ The ratio for indirect contribution should be 65:35 in favour of the Husband, instead of 70:30 in favour of the Wife.²² Amongst other things, the DJ erred in not finding that:

(i) there is equal contribution to the expense of the family from 2013 to 2020, which would put the ratio of indirect financial contributions as 50:50;²³ and

¹⁶ AC at [50].

¹⁷ AC at [50].

¹⁸ AC at [51].

¹⁹ AC at [53]–[57].

²⁰ AC at [59].

²¹ AC at [62].

²² AC at [72]–[73].

²³ AC at [63].

(ii) the Husband was the Children’s primary caregiver until December 2023 when they moved out with the Wife.

28 The Wife submits that:

(a) the DJ did not err in finding that the Husband owned 100% of XXX Treasure. In the course of proceedings, the DJ had directed the Husband to provide the 2021 balance sheet for XXX Treasure to show the contributions from the third parties. This was not done. Instead, he filed a letter dated 25 July 2025 of 313 pages enclosing other documents and explanations. The Wife had asked the Husband to provide supporting evidence for the Investment Agreement since 18 September 2024, but the Husband did not do so. These were not fresh issues that sprung up in the middle of the hearing. The DJ did not err in rejecting the Husband’s explanations in his 25 July 2025 letter. The Husband did not apply to adduce fresh evidence at this appeal;²⁴

(i) even if it were true that the third parties [C] provided \$70,000 and [T] (Husband’s sister) provided \$60,000, these were loans to XXX Treasure. Their sums would go towards the valuation of XXX Treasure and not the shareholding of the company. As the DJ pointed out, the third parties have not taken up any court proceedings.²⁵ This evinces the disingenuous nature of the Investment Agreement.²⁶

²⁴ Respondent’s Case (“RC”) at [53].

²⁵ RC at [54(b)].

²⁶ RC at [54(b)].

- (b) the DJ did not err in her findings on the alleged dissipations of the Wife;²⁷
- (c) the DJ did not err in rejecting the Husband's claims for adverse inference to be drawn;²⁸
- (d) the DJ's findings on direct financial contributions should be untouched as the only reasonable method is by way of a broad-brush approach;²⁹ and
- (e) the DJ had considered the evidence in concluding that the Wife's indirect financial contributions should be higher than the Husband's.³⁰

Pool of matrimonial assets

29 I will address the five submissions raised by the Husband on the division of matrimonial assets, in turn below.

XXX Treasure

30 I begin first with the dispute over the extent of the Husband's ownership of XXX Treasure. I note that while the Investment Agreement lists three parties and their allotted ownership, the business profile of XXX Treasure indicates the Husband as the sole shareholder of the company.³¹ There is hence evidence on record that the Husband needs to explain. The DJ had thus asked the Husband's counsel to clarify when the shareholding of XXX Treasure came into being, as

²⁷ RC at [59].

²⁸ RC at [64].

²⁹ RC at [65]–[66].

³⁰ RC at [70].

³¹ ROA at pp 72, 76.

there was no valuation of the sole proprietorship that would show that the payments by the two parties would be equivalent to 20% each in 2021. The Husband's counsel was directed to produce XXX Treasure's 2021 accounts (when it was run as a sole proprietorship), whether as a balance sheet or profit and loss statement. The Husband's counsel tendered a letter to court confirming that there was no balance sheet for 2021.³² In addition, neither of the other two parties who were alleged shareholders, have come forward to file any affidavits confirming the accuracy of the Husband's claims, nor have they filed any application to determine the third-party interests in XXX Treasure.

31 I note that even in the Husband's affidavit in response to the Wife, he only avers that there was an "understanding" that [C] and [T] would place \$70,000 in exchange for shares.³³ He does not aver that such investments have, in fact, been made.

32 While the Husband tendered screenshots of messages between himself and the third parties and annotated corporate bank account statements to the court to support his submission, the evidence tendered was insufficient to explain how these alleged investments came to pass.

33 First, although the Husband relied on screenshots of messages between himself and the third parties, dated October 2021, as evidence of the alleged informal agreements, the screenshots in and of themselves do not mention anything about [T] making an investment into XXX Treasure or what [C] is a "shareholder" of.³⁴

³² ROA at p 5461 at [3].

³³ ROA at p 1296 at [11].

³⁴ ROA at pp 2077, 2079.

34 Second, it is equally unclear from the messages between the Husband and [C] what the \$70,000 transfer from [C] to him was about, or what the Husband meant by “[o]nce you transfer 10k to me... Then full 70k cleared...”.³⁵ There is contradictory evidence of transfers to [C] from the Husband which are labelled “loan repayment” which suggests that [C] had provided loans rather than an investment.³⁶

35 Third, the Husband relies on corporate bank account statements to show some incoming transfers remarked as “investment” and outgoing transfers remarked as “DIVD” tranche payments and annotated in handwriting as being transferred to “[R]” and “sister”. However, it is not clear on the face of the evidence what these payments relate to.³⁷

36 As can be seen, what the Husband has surfaced to the court below does not provide the clarity that is needed to support his case. This is leaving aside the lateness at which these documents were produced in the court below, and the lack of any application to adduce such evidence at the appeal (bearing in mind that the DJ had rejected the admission of such documents).

37 When these observations were raised with counsel for the Husband at the appeal, counsel recognised that the evidence on the payments is not clear and added that in fact the figures do not add up and fully correlate. I am grateful to counsel for his frankness, in exercising his duty to the Court, even as he advocated as best as he could for his client. Taking into account these

³⁵ ROA at p 2115.

³⁶ ROA at p 2085.

³⁷ ROA at pp 2084, 2097.

circumstances, I find that the Husband has not sufficiently shown that he was only a 60% shareholder of XXX Treasure.

38 At the appeal, the Husband then submitted that if the Court is not with him on the investment of third parties in XXX Treasure, that the monies from the third parties be treated as loans. However, this was not the case advanced by him below or even at the appeal in his written submissions or through the bulk of the oral submissions. In any event, it is also not clear from the evidence what loans were made, the terms of any such loans or the extent of the repayment.

Alleged dissipation by the Wife

39 Second, I consider the Husband's allegations of dissipation. In *UZN v UZM* [2021] 1 SLR 426 ("*UZN*"), it was held at [62] that where a party expends substantial sums when divorce proceedings are imminent, and the other spouse is considered to have at least a putative interest in it, such sums must be return to the asset pool if the other spouse has not expressly or impliedly agreed to the transfer.

40 At the hearing, the Husband informed the court that he only wished to proceed on four areas of dissipation: (a) withdrawals the Wife had made from 2020 to 2024; (b) legal fees expended on the Wife's PPO application; (c) withdrawal of \$20,692 by the Wife; and (d) a loan of \$10,000 the Wife made to a third party, D.

41 The first area relates to withdrawals made by the Wife from their joint account from 2020 to 2024.³⁸ The Husband accepted that some of the transfers were made before divorce proceedings could be said to be imminent. The

³⁸ AC at [51].

Husband thus narrowed his appeal to about \$18,464.27, which were withdrawn by the Wife from January 2023 to August 2024, which he submitted were then used for payments such as legal fees.³⁹ The Husband accepted at the hearing of the appeal, that it would be double-counting to consider this, as it overlapped with his other claim of dissipation in using the sums for paying legal fees. He was prepared to consider this item instead, under his claim on dissipation through payment of legal fees.

42 At the hearing, the Husband also withdrew the second area after it was pointed out that if such sums are clawed back, similar sums expended by the Husband on legal fees should also be clawed back.

43 The third area of dissipation involves \$20,692 that the Wife withdrew from the joint account. The DJ considered this sum together with the Wife's claim for \$38,896.10 for arrears maintenance. The DJ treated the \$20,692 that the Wife withdrew, as constituting the reimbursement to her, of the Husband's share of the child maintenance during the relevant period. In the process, the DJ declined the Wife's claim for \$38,896.10: see GD at [127]–[128] and [171]–[173]. In other words, while in principle the application of *UZN* would have led to the \$20,692 being put back into the pool, the DJ also found that the Husband was obliged to reimburse the Wife for child maintenance arrears for the same quantum. The Husband has not contended in his appeal that the DJ was wrong in making this finding regarding the reimbursement of the child maintenance arrears. I also see no error in the DJ doing so.

44 The fourth area of dissipation relates to a loan of \$10,000 that the Wife made to D in February 2022, 11 months before the breakdown of the marriage

³⁹ AC at [51(4)].

in January 2023.⁴⁰ The DJ found that there was a lack of evidence that it was made in contemplation of divorce proceedings. I note that the divorce proceedings only commenced in October 2023. The burden is on the Husband to show that this loan was made when divorce proceedings were imminent. The Husband relies on the Wife saying that the marriage was already deteriorating by then,⁴¹ but that in and of itself does not indicate that divorce proceedings were imminent. As there is no evidence which indicates that divorce proceedings were imminent then, I find that the DJ was not wrong in declining to apply the *UZN* principle to this allegation dissipation.

Adverse inferences

45 Third, I consider the Husband's submission for an adverse inference to be drawn against the Wife. It was held in *WRX v WRY* [2024] 1 SLR 851 at [38] that an adverse inference should only be drawn where: (a) there is a substratum of evidence that establishes a *prima facie* case against the person against whom the inference is to be drawn; and (b) that person had some particular access to the information he is said to be hiding.

46 The Husband's submission on adverse inference covered two areas. The first relates to the value of the contents in the Wife's safe. I find that the Husband has not shown that there is a substratum of evidence that establishes a *prima facie* case, in respect of his bare allegations regarding the value of the contents in the Wife's safe. Moreover, the Husband had indicated earlier that the Wife can retain all the assets in the safe, after excluding the two Rolex watches (which the DJ ordered to be returned to the Husband).⁴²

⁴⁰ RC at [59(8)].

⁴¹ AC at [51(8)].

⁴² ROA at pp 64–65.

47 The second area relates to Central Depository Account statements (“CDP Statements”) and OCBC Securities Statements. I note that the Wife had earlier declared her CDP Statements and OCBC Securities Statements.⁴³ The Husband did not follow up with any further discovery applications in relation to the CDP statements or the OCBC Securities Statements that she disclosed. It could not be said in these circumstances, that the Wife is hiding information in respect of this.

Division of the pool of matrimonial assets

Direct financial contributions

48 Fourth, I consider the Husband’s submission that the DJ erred in relying on a broad-brush approach in assessing the direct financial contributions, in particular, the parties’ cash contribution from their joint account to the mortgage for the matrimonial home since February 2019.⁴⁴ The Husband submits that the DJ ignored the Husband’s higher proportion of contributions to their joint account.

49 The parties agree that the direct contributions to the joint account were equal prior to 2020. The Husband submits that he has provided evidence of his higher contributions from 2020 onwards.⁴⁵ He tendered a table which he claimed was based on bank statements of their joint account. He relied on *TJP v TJQ* [2016] SGFC 4 (“*TJP*”) to argue that where joint account monies

⁴³ ROA at pp 789–790; RC at [62] and [64].

⁴⁴ AC at [59].

⁴⁵ AC at [59].

were spent in the acquisition of matrimonial property, the court should attribute the contribution to the respective parties based on the evidence of contribution.⁴⁶

50 However, the court in *TJP* observed at [15] that in the absence of clear evidence, it would be unfair to use an income ratio approach to determine direct financial contributions to a joint account. I agree with this observation.

51 The Husband has not provided clear evidence to support his claims for a 76.81 ratio in his favour for the cash payments to the mortgage. This ratio is based on the Husband's alleged contributions towards the joint account from January 2020 to August 2024 being \$314,866.96, and the Wife's contributions towards the joint account being \$95,073.99. There are two fundamental difficulties with this approach.

52 First, the Husband's submission is only that there is clear evidence of unequal contributions towards the joint account from January 2020 to August 2024. However, he accepts that the parties' direct contributions to the joint account were equal prior to 2020. The parties had been married since 2009. The 76.81:23.19 ratio which the Husband proposes, does not take into account the parties' earlier respective contributions to the joint account.

53 In addition, the housing loan was disbursed in February 2019.⁴⁷ The Husband accepts that prior to January 2020, the parties made equal contributions to their joint account. This would mean that there were about 11 months of mortgage payments drawn from the joint account, at a time when parties made equal contributions to the account. The Husband has not provided any principled basis or authority for ignoring those equal contributions to the

⁴⁶ AC at [60].

⁴⁷ ROA at p 2205 at [18(a)(ii)(3)(a)].

joint account since 2009 or to the mortgage payments. Such a period is at least twice as long as the period of January 2020 to August 2024, and would weigh significantly against the ratio sought by the Husband.

54 Second, even within the period of January 2020 to August 2024, there is no clear evidence that the Husband made contributions that supported his submitted ratio. For example, he claims that the bank account statements adduced support his tabulation. However, there were other funds such as investment proceeds being deposited and comingled in the bank account,⁴⁸ and the Husband has not provided an explanation as to how such proceeds should be accounted for. As another example, the Husband has not disputed the Wife's claim that she has been paying the monthly mortgage instalment of \$5,577.85, and that half of the Wife's contribution is drawn from the Wife's Central Provident Fund ("CPF") account, and not from their joint account.⁴⁹ When her CPF ordinary account was depleted, she continued to make up her share on this through cash payments.⁵⁰ The Husband's ratio also does not take this into account.

55 Ultimately, the burden is on the Husband to adduce clear evidence to support his proposed ratio of 76.81 in his favour with respect to the cash payments from the joint account. As he has not done so, and there is no clear evidence before the court to warrant a more detailed approach, I find that the DJ did not err in adopting a broad-brush approach to determine that there were equal contributions to the mortgage payment from the parties' joint account.

⁴⁸ ROA at p 5577.

⁴⁹ ROA at p 2205.

⁵⁰ ROA at p 3945 at [19(b)(iv)].

Indirect contributions

56 Fifth, I consider the Husband's submission relating to the apportionment of the parties' indirect contributions. He proceeds solely on an evidential basis, rather than on any point of law or comparison with precedents.

57 The Husband makes two main points to support his case that indirect contributions should have been determined as 65:35 in his favour, rather than 70:30 in favour of the Wife (as the DJ found).⁵¹ First, he submits that he made more indirect financial contributions, in particular, to the joint account from January 2020 to August 2024. He submits that this supports his submission that the ratio should be 70:30 in his favour.⁵² Second, he maintains that he was the primary caregiver of the Children since their birth. He submits that this should be 60:40 in his favour. On balance, he submits that the overall ratio should therefore be 65:35 in his favour.⁵³

58 As the Husband has framed his submission in terms of a ratio for indirect financial contributions and a ratio for non-financial contributions, it is apt to start by reiterating *ANJ* at [47], which held that the assessment of indirect contributions should not be broken down in such manner:

“Step 2 should not be further broken down into two sub-steps such that separate ratios are assigned to indirect financial contributions, on the one hand, and non-financial contributions, on the other. Such an approach has no legal basis and is, furthermore, inconsistent with our observation in *ANJ* (at [24]) ... that:

... In the nature of things, for the court to ascribe a ratio in respect of the non-financial or indirect financial contributions of the parties, the court is clearly not indulging in any

⁵¹ AC at [72].

⁵² AC at [67].

⁵³ AC at [72].

mathematical calculation because often there is very little concrete evidence to be relied upon... It is in making this determination that what is known as the broad brush approach would have to come into play. What values to give to the indirect contributions of the parties is necessarily a matter of impression and judgment of the court. ... What values to attribute to each spouse in relation to indirect contributions would be a matter of assessment for the court and in that regard broad strokes would have to be the order of the day. In seeking to arrive at a ratio that represents both parties' comparative indirect contribution towards the family, the court must, in the final analysis, exercise sound discretion along with a keen emphasis on all the relevant facts of each case.

59 In *TNL v TNK* (“*TNL*”) [2017] 1 SLR 609 (“*TNL*”), the Court of Appeal reiterated at [53] that an appellate court will seldom interfere in the orders made by the court below unless it can be demonstrated that it has committed an error of law or principle, or failed to appreciate certain crucial facts.

60 The DJ did not fail to appreciate crucial facts nor was she wrong in law or principle in making her assessment on indirect contributions. The Husband himself accepts that from the start of the marriage till around January 2020, the parties made equal indirect financial contributions to family expenses.⁵⁴ In other words, on the Husband's own case, for about three quarters of the marriage, the Wife made equal indirect financial contributions. However, the Husband's submitted position does not take this into account. As set out above, the Husband has also not set out sufficient evidence to show that he made much more financial contributions after January 2020. I also find that there is ample evidence to support the DJ's finding that the Wife was the primary caregiver of the Children, rather than the Husband.

61 As the Court in *ANJ* at [47] emphasised, the attribution of indirect contributions would have to be done in broad strokes, bearing in mind the

⁵⁴ AC at [63].

relevant facts of each case. A broad-brush approach towards the assessment of indirect contributions means that there will be a range within which the appellate court must accept the trial judge's determination to be defensible: *TNL* at [53]. On the whole, taking into consideration the case set out by the Husband, I find that he has not shown that the DJ's attribution of 70:30 in favour of the Wife for indirect contributions crosses the threshold set for appellate intervention.

Conclusion

62 For the reasons set out above, I dismiss the appeal. If the parties are unable to agree on the issue of costs, they are to file written submissions on costs, of not more than five pages, within a week of this Judgment.

Kwek Mean Luck
Judge of the High Court

Joshua Ho Jin Le and Luo Ling Ling (Luo Ling Ling LLC) for the
appellant;
Yu Gen Xian Ryan (Aspect Law Chambers LLC) for the respondent.
