IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2019] SGHC 170

Divorce (Transferred) No 3521 of 2012
(Summonses Nos 1149 and 1832 of 2019)

Between

ANH

… *Plaintiff*

And

ANI

… *Defendant*

JUDGMENT

[Family Law] — [Child] — [Maintenance of child] — [Variation of order]

Version No 1: 27 Oct 2020 (22:41 hrs)

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ANH
v
ANI

[2019] SGHC 170

High Court — Divorce (Transferred) No 3521 of 2012 (Summonses Nos 1149 and 1832 of 2019)
Choo Han Teck J
17 July 2019

22 July 2019 Judgment reserved.

Choo Han Teck J:

1 On 7 October 2014, I ordered the plaintiff father to pay the defendant mother S$2,500 per month as maintenance for their daughter, in addition to covering all school fees, medical expenses and music examination fees. That was nearly five years ago. The daughter is now 19 years old and had enrolled in Monash University in Melbourne, Australia on 20 February 2019 as a medical student. Both parties applied to vary the maintenance order of 2014.

2 Both parties now want to vary that order because the daughter has entered university. The father, who appeared in person, emphasised the parties' change in income, and his new marriage (in 2016) – he has a two-year-old daughter from his second marriage and his wife is pregnant with their second child. He also submitted that the maintenance order ought to end when the daughter turns 21 years old, and thereafter, she should discuss financial support

with him or take out her own application.

3 Ms Carrie Kaur Gill, solicitor for the mother, submitted that the father's financial obligations to his new family are irrelevant as competing obligations are "a situation of his own creation". According to Ms Gill, the father has in fact been providing S$5,000 a month and the mother's proposed variation to S$4,800 a month will be in his favour. The father disagreed with this. Ms Gill also submitted that any maintenance order should be effective until the date of the daughter's graduation from medical school, which is estimated to be in 2024, when the daughter will be around 24 years old.

4 The only issue before me is whether there has been a change in circumstances, and if so, whether, and by how much, the existing payment by the father ought to be varied. The present maintenance order included school fees for the daughter in an international high school where the monthly fees are much higher (S$1,500) than the fees of the Monash medical school (S$902) because the daughter pays domestic student fees in Australia. The father is a Canadian citizen and the mother is a New Zealand citizen. The parents are both professors in a local university where the father earns S$500,000 a year and the mother, who previously earned S$150,000, now earns S$233,000 a year inclusive of allowances and extra classes.

5 The obligation to maintain an ex-wife and children remains until the order is rescinded or varied, and a change in circumstances is a ground for a variation of the original order. Remarriage in itself is a change in circumstances but whether it is sufficient to merit a variation of the maintenance order requires further examination of the nature and extent of the change. Either party in a divorce is free to remarry. When the woman remarries, the ex-husband who is

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maintaining her may have the maintenance order revoked on account of the fact that the new husband is maintaining her. When the man remarries, and has a family with the second wife, any diversion of his income towards the maintenance of the ex-wife reduces the coffers of the new family and that needs to be considered too.

6 It is a reasonable presumption that no one remarries merely to reduce his obligations of maintenance to the ex-spouse. It is therefore not right to deride the father here for his remarriage as if it were a problem of his own making as counsel submitted. The court has no business commenting, let alone pontificating, upon whether a divorcee should marry or not. What it has to do is compare the needs of the ex-spouse and the new family with the income that the maintenance provider has, and make a fair and reasonable attempt to balance the budget for them.

7 So, we come to the matter of how the budget can be managed in this case. The mother says that the daughter needs to spend AUD$6,500 every month and claims that the father should pay 75% of this amount. Of this amount, I think that AUD$1,000 a year for handbags, wallet, and school bags is a little too high an expenditure for a 19-year-old. She also claims AUD$833 a month for travel expenses such as airfare and sightseeing. It is not disputed that the daughter has long been estranged from the father, a matter that has caused much bitterness in the father, who blames it on the mother. He broke down in court when he recounted the 600 emails he sent to the daughter that were either given no reply or were replied by the mother on behalf of the daughter. So if the airfare is for the daughter to visit just the mother in Singapore, I think that the mother should bear some, if not most of it. Some of the other items, such as AUD$400

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for transport and AUD$500 for hobbies and entertainment every month may possibly be a little high, but I shall just round them down slightly overall together with the money for handbags and wallets, which really should be much lower. Such items of reasonably good quality that are fashionable enough for a young lady can be bought online for less than AUD$100 each and they should last more than a year.

8 If, as I find, the overall sum needed for the daughter should be in the region of S$4,000 to S$4,500 a month, without having to scrimp, how much of this ought the father contribute? The mother is claiming now that S$4,800 should be adequate but this means the father would be single-handedly providing for the daughter's reasonable expenses. The father is saying that they both ought to pay half of the daughter's tuition fees and accommodation costs, plus an additional annual sum of AUD$9,100. Thus, on the mother's calculation, the annual sum based on S$4,800 a month would be S$57,600. On the father's calculation, he would pay S$1,004.50 per month or S$12,054 per year, plus another AUD$9,100 per year, for a total annual sum of approximately S$21,000. The conversion rate is about S$1.00 = AUD$1.04.

9 It is almost impossible to say which calculation is the more accurate of the two. The mother's claim based on S$57,600 is probably too high. The father's offer seems a little too low and even after taking into account the fact that the father has a new family, I think that given the salaries of both parents, a sum of S$48,000 per annum for all expenses would be adequate for the daughter's education in Monash. I think that the father should pay, and I so order, his contribution amounting to S$35,000 per annum. The balance will be borne by the mother. This order will be effective until the daughter graduates

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from university.

10 Each party is to bear his own costs.

- Sgd -
Choo Han Teck
Judge

The plaintiff in person;
Carrie Kaur Gill and Clement Yap (Eversheds Harry Elias LLP) for the defendant.

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