

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2022] SGHCF 17

District Court Appeal No 40 of 2022

Between

WCO

... Appellant

And

WCP

... Respondent

JUDGMENT

[Family Law — Matrimonial Assets — Division]

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WCO

v

WCP

[2022] SGHCF 17

General Division of the High Court (Family Division) — District Court
Appeal No 40 of 2022
Choo Han Teck J
30 June 2022

26 July 2022

Judgment reserved

Choo Han Teck J:

1 The parties were married on 6 April 2013. Interim Judgment was granted on 10 February 2021. At the hearing below, in respect of the matrimonial property, a HDB flat (“Matrimonial Property”), the District Judge (“DJ”) found that the proportion of parties’ financial contributions was 58.899:41.101 in favour of the Wife. On the assets to be included into the matrimonial pool, the parties did not specify which assets were pre-marital and were thus to be excluded from the pool for division. To this, the DJ ordered, *inter alia*, to include all assets declared by the parties into the pool for division. The DJ ordered that averaging the parties’ direct contribution ratio of 67:32 and the parties’ indirect contribution ratio of 60:40, the overall ratio was 64:36 in favour of the Wife.

2 In the present appeal, the Wife appeals against the DJ's decision on the division of assets and on the costs of the entire proceedings. The Wife says that the DJ erred in including all the declared assets into the pool for division as the parties had only intended to divide the Matrimonial Property. The Wife accepts that at the trial below, she only wanted a division of the Matrimonial Property and did not ask for a division of the Husband's other assets. Other than the Matrimonial Property, the Husband did not declare his other assets and also did not take a position as to which of the Wife's assets should be included in the pool. She says that the other assets include those acquired before the marriage, and it would not be just and equitable to her if they are all taken as matrimonial assets. The total assets for division should thus be the value of the Matrimonial Property, which is \$358,421.90, with an overall ratio of 64:36 in favour of the Wife.

3 The Husband agrees that it was difficult to prove whether the assets other than the Matrimonial Property were acquired during the marriage or were pre-marital assets. He also agrees that the parties had originally intended to divide only the Matrimonial Property. However, he says that the overall ratio should be 59:41 in favour of the Wife.

4 Since the parties are in agreement that only the Matrimonial Property is to be divided, I am of the view that the ratio proposed by the Husband is fairer. The total value of the pool for division is therefore the value of the Matrimonial Property, which is \$358,421.90, or the actual amount for which the Matrimonial Property is sold in the open market, whichever amount is higher.

5 I agree with the Husband on the overall ratio, but will round it to 60:40 in favour of the Wife. Although the DJ below found that the overall ratio was to be 64:36 in favour of the Wife, the DJ had taken into account other assets in

the Wife's name which parties have now agreed to exclude. Since the only asset to be included in the pool is the Matrimonial Property, the direct contributions ratio is 58.899:41.101 in favour of the Wife. Averaging the direct contribution ratio and indirect contribution ratio, I find that the overall average ratio is as follows:

	Wife	Husband
Direct contributions (to Matrimonial Property)	58.899	41.101
Indirect contributions	60	40
Average Ratio	$59.45 \approx 60$	$40.55 \approx 40$

6 For the aforementioned reasons, I allow the appeal in part. As the Wife has only succeeded to the extent mentioned above, I make no orders as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Ong Meng Hwa William and Yap Bock Heng Christopher (Alpha Law LLC) for the appellant;
Respondent in-person.
