

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2022] SGHCF 4

Registrar's Appeal from the Family Justice Courts No 23 of 2021
Summonses Nos 354 and 356 of 2021

Between

VXK

... Appellant

And

VXL

... Respondent

GROUND OF DECISIONS

[Family Law — Divorce — Stay of proceedings]

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VXK

v

VXL

[2022] SGHCF 4

General Division of the High Court (Family Division) — Registrar's Appeal from the Family Justice Courts No 23 of 2021 and Summonses Nos 354 and 356 of 2021

Choo Han Teck J

14 January 2022

21 January 2022

Choo Han Teck J:

1 The husband is a 36-year-old Japanese citizen. He married the wife, a 35-year-old Japanese citizen in 2016 in Japan, and shortly after, they moved to Singapore because the Japanese company that the husband worked for sent him here to be their branch manager. The wife returned to Japan in 2017 for three months to give birth to their daughter. Thereafter, mother and child came to live with the husband in Singapore.

2 Unfortunately, their marriage broke down in 2021. On 27 May 2021, the husband, through his Japanese attorney, sent a letter to the wife requesting divorce with her. On 9 June 2021, the husband demanded from the wife, through his attorney, for sole custody of the child. On 23 June 2021 the wife commenced the present divorce proceedings, FC/D 2984/2021, in Singapore. A week later,

the husband filed a petition for divorce conciliation in Japan on 29 June 2021. “Conciliation proceedings” is a prerequisite step before divorce proceedings may commence in Japan.

3 Consequently, the husband applied by SUM 2482 of 2021 to stay FC/D 2984/2021 in favour of the Japanese proceedings. District Judge Darryl Soh allowed the application and stayed the Singapore action. The wife appealed against that decision before me.

4 Counsel for the wife’s main submission was that the learned judge below ‘gave excessive weight’ to the fact that the parties are domiciled in Japan, and insufficient weight to the strongest connecting factor of this action to Singapore, namely, that the husband works here. Counsel also submitted that the wife had returned to Japan because the husband wanted her back there, and so she has now limited access to their daughter who will be five years old this year. The daughter is registered in a Japanese International pre-school in Singapore.

5 The second argument is a question of access and is one that the court, whether in Singapore or Japan, has to deal with, and only the question of enforcement remains. So far as the contest between domicile and place of work, both are factors that a court has to take into account. It is difficult to find that the judge below had given heavier weightage to one and not the other, even if these are the only two factors competing against each other in this case. But there are other factors. All of them connect to Japan and not Singapore. The husband had only been working here for only six years. And he worked for a Japanese company. There is little evidence suggesting that he intends to reside in Singapore on a long-term basis. Even counsel is unable to say how long the husband would be here.

6 Conciliation and mediation are both aspects of divorce proceedings in Japan as well as Singapore, but I think it is fair to say that such proceedings are best conducted in the environment of the parties' home and culture. The connecting factor to Singapore in this case is tenuous whereas the factors connecting them to Japan are strong.

7 This appeal therefore failed, and accordingly, I dismissed it but made no order as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Mundo Alyssa Galvan (Tembusu Law LLC) for the wife/appellant;
Schelkis Yvonne Janet and Theresa Chan (Gloria James-Civetta &
Co) for the husband/respondent.
