

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2022] SGHCF 6

District Court Appeal No 81 of 2021

Between

VUQ

... Appellant

And

VUP

... Respondent

JUDGMENT

[Family Law — matrimonial assets — division]

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VUQ

v

VUP

[2022] SGHCF 6

General Division of the High Court (Family Division) — District Court
Appeal No 81 of 2021
Choo Han Teck J
18 January 2022

31 January 2022

Choo Han Teck J:

1 The Husband is a Malaysian national and Singapore permanent resident who is 63 years old. The Wife is a Singapore national who is 56 years old. The parties were married on 15 December 1986 and Interim Judgement was granted on 20 January 2020. The parties were married for 34 years and have two daughters, both of whom are over 21 years old.

2 On 14 June 2021, in Suit No 1607 of 2019, the learned District Judge (“DJ”) made orders on the division of matrimonial assets and maintenance. The Husband is appealing against the DJ’s decision on the division of assets.

3 There are three properties that are relevant for the present appeal:

(a) the property at Jalan Teck Whye, which is jointly owned by the parties (“Jalan Teck Whye property”);

- (b) the property at Taman Puteri Wangsa, which is under the Husband's sole name ("Wangsa property"); and
- (c) the property at Skudai, Johor Darul Takzim, which is also under the Husband's sole name ("Skudai property").

4 The valuations of the properties have been agreed upon by the parties. The Jalan Teck Whye property is valued at \$347,467, the Wangsa property is valued at \$112,252 and the Skudai property is valued at \$92,385. The total matrimonial pool was determined to be \$658,442. After considering the direct and indirect contributions, the learned DJ arrived at a final division of 57:43 in favour of the Wife. The Wife's share of the matrimonial pool would amount to \$375,312 and the Husband's share would amount to \$283,130. Taking into consideration the Wife's own assets of \$28,278 in the matrimonial pool, the DJ found that the Wife should receive \$347,034 from the Husband.

5 Since the amount due to the Wife is approximately equal to the value of the Jalan Teck Whye property, the DJ ordered for the Husband to transfer the Jalan Teck Whye property to her, with no Central Provident Funds ("CPF") to be refunded to either party. No wife maintenance is payable by the Husband to the Wife. The DJ rejected the Husband's prayer for the Wangsa property to be transferred to the Wife, reasoning that the Wife is not a Malaysian citizen and will not be in a position to hold the Malaysian property.

6 On appeal, the Husband asked that the Jalan Teck Whye property be sold in the open market with each party receiving 50 percent share of the proceeds. The Husband also seeks for the Wangsa property to be sold within three months with all the sale proceeds going to the Wife. The Husband says that it is not "just and equitable" for the Jalan Teck Whye property to be transferred to the Wife

because it will leave the Husband homeless and without funds to purchase another property in Singapore. The Husband also says that it is pointless for him to retain ownership of the Malaysian properties because he has agreed with the Wife to leave the Malaysian properties to their children as a “legacy”.

7 In relation to the Malaysian properties, the DJ held that since there was no cogent evidence on the amount each party contributed, it would be fair to take the position that the parties contributed equally. Even without evidence of direct contribution, the court can still draw inferences from other evidence such as the parties’ respective income. On the facts, the Husband’s income is around \$3000 per month and the Wife’s income is around \$1500 to \$1800 per month. The Husband did not work throughout the marriage and the Wife found part-time work to bring in more income to meet the family’s expenses. Taking into account the parties’ roughly equal income, I find that there is no need to disturb the DJ’s finding of equal direct contribution to the Malaysian properties.

8 I now turn to the merits of the Husband’s appeal in relation to the manner of division of matrimonial assets. I am of the view that the transfer of the Jalan Teck Whye property will not leave the Husband homeless and without funds to purchase another property. The Husband can sell the Wangsa property or the Skudai property in Malaysia and use the sale proceeds to purchase another property. The Husband’s prayer for the sale of Jalan Teck Whye property and the Wangsa property would cause more costs and inconvenience for both parties. As for the Husband’s wishes to leave the Malaysian properties to their children as a “legacy”, the parties can find other ways to leave a legacy, if they are still minded, especially in view of the change of circumstances of their marriage.

9 Accordingly, I dismiss the Husband's appeal. I make no order as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Lim Teck Hock Richard (Richard Lim & Company Advocates &
Solicitors) for the husband;
D Ganaselvarani (D Rani & Co) for the wife.
