**IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE**

**[2025] SGHCF 40**

District Court Appeal No 6 of 2025

Between

XIB

… *Appellant*

And

XIA

… *Respondent*

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# JUDGMENT

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[Family Law — Costs]
[Family Law — Custody — Access]
[Family Law — Matrimonial assets — Division]
[Family Law — Matrimonial assets — Pool of matrimonial assets —Whether caregiving efforts can constitute substantial improvement of pre-marriage assets]
[Family Law — Matrimonial assets — Valuation of shares of private company]

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# XIB
# v
# XIA

**[2025] SGHCF 40**

General Division of the High Court (Family Division) — District Court Appeal No 6 of 2025
Mohamed Faizal JC
16 May 2025

27 June 2025 Judgment reserved.

**Mohamed Faizal JC:**

1 In view of its inherently binary nature, few questions in matrimonial law are as vexing, or indeed, as consequential, as the determination of what constitutes a matrimonial asset. In Singapore, where the principle of just and equitable division must be balanced against the countervailing consideration of individual ownership of assets, the inquiry is especially problem-fraught when it comes to assets that pre-date the marriage as the inquiry invariably engages extra-legal considerations. It is a task that requires the court to sift through the intimate fabric of a couple's shared life, to understand how such assets are dealt with during the course of marriage, and to sometimes grapple with contributions that defy easy quantification. The deceptively simple question – *ie*, *what belongs to the marriage*? – in some senses, itself masks a deeper, more complex inquiry into the nature of partnership, sacrifice and fairness at the point of the dissolution of the marital partnership.

2 The appeal before me brings some of the aforementioned tensions into sharp relief. At the centre of the parties' arguments lies their dispute in relation to the status of a company that was established before the parties entered into matrimony – founded and grown through the singular (direct) efforts of one partner, with no evidence of direct, financial, operational or strategic involvement from the other. While the law rightly recognises that contributions to a relationship extend beyond the material or measurable, the question that arises here is whether such non-financial contributions are sufficient, on these facts, to re-characterise a pre-existing, independently sustained enterprise, as a matrimonial asset.

**Facts**

3 With these principles in mind, it would be useful to briefly set out the facts so as to better understand how they bear upon the issues in this case. The Appellant husband (the "Husband") is a 52-year-old Singapore citizen who works as the sole shareholder and director of a Singapore company involved in the installation of plumbing, heating, and air-conditioning systems ("Company [A]").[1] The Respondent wife (the "Wife") is a 47-year-old Chinese citizen who previously worked as a food and beverage manager in China between 2014 to 2019 and who has been a homemaker (in China) since their son was born in 2020.[2]

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1 Record of Appeal Volume III, Part 2 dated 5 March 2025 ("ROA III(2)") at pp 47, 200 (Husband's Affidavit for FC/SUM 2902/2022 dated 6 October 2022 ("SUM 2902 Husband's 1st Affidavit") at [14]; ACRA Business Profile of Company [A]).

2 Record of Appeal Volume III, Part 1 dated 5 March 2025 ("ROA III(1)") at pp 76–77 (Wife's 1st Affidavit of Assets and Means dated 14 June 2022 ("WAOM1") at [21], [23]).



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4 The parties have two children, a 13-year-old daughter who is a Singapore citizen and a five-year-old son who is a Chinese citizen (collectively, the "children"). Both children have been diagnosed with Thalassemia and the son has also been diagnosed with speech and language development disorder.[3] The children have primarily lived with the Wife in Shanghai since they were born,[4] and the Wife largely "manage[s] the everyday running and maintenance for the household" (in Shanghai).[5] During the course of the marriage, the Husband saw his Wife and his children in China approximately once or twice a year,[6] or on the few occasions they came to Singapore.[7] Presently, the daughter and son are enrolled in a secondary school and kindergarten in China respectively.[8]

5 The parties had initially met through an online dating portal and subsequently spent time together in March and April 2011. In May 2011, the Wife discovered she was pregnant and, as a result, the parties decided to get married. The parties were married on 31 August 2011. It is not in dispute that the parties only lived together in Singapore for about a week after their marriage.[9] Thereafter, the Husband and the Wife largely lived separately in Singapore and China respectively, save for short visits that occurred rather

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3 ROA III(1) at pp 90, 308 (WAOM1 at [50]; Wife's 3rd Affidavit of Assets and Means dated 11 November 2024 ("WAOM3") at [7]).

4 ROA III(1) at p 400 (Wife's Submissions for Ancillaries Hearing on 26 November 2024 dated 20 November 2024 at [1]).

5 ROA III(1) at p 98 (WAOM1at [78]).

6 ROA III(1) at p 96 (WAOM1at [72]).

7 ROA III(1) at p 97 (WAOM1 at [75]).

8 ROA III(1) at pp 92, 203 (WAOM1 at [56]; Wife's 2nd Affidavit of Asset and Means dated 23 August 2024 ("WAOM2") at [8]).

9 ROA III(1) at pp 72–74 (WAOM1 at [7]–[10]); ROA III(2) at p 46 (SUM 2902 Husband's 1st Affidavit at [11]).



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sparingly. The parties proffered differing explanations for such living arrangements. The Wife contends that her intention had always been to return to Singapore after their wedding banquet in China, but she was ultimately not able to do so due to the Husband's parents' disapproval and prejudice against her as a Chinese national.[10] On the other hand, the Husband contends that it was the Wife who unilaterally elected to remain in China with their daughter (despite having earlier promised to stay in Singapore with him) and his parents had not disapproved of the Wife or held any prejudices against her.[11]

6 For context, the son was conceived during one of the short visits by the Husband to China in end-September 2019, on which occasion the parties were intimate. The Husband claims to have harboured suspicions that the son was not biologically his ever since the Wife first informed him of her pregnancy in end-October 2019. These suspicions allegedly arose because (a) when questioned about whether the son was the Husband's child, the Wife had not provided a direct answer and instead proceeded to block the Husband on WeChat;[12] (b) the Wife requested for a divorce just as she discovered she was pregnant with the son;[13] and (c) at the time, the Wife had informed the Husband that "she had her period".[14] Following the Husband's request for a DNA test (conducted in Singapore) for the purposes of ascertaining the paternity of the son,[15] the Wife

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10 ROA III(1) at pp 73–74 (WAOM1 at [10]).

11 ROA III(1) at p 231 (Husband's 2nd Affidavit of Assets and Means dated 23 August 2024 ("HAOM2") at [20]–[22]).

12 ROA III(1) at pp 231, 251 (HAOM2 at [19]; WeChat messages between the Husband and the Wife dated 24 October 2019).

13 ROA III(1) at pp 231, 251 (HAOM2 at [19]; WeChat messages between the Husband and the Wife dated 24 October 2019).

14 ROA III(1) at pp 231, 233–234 (HAOM2 at [19], [27]).

15 ROA III(1) at p 240 (HAOM2 at [64]).



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and the son flew to Singapore in October 2024 to have swabs of their saliva taken for testing. The DNA test confirmed that the son was indeed the Husband's biological issue.[16]

7 The Wife commenced divorce proceedings on 16 April 2021 and an interim judgment for divorce on grounds of unreasonable behaviour was granted on 5 January 2022,[17] dissolving the marriage of slightly over a decade. On 23 January 2025, the Husband filed an appeal against the decision of the learned District Judge ("DJ") on ancillary matters which was delivered on 13 January 2025.

8 The Husband's appeal against the DJ's orders relate to three main areas: (a) division of matrimonial assets; (b) access; and (c) costs. For context, I will briefly set out relevant portions of the DJ's decision relating to these three grounds of appeal.

9 On the matter of what constituted matrimonial assets, the DJ found that there were no joint assets, and that the Wife and the Husband held $39.16 and $2,907,139.29 of sole assets respectively.[18] For present purposes, what would be important to note is that the DJ added the following disputed assets into the matrimonial pool (all of which were sole assets owned by the Husband):

(a) Shares in Company [A] (valued at $1,457,154): In substance, the DJ found that the shares in question constituted a transformed

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16 ROA III(1) at p 307 (WAOM3 at [3]–[4]).

17 Record of Appeal Volume II dated 5 March 2025 ("ROA II") at pp 133–134 (Interim Judgment dated 5 January 2022).

18 ROA I at pp 13, 19–20 (FC/D 1787/2021 Ancillary Matters DJ's Decision delivered on 13 January 2025 ("DJ's Decision") at [16], [37]).



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matrimonial asset.[19] The DJ derived the valuation of the shares based on Company [A]'s book value as of financial year 2023.[20] I will expand on this under Issue 1A (at [18]–[20]) later on;

(b) Cash withdrawals from the Husband's bank accounts (amounting to a total of $170,000): The DJ added back into the matrimonial pool the sums from two withdrawals made by the Husband from his personal bank accounts – the first withdrawal of $60,000 was made on 19 March 2020, and the other withdrawal of $110,000 was made on 11 May 2021. The DJ was not satisfied that the sums from these two withdrawals were expended on Company [A], as was alleged by the Husband. The DJ arrived at this conclusion as she found the roundabout manner in which the two sums were allegedly expended to be strange (*ie*, the funds were withdrawn from one of the Husband's personal bank accounts only to be deposited in another personal bank account in separate tranches before the funds were then allegedly explained away as being used to pay Company [A]'s foreign suppliers in cash).[21] The DJ's finding that the moneys from these two cash withdrawals *were not* expended on Company [A] will be of relevance later in this judgment to explain why it would be appropriate to exclude these two sums from the total sum of personal moneys that were expended by the Husband on Company [A] (at [62] below), which I will add back to the matrimonial pool; and

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19 ROA I at p 14 (DJ's Decision at [21]).

20 ROA I at p 15 (DJ's Decision at [24]).

21 ROA I at pp 17–18 (DJ's Decision at [30], [33]).



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(c) Company [A]'s "debt" owed to the Husband (of which $176,801 was added notionally to the matrimonial pool): Out of a purported total debt of $322,607 owed to the Husband by Company [A] that had been "repaid" to him (based on its unaudited financial statements), the Wife submitted that, at the very least, the sum of $176,801 should be added into the matrimonial pool as it had allegedly been repaid in the financial year ended 31 May 2021 (*ie*, the year divorce proceedings were commenced) but the Husband had not provided any explanation as to what happened to these moneys. The DJ accepted the Wife's submission and added this sum notionally to the matrimonial pool.[22]

10 On the division of matrimonial assets, the DJ ordered the Wife to be awarded 30% of the pool of matrimonial assets, which translated into the DJ making the following order:[23]

> The [Wife] is awarded the sum of $872,154 (being 30% of the pool of matrimonial assets valued at $2,907,178.45.)
>
> The [Husband] shall be at liberty to pay the said sum of $872,154 in 6 equal instalments of $145,359 on the last day of the month with effect from 28 February 2025.

11 The DJ granted the parties joint custody of the children with the Wife having sole care and control.[24] The Husband was also granted access specified by way of orders, the details of which I will expand on under Issue 2 (at [75] below).

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22 ROA I at pp 18–19 (DJ's Decision at [35]–[36]).

23 Record of Appeal Volume I dated 5 March 2025 ("ROA I") at p 34 (FC/ORC 924/2025 dated 13 January 2025 ("ORC 924") at Orders 1, 2).

24 ROA I at p 35 (ORC 924 at Orders 6, 7).



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12 For costs, the DJ granted the following orders:[25]

> There shall be no order as to costs, save that the Husband shall reimburse the Wife for any expenses related to the DNA test (including the two-way flight tickets for the Wife and [the son] to travel to Singapore for the purpose of [the son] and the Husband undergoing the DNA test).

**Issues to be determined**

13 The Husband has appealed against the DJ's decision on three primary grounds. In particular, his arguments are that the DJ erred in:[26]

(a) including the shares of Company [A] in the matrimonial pool as the shares (which were owned by the Husband prior to the marriage) had not been substantially improved by the Wife during the course of the marriage and in any event, even if the shares ought to be included in the matrimonial pool, the DJ erred in refusing to order a proper valuation of the shares of Company [A];

(b) ascribing a ratio of 30% of the matrimonial pool to the Wife as the DJ failed to place sufficient weight on how the Wife had deprived the children of a father figure by unilaterally deciding to remain in China;

(c) her decision regarding the access orders as the Husband ought to have been given more access to the children; and

(d) her decision regarding costs as it is the Wife, and not the Husband, who should bear the costs of the DNA test.

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25 ROA I at p 32 (DJ's Decision at [57]).

26 Husband's Case dated 5 March 2025 ("HWS") at [4]–[6].



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14 The Wife, on the other hand, contends that the DJ did not err in the above respects. The Wife submits that the DJ was correct in:

(a) finding that the shares of Company [A] had been substantially improved by the Wife's indirect, non-financial caregiving efforts, thus transforming the shares into a matrimonial asset.[27] The DJ was also correct in valuing the shares based on Company [A]'s unaudited financial statements given that a valuation had only been requested at a belated juncture;[28]

(b) awarding the Wife 30% of the matrimonial pool, having regard to the approach in *BOR v BOS and another appeal* [2018] SGCA 78 ("*BOR v BOS*") (at [113]) for single-income marriages lasting between 10 to 15 years.[29] Consequently, the Husband "has not shown any good grounds for disturbing the DJ's award of 30%" to the Wife;[30]

(c) granting access orders which struck the right balance on the present facts;[31] and

(d) ordering that costs of the DNA test are to be borne by the Husband since the Wife and the son had flown to Singapore for the DNA test precisely because the Husband did not trust them to conduct the necessary saliva swabs in China.[32]

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27 Wife's Case dated 4 April 2025 ("WWS") at [34].

28 WWS at [41].

29 WWS at [43].

30 WWS at [51].

31 WWS at [53].

32 WWS at [60].



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15 Consequently, the issues that arise for my determination are as follows:

(a) the division of matrimonial assets:

(i) whether the shares of Company [A] should be included in the matrimonial pool (and if so, whether the DJ erred in not ordering a valuation of the shares);

(ii) whether there should be any changes to the proportion of the matrimonial pool awarded to each party;

(b) the issue of access to the children: whether the Husband should be granted more access to the children; and

(c) the issue of costs: whether the Wife should bear the costs relating to the DNA test, instead of the Husband.

**Issue 1A: Division of matrimonial assets – Company [A]'s shares**

***The decision of the DJ***

16 I will deal first with the primary ground of appeal pertaining to the division of matrimonial assets which largely turns on the question of whether the DJ had erred in her decision to include the shares of Company [A] in the matrimonial pool.

17 It is not in dispute that Company [A] was incorporated on 7 June 2010 and the Husband had been the sole shareholder of Company [A] even prior to the marriage.[33]

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33 ROA III(2) at p 47 (SUM 2902 Husband's 1st Affidavit at [14]).



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18 In order to frame the subsequent analysis, it should be noted that the DJ had concluded that the Husband's shares in Company [A] were to be included in the matrimonial pool by way of the following reasoning:[34]

> 20 The Husband is the sole shareholder of Company [A]. The Husband submitted that his company was incorporated on 7 June 2010, prior to the marriage. The Wife has not made any direct contributions to the company, is not involved in its running and did not make any substantial improvements to the company. She has no indirect contributions towards the marriage or the Husband. The contention that she has indirect contributions in looking after the children is self-serving, given the situation and circumstances she has created in remaining in Shanghai. It is the Husband's submission that Company [A] should not be included within the matrimonial pool.
>
> 21 I am unable to agree with the Husband's submission. *The Wife did* ***contribute indirectly*** *by allowing the Husband to focus on his business through her caregiving role.* Furthermore, by his own case, *he had been* ***withdrawing monies from his personal accounts*** *to pay his suppliers in China in cash.* In my view, Company [A] (or more precisely, the Husband's shares in [Company [A]]) should be included in the matrimonial pool.
>
> [emphasis added in italics and bold italics]

19 While the DJ did not make explicit reference to the classes of matrimonial assets as set out in the case law (a matter I will elaborate on below), the manner in which she analysed the argument left little doubt that the DJ found the shares in Company [A] to be a *transformed matrimonial asset*, *ie*, an asset acquired before the marriage that ought to be placed into the matrimonial pool by virtue of it having been "substantially improved" during the marriage (*USB v USA and another appeal* [2020] 2 SLR 588 ("*USB v USA*") at [19(b)]) (as is provided for under s 112(10)(*a*)(ii) of the Women's Charter 1961 (2020 Rev Ed) ("Women's Charter 1961")). In particular, this line of reasoning is clear from how the DJ rejects the Husband's submission that the Wife "did not make

[34] ROA I at p 14 (DJ's Decision) at [20] and [21]).



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any substantial improvements to the company", instead pointing to the Wife's indirect contributions through her caregiving role as evidence of substantial improvements made to Company [A].

20 On the matter of valuation, the DJ elected to value the Husband's shares based on Company [A]'s book value as of financial year 2023, "being the difference between total assets and total liabilities, [which] would represent what the Husband would have received (should the company be liquidated)".[35] There was no valuation report before the court as the Husband had not submitted any and the Wife's request for a valuation to facilitate the division process was denied by the DJ for having been made at too late a juncture,[36] having only been made on the day of the ancillary matters hearing itself, *ie*, on 26 November 2024.[37]

***The parties' arguments on appeal***

21 The Husband first contends that the DJ had erred in including the shares of Company [A] into the matrimonial pool.[38] The Husband's position is that the shares do not constitute a transformed matrimonial asset as the requisite improvement must have arisen from efforts that assisted to generate *economic value* for the company. The DJ thus erred in considering an irrelevant factor – namely the Wife's indirect non-financial contributions through her caregiving role that allowed the Husband to focus on his business – in determining whether the shares had been substantially improved by the Wife.[39] The Husband also

35 ROA I at p 15 (DJ's Decision at [24]).

36 ROA I at p 15 (DJ's Decision at [22]).

37 ROA III(1) at p 510 (FC/D 1787/2021 26 November 2024 NEs at p 13, paras B–C).

38 HWS at [4(a)], [12].

39 HWS at [16]–[20].



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submits that the shares should not be included in the matrimonial pool by reason of him having used moneys from his personal accounts to pay foreign suppliers as (a) he would have sought to recover these moneys by way of loans from Company [A];[40] and (b) even if he had used moneys from his personal accounts, only the "equivalent proportion of the equitable or beneficial interest of the value of the shares" attributable to moneys used from such accounts should be included in the matrimonial pool and this proportion was not proven by the Wife.[41]

22 Additionally, the Husband contends that even if Company [A]'s shares were to be included in the matrimonial pool, the DJ erred in refusing to order a "proper valuation to be done on [Company [A]]". Such refusal, he contends, results in:[42]

(a) a lack of proper evidence which would, for instance, be in the form of an expert report;

(b) an "exaggeratedly inflated and inaccurate valuation" based on unaudited financial statements, particularly for a private company like Company [A], given the failure of such a valuation to consider "factors such as future earnings potential, marketability discounts, and economic considerations"; and

(c) an inaccurate reliance on book value since the book value would not be realised unless Company [A] were to be liquidated but the Husband claims that there are no such plans for liquidation.

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40 HWS at [23]–[24].

41 HWS at [25]–[27].

42 HWS at [29]–[36].



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23 The Wife, on the other hand, contends that, as a matter of both law and principle, there is no blanket prohibition against considering a spouse's indirect and non-financial contributions when determining whether there has been substantial improvement to an asset acquired by the other spouse before the marriage.[43] The Wife therefore contends that the DJ was correct in considering the Wife's indirect and non-financial efforts in determining that she had substantially improved the shares in Company [A], and was also correct in thereafter adding those shares to the matrimonial pool.[44] With respect to valuation, the Wife submits that the DJ was correct in valuing the shares based on Company [A]'s financial statements as counsel for the Husband had not raised any objections to such a valuation method and did not specifically request for a proper valuation at the time of the ancillary matters hearing.[45]

***My decision***

*Transformed matrimonial asset*

(1) The law

24 It is trite that one manner through which assets that were acquired prior to the marriage can be included in the matrimonial pool is if they had been "substantially improved during the marriage", as is provided for under s 112(10)(*a*)(ii) of the Women's Charter 1961:

> **Power of court to order division of matrimonial assets**
>
> …
>
> (10) In this section, "matrimonial asset" means —

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43 WWS at [11].

44 WWS at [34].

45 WWS at [38]–[39], [41].



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> (a) any asset acquired before the marriage by one party or both parties to the marriage —
>
> …
>
> (ii) which has been substantially improved during the marriage by the other party or by both parties to the marriage …

25 The Court of Appeal in *USB v USA* then referred to these assets falling within s 112(10)(*a*)(ii) of the Women's Charter 1961 as "transformed matrimonial assets" (at [19(b)]):

> "Transformed matrimonial assets": we use this term to denote assets which were acquired before the marriage by one spouse (or, more rarely, by both spouses), but which have been *substantially improved during the marriage by the other spouse or by both spouses*, or which were ordinarily used or enjoyed by both parties or their children while residing together for purposes such as shelter, transport, household use, *etc*. Once transformed, the whole asset goes into the pool …
>
> [emphasis added]

26 For the reasons I will go into in due course, I am unable to agree with the DJ in her conclusions that the Husband's shares in Company [A], which he had owned prior to the marriage, constituted a transformed matrimonial asset. To be clear, the only effort(s) being contended by the Wife to have resulted in such asset amounting to a transformed matrimonial asset are her *non-financial contributions* (specifically, indirect non-financial contributions through her caregiving role of their two children in China, which she contends would have allowed the Husband to focus on his business). In my view, the DJ ought not to have considered these contributions as being sufficient to result in the Husband's shares in Company [A] becoming a transformed matrimonial asset.

27 While I agree with the Wife that there is, strictly speaking, no blanket prohibition against considering a spouse's non-financial contributions, the cases suggest that non-financial contributions (such as homemaking, emotional



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support, parenting or caregiving) can only be said to have resulted in "substantial improvement" of a pre-marital asset if such contributions satisfy two conjunctive requirements:

(a) The "substantial improvement" brought about by such indirect non-financial contributions must "necessarily [have] an economic connotation" (*USB v USA* at [21]; see also *Chen Siew Hwee v Low Kee Guan (Wong Yong Yee, co-respondent)* [2006] 4 SLR(R) 605 ("*Chen Siew Hwee*") at [51]). This requirement could be satisfied potentially by demonstrating "an increase in turnover or in profitability or some other measurable improvement" (*USB v USA* at [22]; see also *Koh Kim Lan Angela v Choong Kian Haw and another appeal* [1993] 3 SLR(R) 491 at [21]); and

(b) There must also be a ***direct*** causal link between the efforts and the substantial improvement of the asset acquired before the marriage (*Hoong Khai Soon v Cheng Kwee Eng and another appeal* [1993] 1 SLR(R) 823 ("*Hoong Khai Soon*") at [11]). This typically means that the efforts would relate directly to the asset in question. A quintessential example in this regard would be efforts by the other spouse to develop the business during the marriage (see for example, *USB v USA* at [22]).

In fact, the Wife herself alludes to these same two requirements in both her oral and written submissions.[46]

28 The two conjunctive requirements for non-financial contributions (at [27] above) have their genesis in the seminal Court of Appeal decision of *USB*

[46] WWS at [16], [20], [24]; 16 May 2025 Minute Sheet at p 3.



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*v USA*. The first requirement stems from the court's clarification in that case that any "reference to 'substantial improvement' necessarily has an economic connotation" (*USB v USA* at [21]). Contrary to the Husband's submissions,[47] this requirement does not rule out non-financial contributions altogether as such contributions could still "be understood as having economic value", thus falling within the second sense of how the phrase "substantial improvement" can be understood (at [22]):

> First, the improvement of such an asset must entail the *investment of money or money's worth* for the improvement of the asset. The mere increase in the value of the asset does not mean that the asset has "improved". In order for the asset to be transformed into a matrimonial asset, there must have been investment of some kind in the asset. The paradigm example would be renovation works performed on a residential or commercial property. These can easily be understood as increasing the sale value of such a property. However, even if the resale value does not increase because of market forces, a substantial renovation which makes a previously barely habitable home very much more comfortable or able to attract higher rental income could be considered a substantial improvement. Second, the improvement must arise from ***effort which can be understood as having economic value***. For example, if the asset is a business belonging to one spouse, then development of the business by the other spouse or by both spouses during the marriage by sustained efforts could transform that asset into a matrimonial asset. In this regard, however, carrying out administrative or minor public relations activities or being a nominal director may not be sufficient. There should be an increase in turnover or in profitability or some other measurable improvement. It will always be a question of fact as to how the efforts of the non-owning spouse have contributed to an improvement in the asset. Ultimately, the court's focus is on whether there has been some expenditure or application of *effort* towards the improvement of the asset (in an economic sense).
>
> [emphasis in original in italics; emphasis added in bold italics]

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47 HWS at [16]–[20].



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29 The second requirement can be distilled from the same reproduced text from *USB v USA* (at [28] above), since only the non-financial contributions which can be *shown to have contributed* to an improvement in the asset are taken into consideration.

30 I note that in the recent decision of *WGE v WGF* [2023] SGHCF 26 ("*WGE v WGF*"), Mavis Chionh J arrived at the same conclusion that I have above about the need for these two conjunctive requirements (see *WGE v WGF* at [36]–[43]). In that case, the court had to deal with a similar question as the one that arises on the present facts, namely whether the caregiving efforts of the wife had transformed the husband's shares in a business founded before marriage into a matrimonial asset on grounds that the shares had been "substantially improved" during the marriage. The High Court there agreed with the DJ's finding that the shares were not a transformed matrimonial asset (at [34]). Chionh J concluded, on those facts, that the wife's caregiving efforts did not amount to "substantial improvement" of the husband's shares as they could not "be characterised as the application of effort 'having economic value' towards the improvement of the asset" (at [37]).

31 The Wife submits that as *WGE v WGF* was a decision of co-ordinate jurisdiction, I can, and should, depart from its reasoning. This is because, in the Wife's view, *WGE v WGF* was wrongly decided as it had misinterpreted *USB v USA* "as having decided that such indirect contributions are irrelevant".[48]

32 In support of her position that *WGE v WGF* was wrongly decided, the Wife relies on this court's decision of *Chen Siew Hwee* as well as the Court of

[48] WWS at [31].



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Appeal's decision of *Hoong Khai Soon*. Neither case, in my view, is of any assistance to the Wife. I deal with each in turn.

33 The Wife contends that *Chen Siew Hwee* shows that it would be "wrong to dismiss *in toto* the possibility of *indirect contributions of a non-financial nature*, satisfying the substantial improvement ground" [emphasis in original].[49] In making this point, the Wife relies on what Andrew Phang J (as he then was) observed (at [51]) after discussing the reasoning of this court in *Chow Hoo Siong v Lee Dawn Audrey* [2003] 4 SLR(R) 481 ("*Chow Hoo Siong*"):

> … [*Chow Hoo Siong*] supports, in my view, the proposition to the effect that *indirect financial* contributions *alone* are *too vague and remote* to justify a finding that the spouse concerned had helped to substantially improve an asset within the meaning of s 112(10). This is *not* to state that indirect financial contributions can *never* justify such a finding (*cf Hoong Khai Soon* at [10] and [11]). But even so, and as I have already pointed out, a *direct causal connection* needs to be proved between the contributions and the improvement of the asset. This was clearly *not* proved on the facts of the present case. It is also important to note that indirect financial contributions would, in any event, *be taken into account* in *ascertaining the proportion* of the matrimonial assets that ought to be given to the spouses concerned and hence otherwise serve an important function.
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> [emphasis in original]

34 I accept the Wife's contention that *Chen Siew Hwee* leaves open the possibility that a spouse's indirect financial contributions could justify the finding that he/she had substantially improved the asset in question. The existence of such a possibility is, in fact, consistent with *WGE v WGF* in which Chionh J found that the wife's indirect (non-financial) contributions did not amount to substantial improvement on the specific facts of that case, but had not barred indirect (non-financial) contributions from being considered *for all*

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[49] WWS at [17]–[18].



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*cases*. Indeed, in my mind, even putting aside the fact that Phang J's remarks pertained to indirect *financial* contributions (rather than non-financial contributions), *Chen Siew Hwee* critically undermines the Wife's case more than it adds to it for two reasons:

(a) First, on a plain reading, the broad point Phang J was making there is that indirect financial contributions alone should *generally not suffice* to allow a finding that the spouse concerned substantially improved an asset such that it should fall within the matrimonial pool. This point squarely demolishes the Wife's assertion which, in essence, appears to be urging the court to reach the diametrically opposed conclusion. To depart from the general rule, the Wife would have to prove a direct causal connection between the indirect contributions and the improvement of the asset (*ie*, the second requirement).

(b) Second, as I observed earlier, Phang J discussed *Chow Hoo Siong* before coming to the observations I had reproduced above. In *Chow Hoo Siong*, Rajendran J declined to include shares owned by the husband into the matrimonial pool as the wife's indirect non-financial efforts towards the family's welfare and life were "far too remote and far too insignificant to justify the conclusion" (see *Chow Hoo Siong* at [13]–[15]). In that sense, *Chow Hoo Siong* reinforces the point that indirect non-financial contributions in the form of bare assertions being made about efforts in the home or more broadly towards the family's life in general, without any proof of the causal link, cannot amount to "substantial improvement" of such assets.

For those reasons, *Chen Siew Hwee*, in my mind, does not assist the Wife in any meaningful way; on the contrary, it contradicts her case.



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35 I next turn to *Hoong Khai Soon*. The Wife notes that in that case, "the apex court did *not* rule out non-financial contributions [as being sufficient to amount to substantial improvement]".[50] The Wife, in coming to this conclusion, places reliance on the following passing observation by the Court of Appeal (at [11]):

> … There has been no evidence to show that the wife's efforts at domestic chores and as a cashier at an unrelated business contributed to an increase in the profits of Soon Heng Restaurant. Counsel for the wife asks us to infer such a causal link but, in our view, there is no reasonable basis to draw such a link. *This was not a case where a spouse's efforts in the home frees the other spouse to devote his or her energies to the running of a business. Here, the husband took no active role in the running of the restaurant.* We therefore see no ground for interfering with the decision of the learned judge that the partnership was not an asset acquired during the marriage.
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> [emphasis added]

36 The Wife then proceeds to distinguish the facts of *Hoong Khai Soon* from the present case. She submits that the court in *Hoong Khai Soon* had only refused to recognise the wife's non-financial contributions as there was no causal link between the wife's contributions to the home and the improvement in the restaurant business since the husband there had never worked in the restaurant. The Wife submits that, in contrast, in the present case, the Husband's "sole source of income is the business" such that her efforts in the home and caregiving must have played a part in the improvement of the business.[51]

37 I do not agree with the Wife's submissions. In my mind, *Hoong Khai Soon*, much like *Chen Siew Hwee*, does little to help the Wife's case. At best, it suggests that it may theoretically be possible for indirect non-financial

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50 WWS at [16].

51 WWS at [16].



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contributions to be the basis for substantial improvement – a proposition similar to that which was raised by Phang J in relation to indirect financial contributions in *Chen Siew Hwee* (at [51]; see extract reproduced at [32] above). This is a proposition no one, not even the Husband, seriously disputes.[52]

38 Nonetheless, in my view, *Hoong Khai Soon* does not stand for the proposition that a direct causal link can be established between one spouse's caregiving efforts and improvement in the other spouse's business so long as the business is being actively run by the other spouse (or to be more precise, if the business represents the other spouse's "sole source of income", though it is not apparent to me how, or why, such an arbitrary line is drawn),[53] which would result in the entire business becoming a transformed matrimonial asset. Indeed, to adopt the Wife's interpretation would be to do violence to the considerable wealth of jurisprudence that has emanated from the courts since *USB v USA*. I see no reason to do that, especially not on the back of the passing comments made in *Hoong Khai Soon*, as contrasted with the much more textured and detailed reasoning on the very same point in *USB v USA*. In this regard, I would very much align myself with the observations made by Chionh J in *WGE v WGF* (at [43]):

> I do not find that *Hoong Khai Soon* assists the Wife's case … the above comments were not the *ratio decidendi* in that case: they were simply made in passing. It must moreover be pointed out that in *Hoong Khai Soon*, where the wife gave evidence of having done all the domestic chores as well as having looked after her husband's family and helped out in another business owned by her husband's father, the [Court of Appeal] found that there was no evidence of any direct causal link between her actions and the substantial improvement of the disputed business …

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52 16 May 2025 Minute Sheet at p 2.

53 16 May 2025 Minute Sheet at p 3; WWS at [16].



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39 Consequently, I do not see any reason to conclude that Chionh J erred in her reasoning in *WGE v WGF*. On the contrary, Chionh J's approach in *WGE v WGF* properly encapsulates the requirements in law articulated in *USB v USA* for considering when non-financial contributions amount to "substantial improvement" of an asset such that it becomes a transformed matrimonial asset that is then included in the matrimonial pool.

40 I make one further point. In trying to convince me that the approach taken in *WGE v WGF* must have been decided in error, the Wife expresses her concerns about why "it is wrong as a matter of principle to rule that indirect and non-financial efforts can never amount to substantial improvement" through the use of the following hypothetical:[54]

> A man (A) sets up a start-up fintech company while he is single. A month later, A marries B, a banker with a promising future. As A's business venture is just starting out, the couple cannot afford to purchase their own property and they rent their abode. Over the next 3 years, the couple have 2 children. B accedes to A's request that she becomes a full-time housewife. Like most start-ups, A's company struggles for a few years. A decade later, A's business finally bears fruit and the value of his shares in the company soars exponentially. Sadly, at the time, the marital bliss comes to an end and divorce ensues. A's shares represent his only substantial asset; the couple are still renting their home.

The Wife contends that a failure to consider indirect non-financial contributions in determining whether there has been substantial improvement to an asset could conceivably result in the hypothetical wife ending up with nothing, even though the hypothetical wife's indirect contributions through caregiving could potentially have been significant. This, the Wife claims, shows the untenable

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[54] WWS at [27]–[28].



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nature of the Husband's contention that assets pre-dating the marriage can only be substantially improved by way of direct efforts.[55]

41 With respect, I am unable to agree. For one, while hypotheticals can sometimes be useful in taking the principles in case law to their logical extension, some of these hypotheticals which are crafted to tug at heartstrings, evoke sympathy and to invite a sense of moral discomfort (including the hypothetical posited) contribute little to the discussion. In reality, such extreme hypotheticals often bear little to no resemblance to principled or objectively grounded scenarios. The hypothetical advanced by the Wife is, perhaps unsurprisingly, one of these hypotheticals of a fringe scenario. In that hypothetical context, who is this mythical fintech multi-millionaire in a long marriage who does not even have a home, a car, or any other investments or "substantial" assets to his name, and whose singular asset is his multi-million-dollar fintech company incorporated pre-marriage? In my mind, the use of entirely unrealistic scenarios like this one where there are these imagined injustices, while rhetorically compelling, are untethered from the practical realities of how families actually function, how assets are managed, and how lives are lived. Indeed, the present facts themselves underscore the lack of realism underlying the hypothetical used (and indeed, its patent unsuitability on these specific facts), because, as will be seen later on, even if one excludes the shares of Company [A] in this case, the matrimonial assets still amount to over $1.7 million (see [64] below). Accordingly, the courts must be cautious not to allow emotionally charged but implausible hypotheticals to distort the law or to erode the integrity of legal thresholds. Justice is, in my view, best served not by indulging abstractions (that can, at times, be entirely untethered from reality),

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[55] WWS at [29]–[30].



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but by adhering to principled, fact-sensitive analysis rooted in the facts of each case before the court.

42 Even if such facts as in the hypothetical were to come before the court, contrary to the Wife's concerns,[56] the law does provide that indirect and non-financial efforts *can* amount to substantial improvement (albeit that this would be the exception rather than the norm). The question of whether the shares of a company ought to be included in the matrimonial pool would ultimately be a "question of fact" (*USB v USA* at [22]). In the absence of a holistic understanding of the facts surrounding the hypothetical wife's non-financial efforts and how these efforts led to a substantial improvement (if any) in the hypothetical fintech company, it would be difficult to make any determinative finding. The hypothetical wife's caregiving efforts in that specific instance may very well be relevant if the requisite causal link can be proven on the facts. Conversely, if such causal link cannot be proven, I see no reason why it would be just and fair for the other spouse to have a share in an asset that was acquired pre-marriage (see *Chen Siew Hwee* at [34]).

43 For another, it is far from the case that if non-financial contributions are not taken into account at this stage of identifying matrimonial assets, they would be completely omitted from the division of matrimonial assets analysis. Only a subset of a spouse's non-financial contributions is relevant in determining whether an asset that pre-dates marriage constitutes a transformed matrimonial asset, *ie*, efforts that bear a clear and demonstrable connection to the improvement of the asset itself. All non-financial contributions one makes to the marriage (including efforts that are part of the subset) are subsequently considered *more broadly* in deciding the proportion of the matrimonial assets to

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[56] WWS at [27].



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be awarded to each party (see *Chen Siew Hwee* at [51]). To conflate the two strands of analyses in the manner the Wife suggests would be to erode the very distinction *USB v USA* assiduously seeks to preserve: it would mean any pre-marital asset that substantially improves in value during the course of a marriage risks being swept into the matrimonial pool by virtue of general marital contributions alone. It would render the use of any test to define "substantial improvement" illusory since in the overwhelming majority of such marriages, both parties would have indirectly contributed to the marriage. The concept of "substantial improvement", as set out in section 112(10)(*a*)(ii) of the Women's Charter 1961, would then become no more than a formal label devoid of real analytical force, defeating the careful balance the law has struck between respecting individual ownership and allowing for recognition of true joint endeavour. In my view, s 112(10)(*a*)(ii) must not be interpreted in such a manner which would in effect render the requirement for "substantial improvement" otiose since Parliament does not legislate in vain (see *Tan Cheng Bock v Attorney-General* [2017] 2 SLR 850 at [38]).

44 In the circumstances, I see no reason, as a matter of principle, to accept the Wife's invitation to effectively rewrite the contours of the Court of Appeal's decision in *USB v USA*. Doing so would not only be untenable as a matter of *stare decisis*, but, just as importantly, would also be wrong as a matter of principle and logic for the very reasons I have explained.

(2) Application to the facts

45 Having sketched out the legal parameters, I now turn back to the facts of this case. It is not disputed that the Wife had not made any financial



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contributions to Company [A].[57] The Wife instead contends that the substantial improvement of Company [A] arose from her indirect non-financial contributions through "effort in the home and caregiving" which allowed the Husband to be free "to devote his energies to the business".[58] Linking back to the two requirements, the Wife first seeks to demonstrate that there has been substantial improvement of Company [A]'s shares by showing an increase in the accumulated profits of Company [A] from financial year 2021 to 2023, from $513,977 to $1,277,154.[59] The Wife then submits that a direct causal link is established between her non-financial contributions and the substantial improvement since Company [A] was the Husband's sole source of income such that he must have devoted his freed energies to it.[60]

46 In relation to the first requirement, I pause here to make an observation about how the Wife had characterised the improvement in this case. It would be seen that the Wife equated that with an increase in profit over time. On these facts, that is intuitive and entirely understandable. Nonetheless, I should caution that the concept of "improvement" should not always be equated with an absolute increase in an asset's value, for such value is often at the mercy of market forces beyond either party's control. Instead, it is clear from *USB v USA* that the improvement that is being scrutinised here lies not solely in the outcome, but in the *nature and quality of the input*, be it financial investment, labour, or effort with economic value. A property may, for instance, undergo substantial renovations that render it significantly more functional or desirable, and yet still decline in market value due to a downturn in the broader property

57 ROA III(1) at p 86 (WAOM1 at p 17).

58 WWS at [16].

59 WWS at [33].

60 WWS at [16], [32].



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sector (see *USB v USA* at [22]). In the same vein, a spouse's sustained and skilful contributions to a business – perhaps even steering it through a crisis, maintaining its operations, or preserving key relationships – may be invaluable, even if the company's overall value or worth (in absolute terms) diminishes as a result of a challenging economic climate. In both of these examples, the contributions of the spouse in question *substantially* improves the asset in substance, even if such an improvement does not translate, strictly speaking, into a perceptible absolute increase in monetary value. The law's role is not to place primacy on entirely uncontrollable market fluctuations or the vagaries of broader economic realities, but on whether there was a *deliberate and meaningful application of value* to the asset itself by the spouse seeking to include such asset in the matrimonial pool.

47 Moving on to the second requirement, the Wife's case falls short as there is no direct causal link between the efforts on her part and the improvement of the asset. The Wife may contend that the existence of these gateway requirements sets a rather exacting bar to have such assets form part of the matrimonial pool but, with respect, that is precisely the point. Without the use of any principled framework, pre-marital assets that were not even meaningfully dealt with by the other spouse during the course of the marriage would be swept into the matrimonial pool on grounds of the other spouse's vague allusions to general and wholly indirect marital contributions alone (see a similar concern being raised at [43] above).

48 Since the Wife's contributions do not bear a direct causal link, it would follow that the DJ erred in concluding that the Wife's efforts in the home amounted to "substantial improvement" of Company [A]'s shares.



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49 This, however, is not the end of the analysis and I turn to the second discrete basis upon which the DJ concluded that Company [A]'s shares should constitute a matrimonial asset (*ie*, the Husband's use of personal funds to pay Company [A]'s foreign suppliers).

50 On this front, with respect, I am again unable to agree with the DJ in her reasoning that the mere use of funds from the Husband's personal bank account, without more, could transform the entire asset into a matrimonial asset. To adopt such a view would again be to dilute the legal test for "substantial improvement" under s 112 of the Women's Charter 1961 to the point of abstraction, rendering it little more than a formality devoid of substance. This is because a test in which every instance of financial interspersion constitutes a legally significant transformation would again effectively risk sweeping virtually all pre-marital assets into the matrimonial pool almost by default. Indeed, one would be quite hard-pressed to find small privately held companies where the financial accounts of the company are completely independent from the owner's and in which personal and corporate finances had never been blended, not even on isolated occasions. The doctrine of "substantial improvement" is meant to capture real and targeted enhancements to the asset itself – and not just the incidental by-products of marital co-operation. To be sure, I accept that this is ultimately a question of fact and degree – it may be, for example, that infusions of cash from the *Wife's account*, or from a *joint account* that was jointly managed by both of them, may suffice to amount to "substantial improvement" of the asset such that it becomes a matrimonial asset. The only point I make here is that on these facts, it is clear that occasional transfers of cash by the Husband, who had been living separately and independently from the Wife and who operates his own entirely separate bank accounts, falls very far short of the circumstances in which this could reasonably be argued. Accordingly, I am of



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the view that the fact that the Husband had, on occasion, withdrawn moneys from his personal account to pay his foreign suppliers in cash does not, in and of itself, transform Company [A]'s shares into matrimonial assets.

51 For those reasons, I am of the view that the shares of Company [A] should not be deemed a transformed matrimonial asset and should not be liable for division.

(3) Coda on valuation

52 As an aside, I note that the DJ in this case had, in deciding that the Company [A] shares constitute a matrimonial asset, taken the book value of Company [A] for the financial year 2023 – effectively assets, less liabilities – as the value of the Company [A] shares for the purposes of the matrimonial proceedings.[61] This was, in my view, not ideal as book value can often represent a poor proxy for actual substantive value. It reflects historical costs, depreciated figures and accounting choices that may have little relation to market realities or actual value. Book value often does not capture the myriad of intangible elements that may in reality depress a company's true value (including its goodwill), or may inversely be artificially inflated as it does not take into account potential depressing factors (such as illiquidity). The valuation process for private companies can, at times, be a complex exercise and it would be ideal, where feasible, to be guided by a proper valuation (see the useful discussion in *VZD v VZE* [2023] SLR(FC) 17).

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61 ROA I at p 15 (DJ's Decision at [22]–[24]); ROA III(1) at pp 366–393 (Company [A]'s Director's Statement and Un-audited Financial Statements: Financial Year Ended May 31, 2023).



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53 The valuation adopted by the DJ in this case is made even less ideal by the fact that the book value was derived by way of the use of *unaudited* statements, which, as one would appreciate, can often lack the independent scrutiny necessary to assess the veracity, accuracy or completeness of the figures presented, and which could very well have been shaped by assumptions or omissions that are not aligned to reality.

54 Having said that, I appreciate the fact that this approach was undertaken by the DJ as an unhappy compromise as the request for valuation had only come in from the Wife at the 11th hour. The Husband had not provided any valuation report throughout the course of proceedings, potentially as a strategic gambit as part of his broader strategic arguments that the shares were never a matrimonial asset to begin with.[62] The Husband quibbles with the DJ's approach on appeal, urging me to order a valuation if I find that the Company [A] shares were matrimonial property.[63] Admittedly, it is not uncommon, on appeal, for the court to request for a proper valuation to be done (see, for example, an order being made for further expert reports on appeal in *WGE v WGF* at [56]). As such, if the issue remained a live one before me, I would have had quite a bit of sympathy for the request for such a valuation to be undertaken. Ultimately though, the issue was inconsequential in light of my earlier findings that the shares in Company [A] do not constitute matrimonial property.

55 Nonetheless, it may be apt, given what may potentially have happened here, to use this opportunity to remind parties that they bear a duty to approach the division process with candour, diligence, and a genuine commitment to resolution. Such a duty includes placing before the court the necessary

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62 ROA III(1) at p 510 (FC/D 1787/2021 26 November 2024 NEs).

63 HWS at [30].



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documents so that a fair and informed assessment can be made. It is not open for any party to withhold key financial information, delay disclosure, or as was potentially the case here, to wait passively for the court to order a valuation as a form of strategic gamesmanship, with a view to keeping one's hand as hidden as possible. A party who chooses to play such a game of brinksmanship must know that they would have to live with the consequences, whether in the form of adverse inferences, unfavourable cost orders, or the court's ultimate decision not being to their liking. It is not for them, having realised that such a gamble did not pay off, to then urge the appellate court to rescue them from the consequences of such calculated choices.

*Personal moneys used to pay suppliers*

(1) The law

56 While the use of funds from the Husband's personal bank accounts may not, without more, transform the Company [A] shares into matrimonial assets, it does not follow that the transfers out of his personal accounts should escape scrutiny. The law recognises that even when spouses maintain distinct bank accounts, the assets obtained during the marriage or derived from income earned during the marriage are included in the matrimonial pool and subject to division. Such assets are known as "quintessential matrimonial assets" (see *USB v USA* at [19(a)]). Accordingly, should quintessential matrimonial assets be expended on pre-marriage assets, the equivalent proportion ought to go into the matrimonial pool so as to maintain the viability of the quintessential matrimonial asset (see *USB v USA* at [19(c)]). The Husband appears to accept this point in theory, as he concedes that since he had "used his personal monies to pay [Company [A]'s] suppliers", "the equivalent proportion of the equitable or beneficial interest of the value of the shares" would fall within the



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matrimonial pool.[64] Nonetheless, he maintains that such moneys should not be included in the matrimonial pool in the present case as the Wife has not discharged her burden of proof in proving "the equivalent proportion … resulting from the payments by [the Husband] from his personal monies".[65] His point, it would seem, is that the Wife has not proven precisely how such use of personal moneys translates into the actual value of Company [A]'s shares, and therefore not a single cent of Company [A]'s shares should be included in the matrimonial pool.

57 The argument, with respect, is a poor one and one that I have little difficulty rejecting. If, as the Husband accepts, he had in fact put in moneys from his personal bank accounts for the purposes of paying suppliers, that is plainly evidence enough of the need to put such moneys back into the matrimonial pool. In fact, this is not restricted to moneys used to pay foreign suppliers and instead extends to all moneys withdrawn from the Husband's personal accounts that were expended on Company [A]. As for the precise proportion of the value of Company [A] shares to be added back to the matrimonial pool, where one spouse (in this case, the Husband) elects to use personal funds for the benefit of a business owned by him/her, it does not lie in his/her mouth to later demand that the other spouse prove the precise value of such funds conferred on the business. The law cannot, and should not, permit a party to benefit from the use of matrimonial funds while simultaneously denying accountability for such depletion.

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64 HWS at [24], [26]; 16 May 2025 Minute Sheet at p 2.

65 HWS at [27].



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(2) The amount to be included in the matrimonial pool

58 To determine the proportion of the value of the Company [A] shares to be added back into the matrimonial pool, the following two questions have to be answered:

(a) First, how should the court quantify the proportion of the value of the Company [A] shares to be included in the matrimonial pool?

(b) Second, what is the quantum of personal moneys that the Husband had used on Company [A]?

59 On the matter of the first question, the Court of Appeal in *USB v USA* (at [34]) had outlined two approaches to quantifying the proportion of the asset to be included in the pool as follows:

> Once the spouse has produced the necessary evidence, the question that arises is how the court should quantify the proportion of the asset that is to be included in the pool. *One option is for the court to put into the pool only the amount spent after marriage, for example, the exact sum paid to reduce the mortgage loan.* Another option is to apply a formula, similar to the approach applied by the Judge in relation to properties described above … to determine the proportion of the current net value of the asset (which may be higher or lower than the amount spent) that should be credited to the pool. Generally, the latter approach may be preferred as it appears fairer and any capital gain would be reflected in the calculation, but we repeat our words of caution in *UYQ v UYP* [2020] 1 SLR 551 ("*UYQ v UYP*") that parties should not take an overly mathematical approach. *The particular approach adopted in each case will ultimately depend on the evidence and arguments put forward by the parties. The courts should adopt a common-sense approach to this calculation*, and an appellate court will be slow to intervene with the judge's exercise of discretion unless it is clearly wrong or inequitable.
>
> [emphasis added]



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60 In my view, the first approach suggested in the extract of *USB v USA* above should be adopted on the present facts. The quintessential matrimonial asset in question is the Husband's personal funds that he had expended on Company [A], which is an absolute value untethered to the share value of Company [A]. Additionally, adopting the first approach would circumvent the issue of valuing the shares, which is itself an issue on appeal (as I had explained at [52]–[53] above). Circumventing the valuation of the shares would be optimal since even the Wife had implicitly accepted that the DJ's method for valuing the shares was less than optimal by herself having requested that "the court directs for a valuation of the shares in the company" in the ancillary matters hearing.[66]

61 I turn to the second question to determine the exact quantum of personal moneys that the Husband has expended on Company [A] during the course of the marriage. I note that neither party has submitted on the precise total quantum of personal moneys that the Husband had used on Company [A], which includes but is not limited to the sums withdrawn to pay foreign suppliers in cash. The Husband does however allude to the line item described as "amount owing to a director" on Company [A]'s financial statement providing a rough indicator of the total amount of personal funds used for the business. This arises from the Husband's claim that he would have sought "to recover the any [*sic*] payments that he made on behalf of [Company [A]] using his personal monies as loans to the company".[67] For completeness, based on the company's unaudited financial statements, the "amount owing to a director" was $322,607, $263,639, $176,801, $0, $9,873, and $42,642 for the financial years 2018, 2019, 2020,

66 WWS at [37].

67 HWS at [23]–[24].



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2021, 2022, and 2023 respectively.[68] However, in my mind, these numbers read on their own contribute little value to the determination of the exact quantum of personal moneys expended as:

(a) the Husband has not adduced any evidence demonstrating that every transaction where the Husband's personal moneys had been expended was recorded as an entry under the item named "amount owing to a director" in Company [A]'s accounts. The Husband should have, for instance, provided loan invoices or a breakdown for how the "amount owing to a director" was arrived at based on Company [A]'s accounts and traced each entry to the equivalent withdrawal from the Husband's personal bank accounts;

(b) one is unable to determine the amount of personal moneys that had been expended in a particular year by looking at the difference between the net values at the end of each financial year alone since the net values do not show the amounts repaid to the Husband each year; and

(c) it is the Husband's first time raising this contention. Even when counsel for the Husband commented specifically on this debt item at the ancillary matters hearing, he had not linked the debt owed by Company [A] to the Husband's cash withdrawal transactions.[69] If the Husband's contention were true, there is little reason for him to not have mentioned this before the lower court, particularly since the Wife had,

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68 ROA III(2) at pp 206, 231, 258 (Company [A]'s Statement of Financial Position as at 31 May 2019, 2020, and 2021 respectively); ROA III(1) at p 370 (Company [A]'s Statement of Financial Position as at 31 May 2023).

69 ROA III(1) at p 509 (FC/D 1787/2021 26 November 2024 NEs at p 12, para D).



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effectively, requested for the court to add both the sums from the cash withdrawal transactions and the debt back into the matrimonial pool.[70]

62 I therefore think it unsafe to assume that the line item I described in the preceding paragraph provides a sensible or principled proxy for the quantum of loans extended by the Husband. Instead, I examine the following withdrawals which the Husband has confirmed were expended on Company [A] and which were made during the course of the marriage (*ie*, between 31 August 2011 to the date of the interim judgment, 5 January 2022):

| S/N | Date of withdrawal | Amount withdrawn (S$) | Husband's explanation on affidavit | DJ's findings |
|---|---|---|---|---|
| 1 | 19 March 2020 | 60,000 | Used for payment in cash to foreign suppliers[71] | *Not satisfied* that sum was used to pay foreign suppliers<br>Added sum back to matrimonial pool |
| 2 | 20 May 2020 | 100,000 | Paid to Company [A] by way of cheque[72] | Accepted that sum was paid to Company [A] |
| 3 | 3 May 2021 | 50,000 | Used for payment in cash to foreign suppliers[73] | Accepted that sum was used to pay foreign suppliers |

[70] ROA III(1) at pp 419–426 (Wife's Submissions for Ancillaries Hearing on 26 November 2024 dated 20 November 2024 at [40]–[52]).

[71] ROA III(2) at pp 53–54 (Husband's Affidavit for FC/SUM 2902/2022 dated 21 November 2024 ("SUM 2902 Husband's 2nd Affidavit") at [19]).

[72] ROA III(2) at p 54 (SUM 2902 Husband's 2nd Affidavit at [20]).

[73] ROA III(2) at p 54 (SUM 2902 Husband's 2nd Affidavit at [21]).



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| | | | | |
|---|---|---|---|---|
| 4 | 11 May 2021 | 110,000 | Used for payment in cash to foreign suppliers[74] | *Not satisfied* that sum was used to pay foreign suppliers<br>Added sum back to matrimonial pool |
| 5 | 27 May 2021 | 100,000 | Used for payment in cash to foreign suppliers[75] | Accepted that sum was used to pay foreign suppliers |
| Total amount of personal moneys expended on Company [A] | | | | 250,000 |

The DJ's findings on the cash withdrawal transactions are not on appeal but, in any case, there is little reason to disturb these factual findings. Therefore, based on the evidence adduced by the parties, the Husband had expended a total of $250,000 on Company [A]. In my mind, it is possible that the Husband had in fact expended even more personal funds on Company [A] beyond these three withdrawals but on the evidence before me, there do not appear to be any other transactions involving the use of personal moneys by the Husband on Company [A].

63 In theory, this total amount of $250,000 is not representative of the final value to be added back into the matrimonial pool. This is because, at least conceptually speaking, the final value to be added back must also account for the sums that have been repaid by Company [A], since such sums would already have been included in the matrimonial pool as part of the Husband's personal

74 ROA III(2) at pp 53–54 (SUM 2902 Husband's 2nd Affidavit at [19]).

75 ROA III(2) at p 53 (SUM 2902 Husband's 2nd Affidavit at [17]).



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bank accounts. Nonetheless, in the present case, I am unable to determine the precise sum that has been repaid by Company [A] to the Husband's personal bank accounts based on the evidence before me for the following reasons:

(a) The Husband (whom the burden of proof lies on in establishing this value) has not made any submissions on how this sum is to be determined. Depending on the evidence before me, vastly different amounts would be arrived at. On the one hand, the unaudited financial statements suggest that the sum repaid would be at least $322,607 since the amount owing to the Husband decreased from $322,607 to $0 between 2018 and 2021 (see [59] above). On the other hand, the Husband claims that a total sum ranging between $254,004.79 and $603,229.79 (comprising of $101,754.79 deposited on 19 March 2020,[76] $152,250 deposited on 18 May 2020,[77] potentially $100,000 deposited on 3 October 2020,[78] potentially $100,000 deposited on 17 November 2020,[79] potentially $50,000 deposited on 24 February 2021,[80] and potentially $99,225 deposited on 11 May 2021[81]) was deposited into his personal bank accounts by Company [A].

(b) Nonetheless, relying on the unaudited financial statements is problematic as the Husband has not demonstrated that the item named "amount owing to a director" in Company [A]'s unaudited financial statements is a record of the amount of personal moneys expended by

76 ROA III(2) at p 53 (SUM 2902 Husband's 2nd Affidavit at [10]).

77 ROA III(2) at p 53 (SUM 2902 Husband's 2nd Affidavit at [11]).

78 ROA III(2) at p 53 (SUM 2902 Husband's 2nd Affidavit at [12]).

79 ROA III(2) at pp 53–54 (SUM 2902 Husband's 2nd Affidavit at [13]).

80 ROA III(2) at p 54 (SUM 2902 Husband's 2nd Affidavit at [14]).

81 ROA III(2) at p 54 (SUM 2902 Husband's 2nd Affidavit at [15]).



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the Husband on Company [A] (as I had explained at [61] above). Even if we were to assume that the unaudited financial statements provide a rough estimate of the amounts that have been repaid, I agree with the DJ's finding that we would be unable to account for the whereabouts of the repaid sums in the absence of any explanation from the Husband as they do not necessarily correspond with any entries in his disclosed bank accounts (indeed, it was precisely on this basis that the DJ added the sum of $176,801 notionally to the matrimonial pool (see [9(c)] above)).

(c) Relying on the Husband's explanations on affidavit for the various sums deposited into his personal bank accounts is also problematic. For one, the Husband was unable to recollect with certainty whether some of these sums were deposited by Company [A] or for other purposes. Even if he were able to recollect the reasons for all these deposits, the Husband would have to prove that each deposited sum was made to him as repayment and not for some other business purpose, but he has failed to prove as such. It is highly likely that the sums deposited would have been for a mixture of purposes since the unaudited financial statements contain an asset named "[a]mount owing *by* a director" [emphasis added] (which was valued at $61,754 in 2021[82]) and would likely have been deposited into the Husband's personal bank account presumably for other business purposes.

Therefore, I decline to make any deductions from the total amount of $250,000 on the basis of sums having been repaid by Company [A]. The final quantum of

[82] ROA III(2) at p 258 (Company [A]'s Statement of Financial Position as at 31 May 2021).



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personal funds expended by the Husband on Company [A] is $250,000 and this sum shall be added back into the matrimonial pool.

64 After removing the value of the Husband's Company [A] shares and adding the sum of $250,000 back into the matrimonial pool, the overall value of the matrimonial assets would be $1,700,024.45.

**Issue 1B: Division of matrimonial assets – proportion**

***The decision of the DJ***

65 I turn to the matter of the proportion of matrimonial assets to be awarded to each party. The DJ began with noting the parties' agreement that the marriage in question was a single-income marriage and proceeded to apply the approach in *BOR v BOS* (at [113]) for marriages of a shorter duration lasting around 10 to 15 years. Out of a general trend of awarding the non-income earning party about 25% to 35% for marriages of such length, the DJ decided to award the Wife 30% of the matrimonial pool.[83] The DJ considered the Wife's unilateral decision to keep the children in Shanghai, how "the Wife had been responsible for the caregiving of the children", and the fact that her primary caregiving role would remain even if the whole family had been residing together.[84]

***The parties' arguments on appeal***

66 Both in his Written Submissions and before the DJ, the Husband had taken the rather extreme position of contending that the Wife, in essence, ought

83 ROA I at pp 20–21 (DJ's Decision at [38], [40]).

84 ROA I at p 20 (DJ's Decision at [39]).



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to get nothing from the matrimonial pool.[85] With respect, this was self-evidently untenable and I need say no more about it. Before me, the Husband seemed to be acutely aware of the untenability of such a proposition and took on incrementally more tempered positions with time, initially putting forth an alternative proposal of a proportion of 10% to 15% to the Wife in his Written Submissions for the hearing before me,[86] before eventually proposing a proportion of 25% to the Wife (which would be at the lower end of the range stated in *BOR v BOS*) in the hearing itself.[87]

67 The Husband raises two main arguments to support his appeal against the DJ's decision to award 30% of the matrimonial pool to the Wife:

(a) First, the Husband contends that the DJ "failed to place sufficient weight on the fact that parties lived separate lives throughout the course of the whole marriage" and the fact that the Wife had caused harm to the children by unilaterally deciding to remain in China, "depriv[ing] the children of a father figure".[88]

(b) Second, the Husband contends that the proportion should be decreased as the Wife had likely failed to disclose assets.[89] While the Husband does not refer to any specific asset that ought to but had not been included in the matrimonial pool, he instead points to a number of circumstances which he deems "suspicious". This includes how the

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85 HWS at [46(a)]; ROA III(1) at p 463 (Husband's written submissions for FC/D 1787/2021 dated 20 November 2024 at [53]).

86 HWS at [46(b)].

87 16 May 2025 Minute Sheet at p 4.

88 HWS at [38].

89 HWS at [43].



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> assets in the Wife's sole name amount to a rather paltry total of $39.16 and how the Wife was able to purchase luxury goods during the course of the marriage despite her allegedly trying financial circumstances.[90]

***My decision***

68 Having regard to the length of the marriage, the Wife's primary caregiving role, and the Husband's arguments about the Wife's unilateral decision to stay in China, in my view, there is little reason to disturb the DJ's conclusions that it would be fair to award 30% of the matrimonial pool to the Wife.

69 First and foremost, I agree with the starting point taken by the DJ. While I accept that we ought not to over-rely or place undue weight on the labels for categorising the length of marriages (*WUI v WUJ* [2024] 5 SLR 979 at [49]–[51]), there is little reason for why we should depart from the Court of Appeal's guidance in *BOR v BOS* for marriages of such length in the present case. Indeed, I note that even counsel for the Husband had accepted that the range set out in *BOR v BOS* was applicable in the hearing before me.[91] The mere fact that the marriage in question was not a traditional one or did not account to one's personal predilections of what a marriage should look like (in the sense that the parties were living almost entirely separate lives throughout the course of the marriage, as I had explained earlier) does not mean that indirect contributions of the Wife would have been any different – her indirect contributions "in the form of parenting, homemaking … by their very nature, [would similarly be]

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90 HWS at [43].

91 16 May 2025 Minute Sheet at p 4.



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incapable of being reduced into monetary terms" (*ANJ v ANK* [2015] 4 SLR 1043 ("*ANJ v ANK*") at [24]).

70 Next, in view of the eventual position adopted by the Husband (of awarding 25% to the Wife), which effectively represents a mere 5% calibration downwards from what had been awarded by the DJ, I am hesitant to interfere with the DJ's orders. It is trite that an appellate court should generally be wary of entering into the fray on the basis of such minor tweaks (of less than 10%) to the eventual outcome (*USB v USA* at [80], citing *TNL v TNK and another appeal and another matter* [2017] 1 SLR 609 ("*TNL v TNK*") at [68]). The matter of division is, in essence, a matter of discretion, and consequently, it is not enough to merely show that a different court may have arrived at a slightly different outcome if it were deciding the matter at first instance. Instead, one has to show that the decision that was being appealed from was clearly inequitable or wrong in principle (*TNL v TNK* at [53]). There is, on my reading of the evidence, nothing to suggest this.

71 In any case, I do not think that either of the Husband's arguments (see [67] above) should warrant a variation of the ratio arrived at by the DJ. Starting with the Husband's first argument, I accept, in principle, that some weight should be placed on the Wife's unilateral decision to keep the children in Shanghai (see *XAP v XAQ* [2024] SGFC 61 at [12]). Nonetheless, it seems to me that the DJ appears to have already taken this into account, pointing out that she considered the "Husband's submission on the Wife's unilateral decision to keep the children in Shanghai" when deciding the proper ratio to ascribe to the Wife in relation to the matrimonial assets.[92]

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92 See ROA I at pp 20–21 (DJ's Decision at [40]).



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72 I similarly am unable to accept the Husband's second contention on the Wife's failure to disclose assets, as this is nothing more than a bare assertion without reference to any specific assets that the Wife could have failed to disclose. It is trite that the court should generally be slow to draw adverse inferences on the back of self-interested claims (see, for example, *UTS v UTT* [2019] SGHCF 8 at [30] and *O'Connor Rosamund Monica v Potter Derek John* [2011] 3 SLR 294 at [37]). Indeed, the sense that this was not a particularly forceful argument is reinforced by the fact that such an argument arises for the first time on appeal and, based on my reading of the record, was not even advanced at the ancillary matters hearing.[93]

73 Applying the ratio of 70:30 in the Husband's favour to the revised value of the pool of matrimonial assets, the Wife is entitled to the sum of $510,007 (*ie*, 30% of the matrimonial pool of $$1,700,024.45, rounded to the nearest dollar). The Wife is to retain the assets in her own name, which amount to a total of $39.16.[94] The Husband is therefore to transfer $509,968 (again, rounded to the nearest dollar) to the Wife. Since the same considerations apply such that the Husband may require time to liquidate his assets, I grant similar orders to those that have been made by the DJ[95] – namely the Husband shall be at liberty to pay this sum in six equal instalments of $84,995 (rounded to the nearest dollar) on the last day of the month with effect from July 2025.

74 Having dealt with the primary argument that was interrogated by the parties in the course of their written and oral submissions before me, I now turn to the two other strands of the Husband's appeal, namely his appeal against the

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93 WWS at [48].

94 ROA I at p 19 (DJ's Decision at [37]).

95 ROA I at p 21 (DJ's Decision at [42]).



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DJ's access orders and for reimbursement of the costs for the DNA test. I deal with each strand in turn.

## Issue 2: Access orders

### *The decision of the DJ*

75 For the issue of access, the DJ granted the following orders:[96]

> (a) Access to the children through video calls twice a week for at least 20 minutes each time. The days of the week and the timing of the video calls are to be agreed between the Parties.
>
> (b) Whenever the Husband is in Shanghai (whether for business or leisure), access to the Children are as follows: -
>
> > (i) On weekdays, daily access from the time of school dismissal to 8 p.m.;
> >
> > (ii) On weekends and school holidays, daily access from 10 a.m. to 8 p.m.
>
> (c) Access to the Children in Singapore at least once a year for a minimum period of 7 days. The access timings will follow those in para 15(b)(ii) until such time as the Husband is at liberty to have overnight access under para 15(d).
>
> (d) The Husband shall also be at liberty to have overnight access with the children or take them overseas after a period of 1 year from the date of Final Judgment. Logistical arrangements for the children's holidays with the Husband are to be agreed by the Parties at least one month prior to their departure.

### *The parties' arguments on appeal*

76 It would be reminded that the Husband seeks increased access on the following two fronts:[97]

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96 ROA I at pp 12–13 (DJ's Decision at [15]).

97 HWS at [47]–[48].



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(a) The Husband seeks to have unsupervised access to the children in Singapore for 14 days per year, in either one or two tranches. This would be in place of the current arrangement at a minimum period of seven days at least once a year, during limited timings as set out in the order; and

(b) The Husband also seeks to be entitled to overnight access and to be at liberty to take them overseas with immediate effect, instead of only after a year from the date of final judgment.

77 The Husband has raised various reasons for why access ought to be increased, not least that the present access terms are woefully insufficient and would result in him potentially losing a meaningful connection with the children, and that increased access would be necessary for them to bond independently with him, free from alleged potential alienation from the Wife.[98]

***My decision***

78 Access arrangements for children are, by their very nature, deeply fact-sensitive and often shaped by the specific nuances of familial dynamics, the children's evolving needs, and the practical realities in each case. As such, determinations of what would be in the child's welfare (*TRS v TRT* [2017] SGHCF 3 at [7]) are often inherently subjective, as they heavily rely on the first instance judge's direct engagement with the evidence and the impressions formed. In this light, an appellate court would be slow to disturb such findings and would typically intervene only if the court, at first instance, had "committed an error of law or principle, or … failed to appreciate certain crucial facts" (*USB v USA* at [52], citing *TNL v TNK* at [53]).

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98 HWS at [49].



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79 With respect to the Husband, I see little basis for coming to the conclusion that the Husband has advanced. As was pointed out by the Wife, the Husband's arguments on appeal provide a rather incomplete picture of the access orders that had been granted by the DJ.[99] Significantly, the Husband's access to the children in Singapore represent but one side of the coin as the DJ had also, as I noted above, granted the Husband access to the children whenever he is in Shanghai (whether for business or leisure).[100] In my view, this provides the Husband with sufficient access, especially since he "travels frequently to China for business purposes".[101] That some access should be in Singapore, and some access should be in Shanghai is, in my mind, entirely explicable: there is a need to provide for a gradual transition period for the children "to get used to and be familiar with the Husband again before he can have overnight access to them or take them on a holiday".[102] Indeed, such a transition period is especially necessary on these facts – the children have lived separately from the Husband their entire lives and the Husband-son relationship, in particular, would presumably require more time to develop given the absence of extended paternal contact for such a long time. We must also not overlook the fact that the Husband "had denied that he [was] his son until about a month before the hearing following the paternity test".[103]

80 I also rejected any suggestion by the Husband of alienation by the Wife. Not only was this an argument seemingly raised for the first time on appeal,[104]

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99 WWS at [55].

100 ROA I at pp 12–13 (DJ's Decision at [15(b)]).

101 ROA I at p 11 (DJ's Decision at [14]).

102 ROA I at p 11 (DJ's Decision at [14]).

103 WWS at [54].

104 WWS at [56(a)].



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but in my view, there was woefully insufficient evidence to prove such alienation. The courts have explained that "the term alienation applies to a cluster of psychological responses in a child towards a parent with whom he once had a loving relationship" (*ABW v ABV* [2014] SGHC 29 ("*ABW v ABV*") at [27], citing *Re S* [2011] 1 F.L.R. 1789). On these facts, there was, quite simply, no significant nurturing relationship to speak of.

81 The Husband specifically relies on two incidents to support his allegation of alienation:

(a) The Husband suggests that the daughter had filed a police report under the Wife's undue influence of an incident where the Husband had allegedly "stopped the car in the middle of the road, chased [the Wife] out of the car and threw her bag from the window into the street". The Husband claims that the police report was baseless since he had not been arrested or charged and the daughter would not have filed such a police report save for any such undue influence.[105]

(b) The Husband also points to the following messages from the Wife to demonstrate the Wife's "intentions to alienate the Children from [him] and her disregard for their wellbeing":[106]

> [Friday 10:22]
>
> Wife: Don't bother each other and see each other for the rest of your life!
>
> …
>
> [Yesterday 12:27]

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105 HWS at [50(a)]; ROA III(1) at p 214 (Police report dated 12 July 2024 filed by the daughter).

106 HWS at [50(b)]; ROA III(1) at pp 300, 303–304 (WeChat messages from the Wife to the Husband).



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> Wife: It only makes you hurt,
> Only you'll know,
> You're wrong,
> I'm sorry, kid!

82 In my mind, these two facts are insufficient to establish alienation. On the matter of the police report, there was too little information on the specifics of the matter and, in particular, on what (if any) follow-up action was taken and what investigations showed for the court to ascribe proper weight to that argument. On the latter point, it would be extremely unwise for the court to draw any meaningful conclusion on the matter of alienation from a couple of messages sent *in the heat of the moment*. The unfortunate reality of fractured relationships is that even ordinarily temperate and reasonable individuals may, in moments of strain and despair, say things they do not truly mean. In any event, the short and curt messages here were hardly the sort of messages that the court could seriously consider as providing sufficient basis to make a finding of alienation.

83 I therefore dismiss the Husband's appeal relating to access orders.

**Issue 3: Reimbursement of DNA test**

84 Finally, the Husband appeals against the DJ's cost orders, contending that the DJ erred in ordering that he reimburses the Wife for the expenses related to the DNA test. It would be reminded that the DJ had ordered that the Husband reimburse the Wife for any expenses related to the DNA test, including the flight tickets necessary for the son and her to fly from China to Singapore to undergo such tests.[107]

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[107] ROA I at p 32 (DJ's Decision at [57]).



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85 The Husband submits that the Wife, and not himself, should be made to bear such costs for the DNA test – put simply, he contends that because the Wife was living separately in China, and although they had conjugal relations a few weeks before the Wife became pregnant, he had no "visibility over [her] personal life, relationships, or activities".[108] Given those circumstances, and the one-off nature of the sexual intercourse, he contends that it was entirely reasonable for him to question the paternity of the second child.[109]

***My decision***

86 It is trite that the court has a wide discretion to award costs, albeit guided by the overriding concern of the court to achieve the fairest allocation of costs (see *JBB v JBA* [2015] 5 SLR 153 at [5], [27], citing *Aurol Anthony Sabastian v Sembcorp Marine Ltd* [2013] 2 SLR 246). On the facts, the DJ was entirely justified in making the order that she did. If a husband chooses to question the legitimacy of his own child and demand a DNA test, he sets in motion a deeply personal and potentially traumatic process – one that casts doubt not only on the child's identity but also on the integrity of the mother. Such a step, while undoubtedly permissible, carries emotional weight and consequences. Where the results ultimately confirm what the Wife has always maintained, namely, that the child is biologically his, there is an obvious irony in him then seeking to shift the financial burden of that inquiry onto her. It is he who raised the doubt, he who insisted on proof, and he who, when faced with the truth that categorically demolishes his doubts, should bear the costs of having asked the question. To do otherwise, with respect, would be to compound the emotional injury with a financial one, and to undermine the gravity of having called a

108 HWS at [54]–[55].

109 HWS at [56].



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child's parentage into question without just cause. Indeed, I am puzzled that the Husband would think it appropriate to question the intuitive propriety of reimbursing the costs expended by the Wife to disprove his (somewhat insidious) allegation of infidelity once the DNA tests showed that the child was his, let alone to pursue such a point on appeal. While I accept that he may have entertained some doubts about the paternity of the child at the outset, it would seem odd that he would expect the Wife to pay to clarify such doubts, especially after such a test proved the Wife's initial assertion that the Husband was, in fact, the child's biological father. In the premises, I am of the view that the DJ's decision to have the Husband bear these costs is entirely fair.

**Conclusion**

87 The question of when pre-existing assets should be treated as matrimonial property is not one confined to Singapore. Similar debates are unfolding in other jurisdictions, including before the UK Supreme Court, which recently heard arguments in an appeal from the well-publicised English Court of Appeal decision of *Standish v Standish* [2024] 4 WLR 60 concerning the treatment of non-matrimonial assets. It is a legal tension that will no doubt continue to evolve across common law systems, as more and more complex scenarios inevitably find their way before the courts. That said, on these facts, and on the law as it stands, I am of the view that the shares in Company [A] held by the Husband ought not to fall within the matrimonial pool and should accordingly be excluded from the division process.

88 For the above reasons, I allow the Husband's appeal in part. I order as follows:



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(a) I dismiss the appeals against the DJ's order in relation to the proportion of the matrimonial pool to be awarded to each party, access, and costs;

(b) The order on the division of matrimonial assets shall be varied in the following manner:

(i) After removing the Husband's Company [A] shares (valued at $1,457,154) from and adding the personal moneys used to pay Company [A]'s suppliers (which amount to a total of $250,000) back into the matrimonial pool, the overall value of the matrimonial assets would be $1,700,024.45;

(ii) The Wife is awarded the sum of $510,007 (being 30% of the pool of matrimonial assets valued at $1,700,024.45); and

(iii) The Wife is to retain the assets held in her name, which amount to a total of $39.16. Accordingly, I order the Husband to transfer the sum of $509,968 to the Wife. The Husband shall be at liberty to pay the said sum of $509,968 in six equal instalments of $84,995 each on the last day of the month with effect from July 2025.



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89 I decline to make any order as to costs for the appeal as there was no clear "winner" in these proceedings given that the appeal was only successful in part.

Mohamed Faizal
Judicial Commissioner

Sharon Chong Chin Yee, Lim Muhammad Syafiq
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for the respondent.



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