IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 44

District Court Appeal No 101 of 2024
(Summons No 180 of 2025)

Between

VMG

… *Appellant*

And

VMH

… *Respondent*

JUDGMENT

[Family Law — Custody — Care and control]

VMG
v
VMH and another matter

[2025] SGHCF 44

General Division of the High Court (Family Division) — District Court Appeal No 101 of 2024 and Summons 180 of 2025
Choo Han Teck J
26 February, 7 May, 22 July 2025

24 July 2025 Judgment reserved

Choo Han Teck J:

1 This is an appeal against the District Judge's ("DJ") decision dismissing the father's (the "Appellant") application in FC/SUM 1644/2024 which was filed on 25 May 2024 and dismissed on 16 October 2024. In this appeal, the Appellant applies for:

(a) the order for sole care and control over the son (the "Child") that is currently favour of the mother (the "Respondent"), to be reversed;

(b) the Respondent to disclose her source of income from 2022 to present;

(c) the passport details of the Respondent's mother;

(d) disclosure of the child interview records;

(e) Ministry of Social and Family Development ("MSF") social support to provide food to the Respondent and conduct house visits;

(f) a new judge to hear the case; and

(g) the Respondent to undergo mental health assessment.

2 I will address point (g) first. On the application of the Appellant on 26 February 2025, I made an order that both parties to be psychologically assessed for mental health and psychiatric illnesses. At the 7 May 2025 hearing, it transpired that the Appellant did not undergo the psychiatric assessment, claiming that the Legal Aid Bureau did not assist him to obtain the appointment. When I suggested that the Appellant could go to the polyclinic himself to obtain a psychiatric assessment, he argued that he had no psychiatric issues and that it would cost money to get a psychiatric report. It seemed to me that the Appellant was not inclined to be assessed so I rescinded the order at the 7 May 2025 hearing. The Respondent, on the other hand, had complied with court directions and undergone the psychiatric assessment. The Institute of Mental Health ("IMH") report indicates that there is no evidence of any mental health challenges or psychiatric illnesses..

3 I will now address points (a), (b) and (c) together, as they all pertain to the Respondent's suitability in maintaining sole care and control over the Child. The Appellant asserts that the Respondent is unfit for the role. In support of that, he asserts that the Respondent has psychiatric issues, has no stable job, and has inadequate caregiving arrangements. Therefore, he seeks a mental health assessment of the Respondent and also disclosure orders for the Respondent's source of income, and the travel logs of the Child's alternative caregivers. These arguments are not new, and had been made to the DJ below.

4 On appeal, the Appellant continues to assert that the Respondent has psychiatric issues. However, he does not provide any evidence of such. Furthermore, he asserts that the Respondent did not attach an actual IMH report. That is untrue. On the contrary, the Respondent, after undergoing psychiatric assessment, has been found to display no evidence of mental illness. This medical opinion is annexed in her affidavit. Accordingly, I find no reason to disturb the finding of the lower court that the Respondent is mentally fit to have care and control of the Child.

5 Next, the Appellant argues that the Respondent has no stable employment. He is working as an engineer in a shipyard. He asserts that the Respondent was once retrenched and is now currently employed only on an *ad hoc* basis, and that is insufficient to support the Child. However, he has not explained why so. Although the Respondent was retrenched from her previous job, it was not due to her aptitude nor attitude. It was stated in her letter of retrenchment that her termination was due to "slowdown in business resulting in reduction of workforce" and that she was a "valuable employee", "sincere, hardworking and [bore] a good moral conduct". Also, although her current job may be described as *ad hoc*, it does not detract from the fact that the Respondent has been earning a living wage. Although her income may not be high, there is nothing adduced by the Appellant to suggest that the needs of the Child are not met.

6 Further, the Appellant argues that the Respondent often leaves the Child at home alone and goes to work, especially when the Respondent's parents returns to India. Similarly, he has no evidence in support of this allegation. The Respondent explains this issue fully on affidavit and was unchallenged in the court below. Her explanation that whenever her parents (the grandparents of the Child) returns to India, she would take leave or send the Child to daycare was

accepted by the DJ and there is no basis to reject it. The Appellant has adduced no evidence to suggest that the caregiving arrangements of the Respondent is inadequate to secure the welfare of the Child.

7 I agree with the DJ that in the best interests of the child, care and control should remain with the Respondent. I also do not think it relevant and necessary for any further disclosure of the Respondent's income and the passport details of her mother. Therefore, I dismiss the Appellant's appeal on points (a), (b) and (c).

8 Next, I will address points (d), (e) and (f). There were little to no arguments raised by the Appellant in his submissions at this appeal regarding these points. As such, the elaboration will be brief. With regard (d), there is no legal basis for such a request. The Court of Appeal in *WKM v WKN* [2024] SGCA 1 held at [43], "it is crucial that the court maintains the confidentiality of these [child interviews]". Regarding (e), there is, again, no legal basis for such a request. As for (f), the Appellant says that he "wants a new team for his case not this same Judge as for FC/D 5852/2019". He referred to several judges in his submission and it is not clear which judge he had in mind. In any event, had he any ground for his case to be heard before another court, he ought to have made the application before the hearing commences. If he was referring to this court, there is no reason advanced as to why I ought to recuse myself from hearing this appeal apart from the fact that two of his appeals (in DCA 78 of 2020 and DCA 46 of 2023) were heard by me. In any event, he has not produced any evidence nor set out any argument to support this prayer in his submissions regarding any of the judges he had mentioned. Therefore, points (d), (e) and (f) ought to be dismissed.

9 For the above reasons, the appeal is dismissed in its entirety.

10 With regard HCF/SUM 180/2025, I find that the Appellant is seeking substantially similar prayers as in the main appeal. With the dismissal of the appeal, HCF/SUM 180/2025 is also dismissed. However, during the hearing, the Appellant informed the court that the Respondent has been denying the Appellant access to the Child. This was the main motivation behind HCF/SUM 180/2025. The Respondent has also separately applied for personal protection orders ("PPO") against the Appellant on behalf of the Child. The matter of the PPO is not before this court, and whether the Respondent can establish the grounds for a PPO is for another court to decide. Meanwhile, as to the matter of access, the access orders granted previously remain in force until new orders are made, and the Respondent has to comply with them.

- Sgd -
Choo Han Teck
Judge of the High Court

Appellant in person;
Arul Suppiah Thevar (APL Law Corporation) for respondent.
