IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 51

Originating Application for Maintenance (Variation, Rescission) in a Dissolution Case No 5 of 2025

Between

UXL

… *Applicant*

And

UXM

… *Respondent*

JUDGMENT

[Family Law — Child — Maintenance of Child]

UXL
v
UXM

[2025] SGHCF 51

General Division of the High Court (Family Division) — Originating Application for Maintenance (Variation, Rescission) in a Dissolution Case No 5 of 2025
Choo Han Teck J
15 August 2025

28 August 2025 Judgment reserved.

Choo Han Teck J:

1 The parties were married on 2 August 2012 and have two sons now aged 12 and 10. The respondent-father (the "Respondent") filed for divorce in HCF/DT 5326/2015 on 25 November 2015. Five days later, he sued the applicant-mother (the "Applicant") in HC/S 1217/2015 in which he succeeded in setting aside a Deed of Trust which he executed in favour of his children with the Applicant named as the trustee and executor.

2 Subsequently, on 20 December 2019, Ong J handed down her judgment in HCF/DT 5326/2015, in which she ordered the Respondent to pay maintenance of $2,000 to each of the children. The Applicant now sought to vary that order by increasing the amount from $2,000 to $16,800 and $15,000 to the older and younger sons, respectively.

3 Counsel for both parties referred to the action in HC/S 1217/2015. In that action, named as *BOM v BOK,* the Court of Appeal found that the Applicant had made fraudulent misrepresentations to the Respondent leading him to execute the Deed of Trust. The deed was consequently set aside and the Applicant, a lawyer was referred to the Law Society's Disciplinary Tribunal. Counsel claims that the Disciplinary Tribunal found that there were no fraudulent misrepresentations by the Applicant, a finding that appears to be inconsistent with the finding of the Court of Appeal.

4 Counsel for the Respondent therefore submitted that I should not deviate from the findings of the Court of Appeal. On the other hand, counsel for the Applicant submitted that Ong J's decision in HCF/DT 5326/2015 was thus erroneous in having relied on the wrong finding by the Court of Appeal.

5 It must be clear that a lower court or even a tribunal obliged to make an independent finding of facts, may make findings inconsistent with that made by another tribunal or court, including the Court of Appeal. That does not mean, as counsel for the Applicant is suggesting to me, that the latter finding supersedes the earlier one. If there are inconsistencies, a third tribunal or court has to make its own determination.

6 However, the issue in question is a complex one. First, it would have required me to receive evidence in order to determine if I should agree with which finding of fact. Then I would be obliged to determine whether the decision of Ong J had been wrongly influenced by the one finding. This is neither the correct approach, nor a sensible one since neither party has applied to re-open the issue regarding the finding of fact. In these circumstances, the more appropriate recourse for the Applicant was to have applied to Ong J for a review of her own decision. Alternatively, the Applicant could have also

appealed against Ong J's orders on the ground that she had taken wrong factors into account when deciding the amount of maintenance for the children — if that was the Applicant's position.

7 Since the Applicant has not taken either course, I will proceed by examining the Applicant's request to order $16,800 and $15,000 using the $2,000 as a base, without taking into account any other factors, including whether the Respondent had made fraudulent misrepresentations.

8 Having regard to the facts set out in the affidavits, I am of the view that even in 2019, $2,000 for each of the sons was a fair amount. Although the children are about three years apart, courts sometimes allow an overlap on the basis that sometimes one child might require more and at other times, less, than the other. The question is whether, after six years, there is a substantial change in the circumstances to merit in allowing the variation sought.

9 In my opinion, the children may have increased expenses on account of going to primary school, but I do not think that $2,000 each is inadequate. The amounts claimed, $16,800 and $15,000 a month, for two primary school children are unjustifiable. Taking just one item as an example, I find that the Applicant's claim for $3,200 for food to be excessive. On the basis of $20 a day for meals, the child would have incurred only $600 a month. I do not accept the Applicant's claim that because her child had a sensitive mental condition he needs to eat at expensive quiet restaurants. I have perused each of the remaining items and am of the view that none of them are of merit.

10 However, I am mindful that the older son, [A], is diagnosed with Autism Spectrum Disorder. One recommendation from the psychologist was to enrol [A] into a school with smaller class sizes, in order to have increased support for

[A]. In response to this diagnosis, and recommendation and believing it best for [A] to remain in his current school, the Applicant had hired a shadow support to follow [A] to school, to assist him in his preparation for PSLE, which is happening in September 2025. She has relied on this to seek for higher child maintenance moving forward. The Respondent disagrees and argues that [A] should be placed in a local special needs school, where the curriculum and system would already support him.

11 I am of the view that the shadow support hired for [A] from August 2024 was a reasonable expense incurred for the welfare of the child. She recognised that it would not be ideal for [A] to change schools in view of his impending PSLE. The Respondent's suggestion would require a displacement of [A] just before his national examinations. I do not think that is in the welfare of the child. However, the shadow support should not be a permanent and recurring expense. [A's] PSLE starts in September and will end in the same month. Therefore, I will only order backdated maintenance for the cost of such shadow support for [A] from August 2024 to September 2025. Accounting for the December 2024 and June 2025 school holidays, this amounts to 12 months. Based on the invoices adduced by the Applicant, the average cost of monthly shadow support is $2,200/month. Thus, in the 12 months, $26,400 would be incurred. I thereby order the Respondent to pay $13,200 as his half share as a lump sum backdated maintenance.

12 Both counsel submitted on the new documents disclosed in the Applicant's written submission. These documents are intended to show that the Respondent is a man of substantial means, but I am of the view that this point is of no relevance. The wealth of the Respondent is immaterial to the present case for the variation of child maintenance. Their respective income had already been considered by Ong J in the original maintenance order. In an application

for a variation, the applicant must show a substantial change of circumstances, and that means that the present orders are inadequate because of the changes.

13 The Applicant fails to show such a change, save for the item referred to above in para [11]. Finally, although the Respondent is wealthy, so too is the Applicant. Generally, in assessing the needs of a child, a court would be constrained by the low income of the supporting parent. But it does not follow, however, that maintenance should increase in proportion to the capacity of a parent to pay, with no limit to the increment. When wealthy parents wish to spoil their children with expensive toys and feed them Michelin-starred meals, they can do that on their own accord. But when there is a dispute, the courts will determine what maintenance is reasonable and adequate for the child needs, not what the parents want him to have or what the child himself would like to have. Naturally, the wealthier the parents, the more leeway the court has in determining the amount. The application is allowed only to the extent of the backdated maintenance sum of $13,200.

14 Counsel is to submit on the question of costs within 10 days.

- Sgd -
Choo Han Teck
Judge of the High Court

Nandwani Manoj Prakash and Nur Halimatul Syafheqah (Gabriel Law Corporation) for the applicant;
Wang Liansheng and Petrina Tan Heng Kiat (Bih Li & Lee LLP) for the respondent.