IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 60

District Court Appeal No 65 of 2025

Between

XGO

… *Appellant*

And

XGN

… *Respondent*

District Court Appeal No 66 of 2025

Between

XGN

… *Appellant*

And

XGO

… *Respondent*

JUDGMENT

[Family Law — Custody — No order made]

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XGO
v
XGN and another appeal

[2025] SGHCF 60

General Division of the High Court (Family Division) — District Court Appeals Nos 65 and 66 of 2025
Choo Han Teck J
15 October 2025

24 October 2025 Judgment reserved.

Choo Han Teck J:

1 The parties married in Jakarta, Indonesia in October 2017. Both parties were, and still are, Indonesian nationals. Their son was born in Indonesia in July 2020. The appellant, the mother, left the matrimonial home, in Indonesia, with their child and commenced divorce proceedings in the South Jakarta District Court ("SJDC") in June 2023. The SJDC dismissed the mother's petition for divorce, but she succeeded in her appeal to the Jakarta High Court ("JHC"). On 3 July 2024, the JHC granted her a divorce and custody of the child. Shortly thereafter, the father appealed against the decision of the JHC to the Supreme Court of Indonesia ("SCI"). On 28 November 2024, the SCI rejected the father's appeal, and the SCI issued its written judgment on 6 January 2025.

2 The mother left Indonesia for Singapore with the child on 14 May 2024. The child had never lived in Singapore before that. The mother then commenced

legal proceedings in Singapore on 15 July 2024, namely, FC/OSG 90/2024 ("OSG 90") to set out the terms of access between the child and his father. She took this step while waiting for the decision of the SCI. On 17 September 2024, the father filed FC/OSG 130/2024 to gain joint custody and to have unsupervised access to the child.

3 On 4 February 2025, the father filed FC/SUM 262/2025 ("SUM 262") to prevent the mother from bringing the child out of Singapore pending the conclusion of the case. On 19 March 2025, the mother filed FC/SUM 608/2025 to strike out OSG 90 and SUM 262.

4 On 13 May 2025, the District Judge ("DJ") in the court below made orders as to custody, care and control, and access. The DJ also ordered that neither parent could unilaterally remove the child out of Singapore nor apply for a new passport for the child ("Restrictions").

5 HCF/DCA 65/2025 is the mother's appeal against the part of the DJ's decision on Restrictions and the DJ's exercise of jurisdiction on the issue of custody. HCF/DCA 66/2025 is the father's appeal against the part of the DJ's decision on custody and access.

6 Before me, counsel for the parties explained that their clients took out originating summonses in Singapore as the SCI decision was pending. Counsel explained that in Indonesia, the lower court's decision is not binding when it is being appealed.

7 By the time this matter came before me, the SCI, which is the highest court in Indonesia, had delivered its verdict on the father's appeal. In fact, the SCI had done so on 28 November 2024, even before the DJ issued his findings

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on the originating summonses taken out by the parties in Singapore. Since the SCI had delivered its judgment on this matter, the basis for parties bringing their initial application in Singapore no longer exists. It is not appropriate for a court in Singapore to make a pronouncement on issues which have already been determined by the SCI. In this case, the Indonesian court is clearly the more appropriate forum to decide on this divorce and its related proceedings. In a situation such as this, where the divorce was granted by the Indonesian court, and the matter was pending before the Indonesian appellate court, our courts should decline jurisdiction to adjudicate on the same issues that are within the province of the Indonesian courts.

8 As such, the mother's appeal is allowed and the father's appeal is dismissed. No further orders are to be made as to the DJ's decision and parties are to comply with the SCI decision. Parties are to file submissions on costs within seven days.

- Sgd -
Choo Han Teck
Judge of the High Court

Mahmood Gaznavi s/o Bashir Muhammad and Rezza Gaznavi (Mahmood Gaznavi Chambers LLC) for the appellant in DCA 65 of 2025 and the respondent in DCA 66 of 2025;
Yoon Min Joo and Yvette Tay Yu Wei (Rajah & Tann Singapore LLP) for the respondent in DCA 65 of 2025 and the appellant in DCA 66 of 2025.

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