

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 64

Divorce (Transferred) No 4251 of 2024

Between

XUW

... Plaintiff

And

XUX

... Defendant

JUDGMENT

[Family Law — Matrimonial assets — Division]

[Family Law — Maintenance — Spouse]

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**XUW
v
XUX**

[2025] SGHCF 64

General Division of the High Court (Family Division) — Divorce
(Transferred) No 4251 of 2024
Choo Han Teck J
5 November 2025

18 November 2025

Judgment reserved.

Choo Han Teck J:

1 The parties married on 1 March 2008. The marriage lasted 16 years. Interim Judgment (“IJ”) was granted on 18 November 2024. The Plaintiff Husband, aged 53, is a Singapore citizen. He is an engineer by training, a director of three companies. He owns 45% shares in each of [“Company A”] and [“Company B”], none in [“Company C”], and draws a monthly salary of S\$9,160. The Defendant Wife, aged 55, is also a Singapore citizen. There is no clear view as to what she does for a living. Counsel for the Husband says that the Wife is registered as an employee in Company C and an unspecified company, and receives a salary from them, but counsel claims that she does not actually work, and stays at home all day. One of the companies specified by counsel is Company C, which was incorporated by the Husband and his business partner. This is the company that the Husband has no shareholding. The company is owned by the Wife and the Husband’s business partner’s wife in

equal shares. Her Central Provident Fund (“CPF”) statements indicates that she draws a monthly salary of S\$6,000.

2 The parties have five adopted children. They are:

- (a) [“Child A”], aged 12.
- (b) [“Child B”], aged 11.
- (c) [“Child C”], aged 8.
- (d) [“Child D”], aged 7.
- (e) [“Child E”], aged 7.

(Collectively, the “Children”).

3 The parties adopted the Children between 2013 and 2018 as they could not conceive naturally. The Wife abused Child A, Child C, Child D and Child E, but not Child B whom she liked. As a result of the constant abusing of the children (other than Child B) the Husband brought multiple applications against the Wife, including an application under the Guardianship of Infants Act 1934 and two applications for Personal Protection Orders on behalf of Child A and himself. Ultimately, her conduct led to his application for divorce.

4 Due to the severity of the abuses, the Child Protective Services (“CPS”) has taken Child A, Child C, Child D and Child E away from the parties and placed them in Children’s Homes. The Husband (but not the Wife) continues to have full and free access to the Children as permitted and arranged by CPS at the respective Children’s Homes. Child B still lives with the parties in the matrimonial home.

5 Although the Wife initially participated in the divorce proceedings, including taking part in mediation, she has been absent from proceedings since 15 April 2025. She filed no affidavit of assets and means in these proceedings and has not participated in presenting the joint summary. Counsel for the Husband said that the divorce papers have been served on the Wife, nonetheless, she has not appeared in court and was absent at this hearing. The issues to be decided are division of matrimonial assets, custody, care and control of the children, and spousal maintenance.

Division of matrimonial assets

6 The date to ascertain the pool of matrimonial assets is the date of the IJ, and the date to determine the value is the date of the hearing of the ancillary matters (“AM”). The exception to the valuation is balances in banks and CPF accounts, which are valued at the IJ date.

7 The parties have no joint assets. Therefore, the matrimonial assets will only consist of assets in the parties’ own names.

S/N	Asset	Husband’s case	Wife’s case	Court’s decision
Husband’s assets				
1	CPF Ordinary Account	\$1,021,047.21	Did not submit	\$1,021,047.21
2	CPF Special Account	\$126,376.22	Did not submit	\$126,376.22
3	CPF Medisave Account	\$64,002.94	Did not submit	\$64,002.94
4	DBS Bank Account No. ending with 2636	\$1,517,834.69	Did not submit	\$1,517,834.69

5	Car	\$0	Did not submit	\$0
6	Great Eastern Life Flexilife 60 with Cash Bonus Policy No. ending with 6028	\$74,962.50	Did not submit	\$74,962.50
7	Singlife Whole Life Policy No. ending with 1816	\$31,277.56	Did not submit	\$31,277.56
8	45% Shares in Company A	\$1,035,000 (but argues it is a pre-marital asset)	Did not submit	Not included
9	45% Shares in Company B	\$3,240,000 (but argues that it is a gift)	Did not submit	Not included
Subtotal (Husband's Assets)				\$2,835,501.12

8 As to S/N 1 to 7, I accept the valuation given by the Husband. The Wife did not challenge the valuation, and I find no reason to reject from the values presented by the Husband.

9 As to S/N 8 and 9, although the Husband disclosed the assets in the interests of full and frank disclosure, his counsel argues that these were pre-marital assets and therefore should not be included in the pool of matrimonial assets. He submits that the Husband started Company A on 3 February 2000, well before the marriage in 2008; and the Husband started Company B with money that was given to him by his parents as a “gift”. Accordingly, the shares in Company A are excluded as a pre-marital asset and the shares in Company B are excluded as a non-matrimonial asset.

10 I accept the submission. For S/N 8, the documentary evidence shows that it was incorporated more than eight years before the marriage. The shares of the company were issued at its formation. Accordingly, the shares are considered an asset acquired before the marriage. Such assets are *prima facie* “not related to the marriage and are not the material gains of the marital partnership”: *WQP v WQQ* [2024] SGHC(A) 34 (“*WQP v WQQ*”) at [38]. They may be considered marital assets only if “the asset was substantially improved during the marriage, [attaining] some connection to the marriage”: *WQP v WQQ* at [38]. In the present case, there is no evidence to show that the share value had increased substantially during the marriage that they were “substantially improved during the marriage”. Accordingly, I agree with the Husband that S/N 8 is a pre-marital asset and should be excluded from the pool of matrimonial assets.

11 As to S/N 9, the asset can be traced to a gift that was given to the Husband. Generally, assets acquired by gift are not related to marriage, unless they can be shown that they were “substantially improved” or ordinarily used during the marriage: *WQP v WQQ* at [38] and [41]. When assets acquired during the marriage as gifts, then they are non-matrimonial assets. The Husband bears the burden of proving that they are gifts: *CLT v CLS and another matter* [2021] SGHCF 29 at [22]. The Husband’s case is that the money used to obtain the Husband’s share in Company B was a gift from his father. Thus, the Husband’s shares in Company B are traceable to that gift. Due to the sequence of the gift from the Husband’s father and the incorporation of Company B, it is likely that his version of events is accurate. There is nothing to suggest otherwise. Accordingly, S/N 9 is excluded from the pool of matrimonial assets.

S/N	Asset	Husband's case	Wife's case	Court's decision
Wife's assets				
10	CPF Ordinary Account	\$13,790.66	Did not submit	\$13,790.66
11	CPF Special Account	\$104,330.02	Did not submit	\$104,330.02
12	CPF Medisave Account	\$73,757.28	Did not submit	\$73,757.28
13	CPF Investment Scheme 1 Unit Trust with IFAST FINANCIAL PTE LTD	Unknown value	Did not submit	\$0
14	1,360 Singtel Shares	Unknown value	Did not submit	\$0
15	UOB Bank Account	Unknown value	Did not submit	\$0
16	50% of the Matrimonial Home	\$7,340,758.96	Did not submit	\$7,340,758.96
17	50% of the shares in Company C	Unknown value	Did not submit	\$500,000.00
Subtotal (Wife's Assets)				\$\$8,032,636.92

12 As to S/N 10 to 12, the CPF balances of the Wife were obtained from the Central Provident Fund Board (“CPFB”). Therefore, the balances are verified by the authorities. I accept those values.

13 As to S/N 13 to 15, the Husband also obtained evidence of those assets from the CPFB. However, he does not provide a valuation of those assets. Accordingly, I am unable to ascribe them a value.

14 S/N 16 is the Matrimonial Home. The Husband and his business partner bought a house (“Matrimonial Home”) together and placed their equal shares in the names of their respective wives. Thereafter, the parties moved in and occupied the house as their matrimonial home. The Husband’s business partner and his wife seemed happy to let the house be used as such. Therefore, without more, the Wife holds 50% of the Matrimonial Home as a tenant in common with the business partner’s wife, who holds the other 50%. Counsel for the Husband said at the hearing that the business partner and his wife are both aware of the proceedings and have no objections, but there is no evidence from them. The Husband’s valuation of \$7,340,758.96 is derived from the total value of the Matrimonial Home, less the outstanding mortgage, divided by two. There is no evidence to the contrary. Accordingly, I accept S/N 16 as valued at \$7,340,758.96.

15 As to S/N 17, her 50% share in Company C, the Husband has provided documentary evidence showing that the shares are registered in her name. However, there is no valuation provided. Accordingly, I am unable to ascribe a value to the shares other than the original or par value which is \$500,000.

16 The overall value of matrimonial assets are as follows:

Subtotal for assets under Husband's name	Subtotal for assets under Wife's name
\$2,835,501.12	\$\$8,032,636.92
Total: \$10,868,138.04	

17 On the point of division of matrimonial assets, counsel for the Husband submits that the parties entered into a post-nuptial agreement on 18 May 2022. The terms of the agreement are set out below:

[Husband], and [Wife], agree on the following:

1. [Child A] will get $\frac{1}{5}$ of [Husband]'s inheritance and will go to the [Foundation A]. [Husband] decides is [sic] he engages [Child A] to manage the trust.
2. [Wife] will get none of [Husband]'s assets regardless of what happens. This includes all properties and companies that [Husband] has paid for and is under [Wife]'s name
3. [Wife] agrees to find a suitable family for [Child A] subject to mutual agreement by [Husband] and [Wife] and the time limit is until end of June 2023 failing which [the Wife] will do her best endeavor [sic] to make [Child A] part of the family. Alternatively, [Wife] will move on and leaves this family with five kids to [Husband] with no entitlement to any alimony.

18 Counsel for the Husband explains that around the time they entered into the agreement, Child A had already been badly abused by the Wife, and the Wife's actions were known to CPS. Counsel explained that the agreement was entered into because the Husband wanted the Wife to change her behaviour. Counsel submits that the parties had agreed that the future of their marriage depends on how the Wife treats Child A, and that was the purpose of the postnuptial agreement. Counsel submits that therefore it was clearly an agreement in contemplation of divorce. Under the postnuptial agreement, the Wife agrees that she will receive none of the Husband's assets, or assets paid by the Husband and left in her name and will receive no maintenance.

19 Under s 112(2)(e) of the Women’s Charter 1961 (2020 Rev Ed), the court must consider “any agreement between parties with respect to the ownership and division of the matrimonial assets made in contemplation of divorce”. However, the weight to be allocated to such postnuptial agreements in contemplation of divorce must ultimately depend on the precise circumstances of the case: *Surindar Singh s/o Jaswant Singh v Sita Jaswant Kaur* [2014] 3 SLR 1284 (“Surindar”) at [52].

20 The parties were not legally advised when they signed the postnuptial agreement. It is unclear whether the Wife understood the nature of the agreement. I am of the view that it is unsafe to determine the issue of the division of assets solely on the post-nuptial agreement. Counsel proposed, alternatively, that the agreement be taken into account and in deciding division. I agree that is more reasonable.

21 From the evidence, the parties were in a dual income marriage. The parties are both currently employed and have been employed throughout the marriage. Although counsel for the Husband said that she “stays at home all day” and “does not actually work”, that is a mere assertion, and although I accept that it is probably true, I am mindful that the Wife has not given contrary evidence. The objective evidence, such as her CPF records, show that she is earning a salary of \$6,000. From the commercial point of view, the Husband’s arrangements with his business partner is unusual, but this is not the forum to investigate them.

22 However, even if this were a dual income marriage, the evidence before me suggests that the Wife did not make significant contributions, both directly and indirectly. For direct contributions to the pool of matrimonial assets, the Husband’s evidence is that the Wife only contributed:

- (i) \$301,400.86 toward the purchase of the 50% share in the Matrimonial Home;
- (ii) the balances in her own CPF and bank accounts; and
- (iii) the value of her Singtel shares.

All other assets were acquired by the Husband. This includes the assets in her sole name, such as the 50% share in the Matrimonial Home, and the 50% share in Company C. There is no evidence to dispute this. Accordingly, I apportion the direct contributions to matrimonial assets in the ratio of 95.5 (Husband): 4.5 (Wife) as the available evidence shows no contribution from the Wife save the money from her CPF.

23 As to indirect contributions, the evidence is very much against the Wife. The Husband says that he provided the Wife with a comfortable life but, instead of bringing up the children, she neglected and abused them, being preoccupied with the notion of “returning” the Children, which appears to mean that she wants them returned to their biological parents. The Husband became the primary caregiver (with the assistance of domestic helpers) as a result of the Wife’s constant abuse of the Children. Counsel for the Husband submits that the Husband took the role of the primary caregiver seriously, spending time at home to accommodate the school and/or CPS’ needs.

24 On the evidence before me, the Wife had made hardly any indirect contributions to the family. On the contrary, she was the cause of its pain and suffering. These are independently verifiable facts, based on the Husband’s successful applications under the Guardianship of Infants Act 1934 and for Personal Protection Orders regarding the abuse sustained by the Children and the Husband. However, counsel for the Husband also said that the Wife has

taken a liking to Child B and actively takes care of him. Therefore, some recognition of that as indirect contribution is given. Accordingly, I find that the ratio of indirect contribution is: 92.5 (Husband): 7.5 (Wife).

25 The appropriate weight to be ascribed to the direct and indirect contributions depends on the facts of the case. The factors which could affect the ratio are the length of the marriage, the size of the pool of matrimonial assets and its constituents, and the extent and nature of the indirect contributions made: *ANJ v ANK* [2015] 4 SLR 1043 at [27]. Here, the marriage was of intermediate length (16 years). However, the evidence shows that almost all the matrimonial assets were acquired by the Husband's efforts. I find that this is an overwhelming factor pointing toward ascribing a significantly higher weightage to the direct contributions. Thus, in summary, the division of matrimonial assets is to be done in this ratio:

	Husband	Wife
Direct Financial Contributions (at 80% weightage)	95.5%	4.5%
Indirect Contributions (at 20% weightage)	92.5%	7.5%
Final Ratio (rounded)	94.9%	5.1%

26 To give effect to this division, I order that the Wife is to transfer her 50% share in the Matrimonial Home and her 50% share in Company C to the Husband. In return, the Husband shall refund \$301,400.86 together with accrued interest of \$57,723.95 to the Wife being her contribution towards the purchase of the Matrimonial Home. The Wife's non-disclosure in ordinary circumstances may merit a downward adjustment of her entitlement, but seeing that her entitlement is already so low, I will not make any further deductions from her.

Custody, care and control of the children

27 The Husband has asked for sole custody, and sole care and control of the Children. He has agreed for the Wife to have access to Child A, Child C, Child D and Child E only when it is allowed by the CPS. With regard Child B, he has proposed that the Wife shall have reasonable access to him without overnight access.

28 I agree with the Husband's proposal. The paramount consideration in all proceedings involving children is the welfare of the child (or children). This is the "golden thread" that runs through all proceedings directly affecting the interests of children: *WKM v WKN* [2024] 1 SLR 158 at [1]. I find that it is in the welfare of the Children that the Husband's proposal be accepted. The Husband has shown that he cares for the Children and can take care of them. Furthermore, with the transfer of the matrimonial home to the Husband, he can exclude the Wife from living there and bring the Children back home from the CPS. I find that this is a suitable living arrangement for the Children. Although they are not related by blood, they were adopted as siblings. Counsel for the Husband says that the children, including Child B, get along well with each other.

Spousal Maintenance

29 Counsel for the Husband argues that there should be no spousal maintenance because the Wife receives a salary of about \$6,000 per month (as evidenced derived from her CPF). Further, counsel argues that in exchange for not claiming maintenance from the Wife for the Children, no maintenance should be payable to her. Also, counsel relies on the postnuptial agreement, which stated that the Wife shall not be entitled to any maintenance.

30 In my view, that is fair, subject to the condition below. The Husband is taking care and control of the Children but is not claiming any child maintenance from the Wife. As long as the Wife is earning \$6,000 per month, there is nothing to suggest that she cannot sustain herself. However, if she were to transfer the 50% shares in Company C back to the Husband, there is no reason to believe that she will continue to receive the salary of \$6,000. Thus, I order that upon cessation of payment of the monthly salary of \$6,000, the Husband is to pay maintenance of \$6,000 to the Wife. Counsel has also stated at the hearing that the Husband will take care of living provisions for the Wife after the AM are heard. I will leave that as his personal undertaking, which may possibly be grounded on their private agreement, but are presently not necessary for me to make any express orders.

31 Finally, I direct that the Husband serves a copy of this judgment not only on the Wife but also on his business partner and his wife.

32 Parties are to bear their own costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Lee Ming Hui Kelvin and Ong Xin Ying Samantha (WNLEX LLC)
for the plaintiff;
The defendant absent and unrepresented.
