

- (1) This judgment DOES/~~DOES NOT~~ need redaction.
(2) Redaction ~~HAS~~/HAS NOT been done.

Soh Kian Peng
Assistant Registrar
27 January 2026

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE
[2026] SGFC

FC/OAD 356 of 2025
SUM 2891 of 2025
SUM 2894 of 2025

Between

xxx

... Applicant

And

yyy

... Respondent

JUDGMENT

[Family Law — Procedure — Application for Disclosure]

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

xxx

v

yyy

[2026] SGFC

Family Court — FC/OAD 356/2025 (SUM 2891 and 2894 of 2025)
Magistrate Soh Kian Peng
13 January 2026

27 January 2026

Assistant Registrar Soh Kian Peng:

1 Parties were married on the 8th of September 2010 in Singapore. There are two children to the marriage. The Wife filed for divorce on 21 January 2025, citing the unreasonable behaviour of the Husband.

2 Interim judgment was obtained on the 17th of July 2025. Because there was no common ground to be found, parties set course for a hearing of the ancillary matters. To that end, the both of them took out the following applications for disclosure:

(a) SUM 2891 of 2025 (“SUM 2891”) was the Wife’s application for disclosure.

(b) SUM 2894 of 2025 (“SUM 2894”) was the Husband’s application for disclosure.

3 I heard both SUM 2891 and 2894 on 13 January 2026. The Wife was represented by Ms Fang Yashi (“Ms Fang”). The Husband was represented by Mr Jevan Li (“Mr Li”).

4 Judgment was reserved. This is my decision.

5 Given that the originating application for divorce was filed after 15 October 2024, it is the Family Justice (General) Rules 2024 (“FJ(G)R 2024”) that apply: P 1, r 2(2) of the FJ(G)R 2024.

6 There are a number of marked changes between the disclosure regime under the FJ(G)R 2024 and the Family Justice Rules 2014 (“FJR 2014”). For one, the language has been simplified. What was once known as “discovery” and “interrogatories” are now referred to as applications for the disclosure of documents and information respectively.

7 Further, parties are no longer required to make a voluntary request for disclosure of documents or information prior to taking out an application for disclosure: see r 63(4) of the FJR 2014.

8 In addition, the FJ(G)R also provides that parties are limited to filing a single application for disclosure – any additional applications for disclosure will only be allowed in certain circumstances: P 9, r 5(2) and (4).

9 Of all the changes wrought by the introduction of the FJ(G)R 2024, the most pertinent one relates to the applicable test that the court applies in determining whether to order disclosure.

10 Under the FJR 2014, it was well-established that in considering whether to order discovery and/or interrogatories, the applicable test was that of relevance and necessity: see *WZR v WZS* [2024] SGFC 51 at [6].

11 In contrast, P 9, r 4 of the FJ(G)R 2024 sets out what the requesting party must demonstrate to the court in order to obtain an order for disclosure:

Order for disclosure (P. 9, r. 4)

4.—(1) The Court may order a party to disclose the original or a copy of a specific document or class of documents in the party’s possession or control (called the requested documents), or specific information or a specific class of information in the party’s knowledge (called the requested information), if the requesting party —

- (a) properly identifies the requested documents or requested information, as the case may be; and
- (b) shows that the requested documents or requested information, as the case may be —
 - (i) is material to the issues in the case; and
 - (ii) falls within one or more of the categories in paragraph (2).

(2) The categories mentioned in paragraph (1)(b)(ii) are the following:

- (a) all documents which the requesting party will be relying on;
- (b) all known adverse documents or information, including documents or information which a party ought reasonably to know is adverse to the party’s case;
- (c) where applicable, documents or information that falls within a broadened scope of disclosure —
 - (i) as may be agreed between the parties or any set of parties; or
 - (ii) as ordered by the Court.

12 Crucially, as is set out in P 9, r 4(1)(b)(i), the requesting party must show that the requested documents or information are material to the issues in the case. This, of course, raises the issue as to how the court should assess whether the requested documents or information are material to the issues in the case, and whether this assessment of materiality is any different from the previous twin criteria of relevance and necessity.

13 Mr Li argued that reference could be made to the O 11 r 3(1)(b) of the Rules of Court 2021 (“ROC 2021”) which was *in pari materia* with P 9, r 4(1)(b)(i) of the FJ(G)R 2024. That provision states:

Production of requested documents (O. 11, r. 3)

3.—(1) The Court may order any party to produce the original or a copy of a specific document or class of documents (called the requested documents) in the party’s possession or control, if the requesting party —

- (a) properly identifies the requested documents; and
- (b) **shows that the requested documents are material to the issues in the case.**

[emphasis added]

14 To that end, Mr Li cited me the following two decisions that have discussed O 11 r 3 of the ROC 2021: *Eng’s Wantan Noodle Pte Ltd and another v Eng’s Char Siew Wantan Mee Pte Ltd* [2023] SGHCR 17 (“*Eng*”) at [47] – [50] and *Cachet Multi Strategy Fund SPC on behalf of Cachet Special Opportunities SP v Feng Shi and others* [2024] SGHCR 8 (“*Cachet*”) at [25] and [29] – [33]. In this vein, Mr Li made the point that the test of materiality under the FJ(G)R 2024 was stricter than the old test of relevance and necessity, and that the court should assess materiality with reference to the issues raised in each party’s ancillary matters affidavits.

15 Both *Eng* and *Cachet* make clear that the threshold of materiality is indeed a higher one than that of relevance and necessity. As was expressed in *Eng* (at [49(b)]), the “threshold of materiality requires the requested documents to have a significant bearing on an issue in a case, such that it could potentially affect the court’s ultimate decision”. The court in *Cachet* further elaborated on this, explaining that the term “materiality” dealt squarely with the likelihood of the requested document having a bearing on the court’s decision on the disputed issue, or in other words, the “likely impact on the adjudicative outcome” (*Cachet* at [33]).

16 Although both *Eng* and *Cachet* were dealing with disclosure in the context of civil proceedings, given that O 11 r 3 is *in pari materia* with P 9, r 4 of the FJ(G)R 2024, I accept that the principles laid down in *Eng* and *Cachet* in relation to the test of materiality are applicable, with suitable modifications to account for the nature of the hearing of ancillary matters, to disclosure applications under P 9, r 4. Parties should demonstrate that the requested documents have a “significant bearing” on the issues in dispute at the ancillary matters hearing such that the documents sought would potentially “affect the court’s ultimate decision”. In short, the inquiry is focussed squarely on how the requested documents will have an impact on the adjudicative outcome: *Cachet* at [33].

17 To illustrate the point, take for example, a request for bank statements. It would not suffice to simply state, under the new disclosure regime instantiated in the FJ(G)R 2024, that these bank statements would have a bearing on the division of matrimonial assets, or on the issue of spousal or child maintenance. The requirement of “materiality” demands that the requesting party go one step further to set out *how* these bank statements would affect the court’s

determination of how the assets are to be divided, or the appropriate amount to be ordered in respect of maintenance.

18 Having set out the applicable principles relating to the requirement of materiality, I turn now to deal with the items that both parties had proceeded with in SUM 2891 and 2894.

19 I deal first with SUM 2891, which was the Wife's application for disclosure. At the hearing, Ms Fang confirmed that her client was only proceeding in respect of one item. As stated in SUM 2891, this item was basically a request for formal documents showing the arrangement between the Husband and his employer regarding the use, finance and ownership of a vehicle.

20 Notwithstanding the request as framed in SUM 2891, during the hearing, Ms Fang clarified that that request was actually a request for documents showing the value of the vehicle. While the dispute between the parties was whether this vehicle constituted a matrimonial asset, the point Ms Fang made was that the value of the vehicle would be material in the event the court found that it was a matrimonial asset.

21 Mr Li, on the other hand, raised two objections to the Wife's request. First, that based on the request as originally framed in SUM 2891, the documents sought had already been disclosed. Second, that the request had not been clearly framed, and the court should not allow parties to, at the hearing, depart from the original request.

22 I agreed with the second point made by Mr Li. It is clear from the FJ(G)R 2024 that the new disclosure regime envisages that much more care and thought

be put into requests for documents and/or information. For instance, the FJ(G)R 2024 makes it clear that the requesting party must properly identify the requested documents or information. It goes without saying that if such requested documents or information are not properly identified, the requesting party would, in all likelihood, be unable to explain how these documents or information were material to the hearing of the ancillary matters.

23 Given that the documents sought were not properly identified in the first place, I am not inclined to grant the Wife's request. In any event, there is no need for me to make such an order. The Husband had stated the value of the vehicle at paragraph 44 of his First Ancillary Matters Affidavit. P 9 r 3 of the FJ(G)R 2024 makes it clear that the Husband *must* disclose the documents that he is relying on to support the alleged value of the vehicle, and if he is unable to provide those documents or refuses to do so, he must furnish reasons.

24 I therefore make no order in respect of the Wife's sole request that she had pursued in SUM 2891.

25 I turn now to SUM 2894. At the hearing, Mr Li clarified that the Husband was only pursuing the requests as set out in Items 12, 13, 15, and 16. These were the requests as framed in SUM 2894:

- (a) Item 12 was a request for documentation that the Wife had solely borne the rental expenses from 2010 to 2012.
- (b) Item 13 was a request for the Wife's income tax notice of assessment for the period 2010 – 2012. The reason for this request was that it related to the extent of the Wife's indirect contributions to the

marriage, specifically, to prove that she had indeed borne the rental expenses during this period.

(c) Item 15 was a request for the Wife to provide “any evidence to state (i) the time period and (ii) any evidence to support the allegation that” various financial outlays had been made by her as stated in her First Ancillary Matters Affidavit.

(d) Item 16 was a request for the Wife to provide “any evidence to state (i) the time period parties had a domestic helper” and “(ii) any evidence to support the allegation that the payment to the domestic helper was mostly” borne by the Wife.

26 Insofar as Items 12, 13, 15, and 16 related to various matters alleged in the Wife’s First Ancillary Matters Affidavit, it is clear from P 9 r 3 of the FJ(G)R 2024 that she must disclose documents to substantiate her allegations, or provide a reason if she is unable or unwilling to provide disclosure of the same.

27 I will therefore make no order in relation to Items 12, 13, 15, and 16.

28 Parties are to write in, by way of letter to court, with their respective positions on costs. This is to be done no later than 3 February 2026. Cost submissions are limited to a maximum of 3 pages each.

29 Finally, it remains for me to thank Mr Li and Ms Fang for their able assistance.

Soh Kian Peng
Assistant Registrar

Fang Yashi (Malcus Poh Law Corporation) for the Wife;
Li Xianliang, Jevan (BC Lim & Lau LLC) for the Husband.
