IN THE APPELLATE DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2026] SGHC(A) 7

Appellate Division / Civil Appeal No 44 of 2025

Between

XKU

… *Appellant*

And

XKT

… *Respondent*

In the matter of Divorce (Transferred) No 4531 of 2023

Between

XKT

… *Plaintiff*

And

XKU

… *Defendant*

JUDGMENT

[Family Law — Matrimonial assets — Division — Dual-income or single-income marriage]
[Family Law — Maintenance — Wife]
[Family Law — Maintenance — Child — Apportionment of maintenance]

XKU
v
XKT

[2026] SGHC(A) 7

Appellate Division of the High Court — Civil Appeal No 44 of 2025
Belinda Ang Saw Ean JCA, Kannan Ramesh JAD, Debbie Ong Siew Ling JAD
28 November 2025

27 February 2026 Judgment reserved.

Debbie Ong Siew Ling JAD (delivering the judgment of the court):

1 This judgment addresses the classification of a marriage, whether dual-income or single-income, and the consequent applicable approach for the division of assets in s 112 of the Women's Charter 1961 (2020 Rev Ed) ("Charter"). An undue focus on the description of income to fit a marriage into what might be thought to constitute a dual-income or a single-income marriage is not meaningful for it serves only to obfuscate the key rationale in *TNL v TNK* [2017] 1 SLR 609 ("*TNL v TNK*") and colours the proper inquiry. In the present case, the respondent tapped on this distinction to reduce the reach of the structured approach in *ANJ v ANK* [2015] 4 SLR 1043 ("*ANJ v ANK*") when on the facts, the *ANJ v ANK* approach would adequately and fairly arrive at a just and equitable division of assets for both parties. In this judgment, we remind that *TNL v TNK* should be understood as representing an exception to the application of the *ANJ v ANK* approach without diminishing the application of

the latter's "structured approach" in most cases.

2 AD/CA 44/2025 is an appeal against the decision of a judge in the Family Division of the High Court ("Judge") in *XKT v XKU* [2025] SGHCF 27 ("Judgment") on ancillary matters ("AM") following a divorce. We dismiss the appeal, although our conclusion on the classification of the parties' marriage differs from the Judge's.

Background facts

3 The appellant ("Husband"), aged 48 at the date of the AM hearing (14 April 2025), is the sole listed director and shareholder of [B Pte Ltd] which is in the business of procuring beef products from Australian cattle farmers and/or abattoirs and selling them to distributors in Asia. The respondent ("Wife"), aged 49 at the date of the AM hearing, is an estate agent with [K Pte Ltd]. The parties were married on 22 February 2000. The Wife made known to the Husband her wish for divorce sometime in April 2023. She commenced divorce proceedings in September 2023 and an interim judgment of divorce ("IJ") was granted on 24 January 2024, ending the parties' marriage of nearly 24 years. The parties have three sons who were respectively 21 years old ("C1"), 17 years old ("C2") and 13 years old ("C3") at the date of the AM hearing. C2 and C3 are collectively referred to as the "Minor Children". By the parties' consent, the parties have joint custody of the Minor Children, with the Wife having care and control and the Husband having access.

The decision below

4 The Judge identified and valued the pool of matrimonial assets at S$1,698,386.99 (Judgment at [97(a)]). She divided the assets in the ratio of

70:30 in favour of the Wife. In coming to this decision, the Judge made, amongst others, the following findings:

(a) The sums of A$400,000 (or S$353,240) and S$83,000 were dissipated by the Husband to his business partner ("BP") and the Wife's cousin ("[D]"), respectively, and ought therefore to be added back into the matrimonial pool (Judgment at [31] and [34]).

(b) The Judge rejected the Husband's claim that the moneys amounting to S$161,784.70 in the UOB [8498] Account ("8498 Account"), UOB [4732] Account ("4732 Account"), UOB Unit Trust Account [0078] ("Unit Trust Account") and UOB [2334] Account ("2334 Account") (collectively, the "Disputed Accounts") belonged to [B Pte Ltd] and/or the BP. The Judge found that the moneys in the Disputed Accounts were matrimonial assets and included them in the matrimonial pool (Judgment at [16] and [23]).

(c) The marriage was considered a single-income marriage and an equal division of the pool of matrimonial assets was just and equitable (Judgment at [74]–[76]).

(d) An adverse inference should be drawn against the Husband which was to be given effect to by way of a 20% uplift (approximately S$339,644.88) to the Wife's share (Judgment at [70]).

5 As for spousal maintenance to the Wife, the Judge determined the Wife's reasonable expenses to be around S$2,200 a month and ordered that the Husband pay a lump sum maintenance of S$20,000 to "tide the Wife over during this period of adjustment" (Judgment at [84]–[86]).

6 As for the maintenance of the Minor Children, the Judge determined that the reasonable monthly expenses of C2 and C3 were S$1,570 and S$1,050 respectively and ordered that the Husband pay 75% and the Wife pay 25% of these sums for their maintenance (Judgment at [93]–[94]). No order was made for C1 as he was already 21 years old (Judgment at [90]).

The parties' cases on appeal

The Husband's case

7 With respect to the division of matrimonial assets, the Husband argues that the Judge erred in making the findings set out at [4] above. He maintains the position he adopted at the hearing below, which is that:

(a) the transfer of A$400,000 (or S$353,240) to the BP was a repayment of a loan and the transfer of S$83,000 to [D] was a refund of a deposit paid by [D] in anticipation of a business dealing with the Husband that did not come to fruition;

(b) the moneys in the Disputed Accounts belonged to [B Pte Ltd] and the BP;

(c) the Wife was working throughout the marriage and thus the marriage should be considered a dual-income marriage; and

(d) no adverse inference should be drawn against him.

8 The Husband contends that no spousal maintenance should be payable to the Wife because the Wife was employed throughout the marriage and her average monthly income was more than sufficient to meet her reasonable needs, found by the Judge to be S$2,200.

9 Regarding the maintenance of the Minor Children, the Husband does not dispute the quantum of the Minor Children's reasonable monthly expenses but contends that the parties should bear the expenses equally.

The Wife's case

10 The Wife's position is that the Judge's decision should be upheld in its entirety, broadly aligning herself with the views of the Judge.

Issues to be determined

11 There are several issues that arise before this court:

(a) first, whether the Judge erred in finding that the transfers to the BP and [D] constituted dissipation;

(b) second, whether the Judge ought to have found that the moneys in the Disputed Accounts belonged to [B Pte Ltd] and/or the BP;

(c) third, whether the Judge erred in finding this to be a single-income marriage instead of a dual-income marriage;

(d) fourth, whether the Judge erred in drawing an adverse inference against the Husband and giving effect to it by applying an uplift of 20% to the Wife's share of assets;

(e) fifth, whether the Judge erred in ordering the Husband to pay the Wife a lump sum maintenance of S$20,000; and

(f) finally, whether the Judge erred in ordering the Husband to bear 75% of the Minor Children's expenses as maintenance.

Issue 1: Whether the transfers to the BP and [D] constitute dissipations

12 When divorce is imminent or after IJ has been granted but before the conclusion of the AM, substantive sums of moneys expended by one spouse without the consent of the other are liable to be added back into the pool of matrimonial assets if the other spouse is considered to have at least a putative interest in the sums and has not agreed to the expenditure. In *TNL v TNK* the Court of Appeal said (at [24]):

> … [T]he issue is how the court should deal with substantial sums expended by one spouse during the period: *(a) in which divorce proceedings are imminent; or (b) after interim judgment but before the ancillaries are concluded.* We are of the view that if, during these periods, and whether by way of gift or otherwise, one spouse expends a substantial sum, this sum must be returned to the asset pool if the other spouse is considered to have at least a putative interest in it and has not agreed, either expressly or impliedly, to the expenditure either before it was incurred or at any subsequent time. Furthermore, this remains the case regardless of whether: (a) the expenditure was a deliberate attempt to dissipate matrimonial assets; or (b) the expenditure was for the benefit of the children or other relatives. The spouse who makes such a payment must be prepared to bear it personally and in full. In the absence of consent, he or she cannot expect the other spouse to share in it. What constitutes a substantial sum is, of course, a question of fact and we do not propose to lay down a hard and fast rule in this regard, except to emphasise that it is not intended to include daily, run-of-the-mill expenses. [emphasis added]

This has been referred to as the "*TNL dicta*": see *UZN v UZM* [2021] 1 SLR 426 ("*UZN v UZM*") at [63].

13 The Husband claims that the transfer amounting to S$353,240 (A$400,000) to the BP was part repayment of an alleged loan from the BP. He also asserts that the transfer of S$83,000 to [D] was a refund of an alleged deposit that [D] made. It is the Husband's position that since the sums

transferred were in repayment of these liabilities, they should not be added back into the matrimonial pool.

14 The Wife, on the other hand, argues that there was no such loan from the BP, and that [D] never gave the alleged deposit. She claims that the transfers were dissipations of the moneys. She also says that she did not agree to the transfers, and therefore, according to the *TNL dicta*, the sums should be added back into the pool of matrimonial assets.

Our Decision

Transfers to the BP

15 We agree with the Judge's finding that there was no loan extended to the Husband by the BP. Although the Husband had outlined an elaborate reason for the loan, he adduces no evidence to substantiate it. On the contrary, the Wife has adduced contemporaneous WhatsApp conversations between the Husband and the family which undermine the Husband's version of events.

16 In our view, the contemporaneous conversations weigh heavily against the Husband's case. The core of the Husband's case on appeal is that he had to take various loans, including from the BP, in order to meet the financial needs of the family. However, it is clear from the contemporaneous conversations that he was not facing any financial difficulty. In fact, he was eager to tell his family about his financial success. Some of such conversations in messages are:

(a) "Financially, I'm superb doing well" (in a message to the Wife's sister's husband on 3 February 2022).

(b) "Accumulated, now I got $200k for our family" (in a message to the Wife on 16 September 2022).

(c) "I'm close to making $300k profit for ourself [*sic*]" and "Five months job" and "Which mean if I work for solid 1year I believe I can make at least 800k to 1mil" (in a message to the Wife on 5 October 2022).

(d) "I thinking of getting [a Porsche Macan] here in Melbourne n standby for you" (referring to C1) and "I standby your house liao" (in a message to C1 on 22 January 2023).

17 At the hearing, counsel for the Husband explained that these statements were lies and the Husband had promulgated them because he was trying to "reassure the family not to worry about the financial status and situation" when in reality he "[did not] have all those kinds of assets that he said that he had in the WhatsApp messages". We note the Judge's view that to accept the Husband's version of events is to "accept that the [Husband] continuously lied about his wealth and his business activities over many years and on many distinct occasions" (Judgment at [50]).

18 In contrast to the Wife's ability to adduce contemporaneous evidence, the Husband did not adduce any documentary evidence of any loan. His explanation before the court below was that all the conversations on the loans occurred in person or over telephone calls. On his own case, the transfers appear to have occurred in several tranches and in a seemingly random pattern. No documents or contemporaneous conversations of discussions on any alleged loans on any of these occasions were produced.

19 The Husband also appeared reluctant to disclose evidence that was within his control. He had adduced an alleged Statement of Accounts to prove the transfers but when the Wife requested for a native copy of the Statement of

Accounts to authenticate it by reviewing the metadata of the statement, he refused to produce it. The Husband explains that the Statement of Accounts was from the BP and thus not in his possession, custody or power. However, such an explanation is unconvincing – given his close relationship with the BP, there would have been no reason for the BP to refuse to send a copy had he been asked for it. The BP had even filed an affidavit in support of the Husband's case, but no native copy of the statement was produced in evidence.

20 Further, the Husband does not explain the lack of coherence in the Statement of Accounts. The Judge had pointed out that the Statement of Accounts, which the Husband used to prove the transfers, was not coherent. For example, the Husband had initially described a payment of A$22,000 made on 14 June 2022 as a commission but later changed his description to one of travel allowance from May 2022 to November 2022 (Judgment at [28]). The Judge found that this was done to fit his case that he did not manage to make any sales at the material time.

21 Thus, we find that the Judge was correct to include the sum of S$353,240 (A$400,000) in the pool of matrimonial assets as there was no loan from the BP to the Husband.

Transfers to [D]

22 We agree with the Judge's finding that there was no deposit paid by [D], and thus the sum of S$83,000 was correctly added back into the pool of matrimonial assets. The Husband did not adduce any documentary evidence to prove the deposit.

23 As submitted by the Wife on appeal, the Husband has not adduced any evidence of conversations with [D] on the matter. Even though [D] had filed an

affidavit in these proceedings to corroborate the Husband's account, he did not adduce any evidence that such conversations had taken place, or that the Husband had requested him to do so. In our view, this supports the Wife's position that there were no such conversations on the deposit. Also, there was no explanation by the Husband as to why a deposit was necessary. The Judge observed that "it is not the [Husband's] case that [D] had made a preliminary order for meat, which could have justified a deposit as the [Husband] would have had to immediately incur significant expense" (Judgment at [34(b)]).

24 We agree with the Judge that there was no deposit paid by [D] and thus there was no legitimate reason for the Husband to have transferred S$83,000 to [D]. The Judge did not err in adding the sum transferred to [D] into the pool of matrimonial assets.

Issue 2: Whether the moneys in the Disputed Accounts belong to [B Pte Ltd] and/or the BP

25 The Husband asserts that the moneys in the Disputed Accounts belong to [B Pte Ltd] and/or the BP. The 8498 Account and 4732 Account were addressed together by the Judge because the source of the funds in the 4732 Account was the 8498 Account. The Husband argues that the moneys in those accounts were [B Pte Ltd]'s and/or the BP's.

26 The Husband says that the 8498 Account was an account that was set up for [B Pte Ltd] to receive payment from its distributors in Australian dollars, and to make payment to its supplier through the BP. He claims that the moneys left in the 8498 Account were thus [B Pte Ltd]'s revenue. The Husband's explanation is that the funds in the 8498 Account were used freely by the parties for their family expenses because the BP permitted it on account of their long-

standing relationship. Furthermore, the Husband asserts that the 8498 Account was used to hold proceeds from a loan that the BP had extended to him.

27 As for the A$130,087.42 that was transferred from the 8498 Account to the 4732 Account on 26 June 2023, the Husband says that this was to safeguard the moneys which belonged to [B Pte Ltd]. This amount remained in the account as of the date of the IJ. The Husband claims that as the moneys in the 4732 Account belonged to [B Pte Ltd], they should not be included in the pool of matrimonial assets.

28 Next, the sums in the 2334 Account originated from the Unit Trust Account, which was jointly held by the Husband and Wife. The Husband's case is that the moneys that were in the Unit Trust Account came from the BP around the time that [B Pte Ltd] was set up. The dividends earned from the Unit Trust Account were used freely by the Husband to pay for the household expenses (including the housing loan for the matrimonial home).

29 The Husband disagrees with the Wife's contention that the moneys in the Unit Trust Account came from the parties' savings when it was opened in 2015. He says that while he was unable to produce the bank statements before 2016 to prove that the funds in the Unit Trust Account belonged to the BP, the fact that the account was established in 2015, shortly before [B Pte Ltd]'s incorporation, supported his claim. He also explains that a unit trust was redeemed on 23 June 2023 and the funds were transferred to the 2334 Account for "safeguard[ing]" as they allegedly belonged to the BP. Therefore, the Husband's case is that the money in the 2334 Account should be excluded from the pool of matrimonial assets.

Our Decision

30 When a marriage is dissolved, in general all the parties' assets will be treated as matrimonial assets. The party who asserts that an asset is not a matrimonial asset bears the burden of proving this on the balance of probabilities: see *USB v USA* [2020] 2 SLR 588 at [31].

31 In our view, the Husband has not discharged his burden of proving that the sums in the Disputed Accounts should be excluded from the pool of matrimonial assets.

32 In respect of the 8498 Account, the Husband has not explained away the pieces of correspondence relied on by the Judge below. There were chat logs between the Husband and the Wife, where the Husband requested, on several occasions, for the Wife to transfer S$50,000 from the 8498 Account (Judgment at [15]). In those conversations, neither party treated the moneys in the account as belonging to [B Pte Ltd]. Furthermore, when the Wife informed the Husband that "[w]e have AUD $100k now in Singapore" and referred to the 8498 Account as "our" account, the Husband did not object to this characterisation and did not clarify otherwise (Judgment at [15]).

33 If the 8498 Account was, as the Husband alleges, holding only moneys belonging to [B Pte Ltd], he (and by extension, the family) would not have been able to deal with them as freely as he did. His argument that the BP had allowed him to do so on account of their long-standing relationship is rather convenient. If those were indeed company funds of [B Pte Ltd], they should have been recorded in the company ledgers and reflected in its accounts. However, there are no such records shown. Given that the Husband is unable to prove that the funds in the 8498 Account were not matrimonial assets, the sums remaining in

the 8498 Account (S$3.98) and the sums transferred to the 4732 Account (A$130,087.42 or S$114,910.35) were correctly included in the pool of matrimonial assets.

34 As for the 2334 Account, the Husband's assertion that the moneys from the initial Unit Trust Account belongs to the BP is a bare assertion. In this appeal, he relies again on the "passage of time" to explain why he could not adduce bank statements from before 2016 to prove that the sums belong to the BP. We do not accept the explanation. He could have procured the information from the BP since the BP was willing to file an affidavit on his behalf.

35 Furthermore, the dividends from the Unit Trust Account were consistently applied for the family's benefit. Again, the Husband's case on appeal is that the BP allowed him to use the dividends toward the family's expenses because of their long-standing relationship. However, this is a bare assertion. The Judge observed that there was no contemporaneous evidence of the BP giving such permission. The Husband relied on having changed phones as the reason for the lack of record of those conversations with the BP. This is a convenient excuse which is not good enough to explain away a supposed loss of information. Even if this were true, that does not explain why the BP was not able to adduce the relevant evidence as it must reside in his phone. The BP also did not adduce these conversations even though he filed an affidavit, as noted earlier (see above at [19]).

36 In our view, the Judge did not err in finding that the sums in the Disputed Accounts should be included in the pool of matrimonial assets.

Issue 3: Whether this was a single-income or dual-income marriage

The Husband's arguments

37 The Husband contends that the Judge erred in finding that this was a single-income marriage as the Wife worked throughout the marriage. He submits that the Wife had worked as an estate agent after she stopped work as a cabin crew member in 2006. He points out that between 2007 and 2023, she earned an average of S$3,000 per month. In addition, she contributed S$100,967.16 from her Central Provident Fund ("CPF") towards the acquisition of the matrimonial flat. He maintains that his income was used to acquire assets whereas the Wife's was used solely for her personal expenses.

38 The Husband refers to the case of *WXW v WXX* [2025] SGHC(A) 2 ("*WXW v WXX*") where the Appellate Division of the High Court ("Appellate Division") held at [29] that:

> In a dual-income marriage, if one party was less successful in breadwinning but made substantial contributions in homemaking, the *ANJ* approach is a fair and appropriate approach that recognises both parties' contributions and guides the court to reach a just outcome.

He submits that the Wife had been employed throughout the marriage, and the parties always had a domestic helper. The Wife's average income of S$3,000 was also not an insignificant amount. He thus submits that the Judge had erred in classifying this as a single-income marriage.

The Wife's arguments

39 The Wife claims that she had only worked part-time as an estate agent from 2007 to 2023. In her first ancillary matters affidavit filed on 11 March 2024, she stated:

> However, as I was primarily still a stay-at-home-mother then, I did not market aggressively for business and relied largely on referrals from others. *This meant that I did not have a consistent income and would sometimes go months without sealing any deals.*
>
> [emphasis added]

40 The Wife's position was that between 2007 and 2023, she "did not market aggressively for business" and relied on referrals for her real estate job. It was only in late 2023, when the divorce was underway, that her income increased as she became a full-time estate agent. Contrary to the Husband's assertion that she earned significant income from all the referrals he had made to her, she says that he made no more than ten referrals to her between 2012 and 2023, of which nine were rental agreements and only one was for a sale and purchase of a property. The Wife explains that her CPF moneys were accumulated from her years of working as a cabin crew prior to the marriage and during the first six years of marriage. Her CPF balance and the Husband's CPF balance are only comparable because the Husband mainly earned his income abroad. The Wife distinguishes *WXW v WXX* from the present case. She says that she resigned from her full-time job for the purpose of becoming the primary homemaker throughout their marriage while the Husband concentrated on his business. C1's affidavit supported her purported homemaker role.

Legal principles

41 Whether a marriage is single-income or dual-income has in recent years been the subject of a number of appeals: see, for instance, *DBA v DBB* [2024] 1 SLR 459 ("*DBA v DBB*") and *WXW v WXX*. The approach to be taken in the division of assets in s 112 of the Charter is set out in *ANJ v ANK*. *TNL v TNK* carved out an exception to this, holding that the structured approach in *ANJ v ANK* does not apply to "single-income marriages". Disputes over the

labelling of marriages in this manner have come about with increasing attempts by the spouse earning a lower income than the other spouse, to fit within the exception in *TNL v TNK*. However, in doing so, the "single-income marriage" contemplated in *TNL v TNK* was impermissibly stretched as was in the present case. We elaborate below.

42 Under the *ANJ v ANK* structured approach, the court will, in the first step, ascribe a ratio that represents each party's direct (financial) contributions towards the acquisition of the assets, relative to that of the other party. In the second step, the court will ascribe a second ratio to represent each party's indirect contributions to the family (comprising indirect financial and non-financial contributions), relative to that of the other party. The court next derives each party's average ratio of direct and indirect contributions. Further adjustments to this average ratio may be made after considering the other factors enumerated in s 112(2) of the Charter as well as all relevant circumstances to arrive at a just and equitable division of the assets: see *ANJ v ANK* at [22].

43 The structured approach in *ANJ v ANK* endeavours to uphold the ideology of marriage as an equal co-operative partnership of different efforts as both direct and indirect contributions are considered in the first and second steps of the approach. The Court of Appeal had explained in *NK v NL* [2007] 3 SLR(R) 743 (at [20]) that:

> The division of matrimonial assets under the [Charter] is founded on the prevailing ideology of marriage as an equal co-operative partnership of efforts. The contributions of both spouses are equally recognised whether he or she concentrates on the economics or homemaking role, as both roles must be performed equally well if the marriage is to flourish.

44 The approach was aimed at according sufficient recognition to both parties' contributions towards the marriage, whether in breadwinning or in

homemaking. It sought to avoid overvaluing or undervaluing indirect contributions. Prior to *ANJ v ANK*, the courts often used the "uplift methodology" in determining the ratio of division of assets. This approach involved starting from the proportions of the parties' financial contributions to the acquisition of matrimonial assets and then adjusting those proportions by giving the spouse who had made more significant non-financial contributions an "uplift" to that spouse's share. The Court of Appeal in *ANJ v ANK* observed that the "uplift methodology" carries with it the risk of undervaluation as well as overvaluation of the homemaker-spouse's indirect contributions. Undervaluation might occur when direct contribution is used as the *prima facie* starting point where undue emphasis is likely to be given to *financial* contributions. Overvaluation might occur when the court, by giving one party a percentage uplift representing his or her non-financial contributions, would also be *deducting* a percentage from the other party's share. For example, giving a 5% uplift to one spouse in what would have been a 50:50 ratio for financial contributions between the spouses will result in an actual uplift of 10%, as not only does that spouse receive a 5% uplift, the court also *deducts* a 5% share from the other spouse (see *ANJ v ANK* at [20] for this example). Compared to the uplift approach, the structured approach more sensitively acknowledges, in its second step, the indirect contributions of the breadwinning spouse.

45 However, two years after *ANJ v ANK* was decided, the Court of Appeal in *TNL v TNK* observed that the structured approach fails to achieve its original intention of giving sufficient recognition to both types of contributions in the limited situation where one party is the sole breadwinner while the other does not work in order to discharge the homemaking role. It explained that the *ANJ v ANK* approach unduly favours the working spouse over the non-working spouse, causing the latter to be severely disadvantaged (at [44]–[45]):

> 44 Our reconsideration of the *ANJ* approach in the context of Single-Income Marriages stems from the fact that *ANJ* approach tends to *unduly favour the working spouse over the non-working spouse*. This is because financial contributions are given recognition under both Steps 1 and 2 of the *ANJ* approach. Under Step 1, the working spouse in a Single-Income Marriage would be accorded 100% (or close to 100%) of direct contributions. He or she would also be accorded a substantial percentage under Step 2 solely on the basis of his or her indirect financial contributions, and this could well be the case even if he or she made little or no non-financial contributions. On the other side of the equation, this means that *the non-working spouse is, in this sense, doubly (and severely) disadvantaged*.
>
> 45 We do not think that such an outcome is at all consistent with the courts' philosophy of marriage being an equal partnership. Nor do we think that this was this court's intention in *ANJ* ([1] *supra*). Quite the contrary, we reaffirmed the rationale behind the broad-brush approach in *ANJ* (at [17]) by highlighting that "mutual respect must be accorded for spousal contributions, whether in the economic or homemaking spheres, as both roles are equally fundamental to the well-being of a marital partnership" …
>
> [emphasis in original omitted; emphasis added]

46 The Court of Appeal in *TNL v TNK* thus carved out an exception to the application of the *ANJ v ANK* approach: the structured approach does not apply to single-income marriages (*TNL v TNK* at [46]). The "single-income marriage" contemplated in *TNL v TNK* was one "where roles are divided along more traditional lines, *ie*, where one spouse is the sole income earner and the other plays the role of homemaker": *TNL v TNK* at [43]. The Court of Appeal was clearly concerned by the "non-working spouse" in single-income marriages being disadvantaged or prejudiced by the application of the *ANJ v ANK* approach. It recognised that the *non-working* spouse with no or little income would be accorded 0% (or close to 0%) for direct contributions in the first step of the structured approach. In the second step, the *working* spouse would be accorded a substantial percentage on the basis of his or her *indirect financial* contributions in providing financially for the family. However, the *non-working* spouse would not be accorded a ratio close to 100% for indirect contributions

even if he or she shouldered entirely the non-financial homemaking responsibilities. This result would be inconsistent with giving equal recognition to both types of contributions: *TNL v TNK* at [44].

47 We summarise the discussion thus far. The approach to the division of assets is the structured approach set out in *ANJ v ANK*. The exception to this is found in the factual matrix in *TNL v TNK* where first, the spouses' roles are divided along more traditional lines, *ie*, where one spouse is the sole income earner and the other plays the role of homemaker and second, the non-working spouse is severely disadvantaged by his or her role due to the application of the structured approach. The applicable approach for cases falling within this exception is not one structured in the same way as that in *ANJ v ANK*, but one which simply employs precedent cases to guide the outcome of the case at hand. For example, *TNL v TNK* observed that in long single-income marriages "precedent cases show that our courts tend towards an equal division of the matrimonial assets": *TNL v TNK* at [48]. However, there is "no immutable rule requiring that each party in a long single-income marriage should receive a 50% share. The trends in precedent cases as well as the specific facts of each case must be considered": *DBA v DBB* at [20].

48 The term "non-working spouse" referred to in *TNL v TNK* may appear on its face to refer to a spouse who does not work at all and earns no income. However, as explained in *UBM v UBN* [2017] 4 SLR 921 at [49], it was not the intent of the Court of Appeal to "draw a thick black line separating cases where the main homemaker worked intermittently for a few years in the course of a long marriage from cases where the homemaker had not worked a single day, applying the structured approach in *ANJ v ANK* ... only in the former situation while excluding it in the latter". But neither was it intended that a spouse who generally worked throughout the marriage, earning not insubstantial income,

would also fall within the exception. Such a spouse with income that was, or could have been, applied towards making financial contributions to the marriage, would not suffer the same disadvantage as the spouse described in [46] with no or little income to make such financial contributions. Such a spouse would not be disadvantaged even if he or she shouldered the main homemaking responsibilities as the *ANJ v ANK* approach would adequately arrive at a just division in those circumstances. Indeed, in many *dual-income* marriages, one working spouse may also take on the bulk of homemaking responsibilities while the other spouse focuses on his or her career. It is understandable if the former may have been loosely described as the "primary homemaker" because *relative* to the latter, that spouse shoulders the main homemaking responsibilities and probably earns less income than the other spouse. However, in the context of the present case, a more apt description of that spouse is the "busy working mom or dad", if one may use that description. Such a spouse is still a working spouse who contributes, or is able to contribute, *financially* to the marriage and family – a double-hatting working spouse who also shoulders most of the homemaking responsibilities. Under the *ANJ v ANK* approach, this spouse will be credited under the second step with significantly higher indirect contributions than the other spouse for discharging the homemaking role so substantially.

49 In light of these principles, the focus *only* on whether a spouse was the "primary homemaker" or the "primary breadwinner" misses the rationale of the holding in *TNL v TNK*. As we have pointed out, it will not be uncommon that in *dual-income* marriages, one working spouse may also take on the bulk of homemaking responsibilities while the other spouse focuses on his or her career. Instead, it is necessary to consider if the primary homemaker is prejudiced in the manner explained in *TNL v TNK* at [44] (see [45]–[46] above).

50 We also explain why attempts by parties to focus on the income of the spouse with the main homemaking responsibility in order to fit the marriage into the category of dual-income or single-income marriages fail to address the proper inquiry. While some spouses who take on the homemaker role "along more traditional lines" may only contribute in the domestic sphere and earn no income at all, others may also engage in tasks or modest hobby-inspired businesses which may produce some modest "side income" – which can enhance the homemaker's wellbeing and sense of independence. Earning a "side income" may enable the homemaker spouse to contribute partially towards his or her own personal expenses but may still not enable direct financial contributions towards acquiring matrimonial assets, resulting in negligible *direct contributions* for that spouse in the first step of the *ANJ v ANK* approach. He or she may not even be able to contribute towards family or household expenses such that *indirect financial contributions* could be credited as his or her *indirect contributions* in the second step of the structured approach. Thus, if earning a modest "side income" places a homemaker in a dual-income marriage (to which the structured approach applies), such a spouse will be disadvantaged by the *ANJ v ANK* approach. It is this prejudice that underlies the holding in *TNL v TNK* that the structured approach should not apply to single-income marriages. It is neither meaningful nor appropriate to focus on distinctions between the descriptions of income being "side income", "part-time income" or "intermittent income". Part-time income or intermittent income could also be side income, depending on the circumstances of the case. The focus ought instead to be on whether, due to taking on the homemaking role, that spouse did not earn income which could have been credited as his or her contributions in the structured approach and is thereby disadvantaged because of the role undertaken. Such an inquiry is a fact-sensitive one that requires,

amongst other things, a qualitative assessment of the roles of the spouses relative to each other.

51 The case of *DBA v DBB* illustrates the prejudice that a primary homemaker who earns a side income but nonetheless made no significant financial contribution to the marriage will suffer from an application of the *ANJ v ANK* approach. In *DBA v DBB*, the parties had a 31-year marriage. The wife worked on and off during the marriage, including as a part-time insurance agent, intermittent "contract work", full-time work for one to two years and running a small home-based handicraft business for about ten years. She took a year of maternity leave following the birth of each of the three children to care for them. The Appellate Division accepted the wife's claim that she took on more flexible (and less well-remunerated) work to have time to care for the children. Her income calculated over three decades only averaged $466 per month. Most significantly, the court found that she had been the three children's daily caregiver when they were young (*DBA v DBB* at [16]):

> … the Husband's own evidence of the parties' work history over the years corroborated the Wife's account that she was the primary homemaker. When the three children were young, they would have required a caregiver on a daily basis; the Husband's counsel at the hearing could not point to evidence that there had been someone else other than the Wife (such as the children's grandparents) who had carried out that role.

52 The wife in *DBA v DBB* was disadvantaged by the role she had undertaken. According to the judge in the court below, applying *ANJ v ANK*, the parties' direct and indirect contributions were respectively 95:5 and 60:40 both in favour of the husband. The wife was credited with 5% for direct contributions. However, on appeal, the Appellate Division pointed out that these ratios were not correctly calculated as the judge below had reached the ratios based on a total pool of $5.6m when the total pool should have been over $7m

(*DBA v DBB* at [25]–[28]). The wife's direct contributions under the structured approach would likely have been even lower than 5%.

53 On the other hand, *WXW v WXX* provides an example of a *dual-income* marriage in circumstances where one spouse argued that he was the primary homemaker in a single-income marriage. In this case, the wife worked throughout the marriage. The husband was retrenched from his full-time job in a bank after the first nine years of marriage and thereafter took on a variety of jobs and other business ventures. The Appellate Division found the marriage to be a dual-income marriage. It found that the husband would have worked full-time had he been able to find a job that suited him or succeeded in setting up a viable business and that the husband also had a breadwinning role even though he was not quite successful in that role (at [24] and [28]). He did earn some income which covered his own expenses, and he gave the children pocket money. Although the wife was the main breadwinner for most of the marriage, she spent a lot of time with the children on weekends and cared for them. The parties had helpers and shared homemaking responsibilities (at [28]). On the evidence, it could not be said that the husband discharged a *primary* homemaking role. The application of the *ANJ v ANK* approach would not have disadvantaged the husband due to his role in the marriage.

54 The Appellate Division highlighted in *WXW v WXX* at [13] that the *rationale* for the *TNL v TNK* exception "should guide how a single-income marriage ought to be understood". It is important to bear this context in mind when the facts of each case are assessed to determine whether the parties' marriage is a single-income or dual-income one.

Our decision

55 In our view, respectfully, the Judge erred in finding that this was a single-income marriage. We accept, and it is also not in dispute, that the main breadwinning responsibility lay with the Husband while the main caregiving responsibility lay with the Wife. But this in itself does not inevitably render this a single-income marriage, for both parties were working spouses. As we have said at [48] above, in many *dual-income* marriages, one working spouse may also take on the bulk of homemaking responsibilities and suffer no disadvantage under the structured approach. In the present case, the Wife had worked as part of a cabin crew for the first six years of the marriage. After resigning in 2007, she became an estate agent with [K Pte Ltd] and continues to be one today.

56 Much of the dispute centred around whether the Wife's job from 2007 was "intermittent", "part-time" or "full-time". As we have explained above (at [50]), we find that no meaningful distinction can be made between these terms. On the present facts, there is no evidence on the number of hours daily or weekly the Wife worked during the marriage as an estate agent. We observe that the nature of the job of an estate agent, in contrast to a structured office job, allows for more flexible working hours. Perhaps the only indicator of the nature and extent of her real estate work is the income she earned, which, on *her* own evidence, was an average of S$3,000 per month for 16 years. We note for comparison that this is significantly more than the income of the wife in *DBA v DBB*, where the wife earned a very modest average monthly sum of S$466 over 31 years – what could reasonably be described as a "side income" of a homemaker.

57 While the quantum of the income earned by the putative primary homemaker is not determinative of whether a marriage is single-income or dual-

income, it remains an indicator to be taken into account in considering the nature of the homemaker's work and the amount of time invested in the work. In this case, the average quantum of the Wife's income earned over 16 years was sufficient for her personal expenses. It was not disputed between the parties that the Wife made direct contributions of 20% if the structured approach were to apply. She also made *indirect financial* contributions – the Judge found that she contributed financially towards the family's expenses (Judgment at [76]).

58 The Wife had the assistance of a domestic helper throughout the marriage. While the engagement of helpers does not in itself diminish the value of the homemaker's role, it can offer insights into how the household and caregiving responsibilities are carried out (*WXX v WXY* at [21]). The Wife claims that the domestic helper's role has always been limited to doing the household chores, whereas she was the one carrying out the child-minding, ferrying, supervising of the children, grocery shopping and cooking. Regardless of the division of roles between the Wife and the domestic helper, there can be no doubt that the presence of a domestic helper reduced the burden on the Wife's homemaking responsibilities and would have assisted in enabling her to carry out her work (such as meeting clients and conducting property viewings) whenever necessary.

59 The Wife stresses that during the marriage, she relied solely on referrals from the Husband, other family and friends as well as from [K Pte Ltd]. She "did not market aggressively for business" until the commencement of divorce proceedings. It was only then that her income increased as she became a full-time estate agent. Between September 2023 and August 2024, she earned an average of S$7,586.89 monthly. At the hearing, counsel for the Wife also emphasised that during the marriage, the Wife "did not have a consistent income and sometimes [went] months without any deals". This may be so but it did not

change the Wife's own evidence that as an estate agent she earned an average of S$3,000 per month for 16 years. We elaborate in [60].

60 We recognise that the Wife had made sacrifices in her career to prioritise caring for the children during the marriage. Because of her homemaking responsibilities, she spent less time on her career compared to, say, the period from 2023 when divorce proceedings began. Such efforts will be recognised as her indirect contributions to the marriage, which we will address later (at [66]–[68]). Nevertheless, this does not detract from the fact that she held her job as a licensed estate agent throughout 16 years of the marriage and made a monthly income sufficient to "defray her own expenses" and, on her account, even contribute to the family expenses. The fact that the Wife sometimes went months without closing a deal did not necessarily mean that she had no inquiries or viewings at all. Irregularity of one's income is not unusual for an estate agent whose income is dependent on "closing a deal". Such commission-based income leads to high earnings in some months and low earnings in others. Indeed, it is stated in the Wife's Respondent's Case that even now, the Wife's income continues to be irregular.

61 On the facts of the present case, we are of the view that the marriage ought to be categorised as a dual-income marriage. Although the Judge classified the marriage as a single-income one, she observed that either classification would result in the same outcome: "[i]n a case such as the present, using either the framework in *TNL* or the approach in *ANJ* should lead to the same result" (Judgment at [74]). Indeed, applying the structured approach in *ANJ v ANK* to the present facts, no disadvantage will arise as the Wife had made direct contributions with her income, and her substantial indirect contributions will be given due recognition. There is no basis to place this case into the exception carved out by *TNL v TNK*. The *ANJ v ANK* approach applies.

62 Having determined that this is a dual-income marriage, we turn now to ascribe the appropriate ratios for the parties' direct contributions and indirect contributions under the *ANJ v ANK* approach.

63 The Husband has agreed that the direct contributions ratio is 79:21 in his favour and the Wife has also confirmed that it is either 79:21 or 80:20 in the Husband's favour. We use the ratio of 80:20 in the Husband's favour to estimate the parties' direct contributions. In any event, no prejudice is caused to the Husband since his position is 79:21 in his favour.

64 As for the ratio for indirect contributions, the Husband concedes that the Wife should be credited with majority of the indirect contributions but maintains that it should be 60:40 in her favour. The Wife submits it should be 80:20 in her favour if the structured approach was to apply.

65 We note that in respect of the indirect *financial* contributions, there is no dispute that the Husband had paid for the bulk of the family's expenses, although the Wife had earned enough to sustain her own expenses and by her own account, even contribute to the family's expenses. As a result of the Wife's independence, self-reliance and ability to maintain herself through her own efforts, the Husband had more resources from his income to be applied to family expenses, children's education, savings and his own investments.

66 As for indirect non-financial contributions, it is clear from the evidence that the Wife managed the caregiving and the family's affairs in Singapore without much help from the Husband as he was frequently abroad for work. In the early years of the marriage until 2007, the Husband worked in Shanghai and would return to Singapore every three to four months and stay with the family for two to four weeks each time. From 2008 to 2016, the Husband was in the

real estate industry. While still working in the real estate industry, he was posted to Melbourne for two to three years sometime around 2011 or 2012. In 2016, the Husband and the BP set up [B Pte Ltd]. Counsel for the Husband said during the hearing that the Husband "comes back to Singapore once in a few months … he spends some time here, then he goes off again". The Wife thus shouldered very substantial homemaking responsibilities in a marriage where her husband was frequently overseas and absent from home.

67 The Husband tries to downplay the Wife's efforts by emphasising that they had a domestic helper. However, while the involvement of the domestic helper would have alleviated the burden of the Wife's domestic work, the homemaking efforts of the Wife remain substantial, bearing in mind that the parties had three children, and the Husband was frequently overseas for substantial periods. The Wife supervised the domestic helper, did the marketing and frequently cooked for the family since 2013 or 2014. Further, the ratio of indirect contributions for each party is one that is *relative* to that of the other spouse.

68 Considering the evidence, a significantly high ratio for indirect contributions should be credited to her. We agree with the Wife's position that an indirect contributions ratio of 80:20 in her favour is fair.

69 Based on the direct contributions ratio of 20:80 in the Husband's favour and indirect contributions of 80:20 in the Wife's favour, the average ratio reached in the third step of the structured *ANJ v ANK* approach is 50:50. This is the same result that the Judge arrived at when classifying the marriage as a single-income marriage and applying the guidance in *TNL v TNK*.

70 Thus, while we classify the parties' marriage as a dual-income marriage and apply the structured approach, we reach the same ratio of division as the Judge (without considering the uplift to account for the adverse inference drawn).

Issue 4: Whether an adverse inference should be drawn against the Husband

71 If a party fails to make full and frank disclosure in the ancillary matters proceedings, an adverse inference may be drawn against that party. Such an adverse inference may be drawn where (*UZN v UZM* at [18]):

(a) there is a substratum of evidence that establishes a *prima facie* case of concealment by the person against whom the inference is to be drawn; and

(b) that person must have had some particular access to the information he or she is said to be hiding.

72 There are generally two approaches adopted by the courts to give effect to an adverse inference (*UZN v UZM* at [33] and [34]):

(a) The "quantification approach": the court may add into the pool of matrimonial assets the amount assessed by the court to be the likely value of a specific undisclosed asset, or add a sum into the pool of matrimonial assets by calculating a value based on a percentage of the total value of the pool.

(b) The "uplift approach": the court may award a greater share of the total known pool of matrimonial assets to the other party to account for the non-disclosure.

73 The Husband takes issue with the Judge's reliance on the following in deciding to draw an adverse inference against him:

(a) messages that the Husband had sent to the Wife regarding [B Pte Ltd]'s business (Judgment at [47]);

(b) messages that the Husband had exchanged with the Wife about placing A$2m in a Commonwealth Bank Australia ("CBA") fixed deposit account (Judgment at [48]);

(c) the Judge's finding that the BP was holding moneys on behalf of the Husband and he was able to transfer to the Husband moneys amounting to A$400,000 between October 2022 and April 2023 (Judgment at [49]);

(d) the Husband's receipt of a total of A$52,054.52 from one "Chen" and cash deposits amounting to A$40,100 between February 2023 and March 2023 (Judgment at [49]);

(e) the Husband's refusal to provide tax filings or financial reports of the businesses that he has had a legal or beneficial share in from 2014 to 2024 as well as bank statements of those businesses from 2014 to December 2019 (Judgment at [51]); and

(f) the finding that the Husband had an undisclosed beneficial interest in a half share in an Australian property estimated at S$844,116 ("Australian Property") (Judgment at [60]).

74 In gist, the Husband says that his representations about "[his] cattle farm" and "[his] plant and farm" (Judgment at [47(a)]–[47(b)]) were references to the connections that [B Pte Ltd] had with the farmers and abattoirs in

Australia and that [B Pte Ltd] did not actually own any farm. As for his representations about securing a "container order" in Pattaya in 2021 (see Judgment at [47(e)]) and placing A$2m in a CBA fixed deposit account in 2023 (Judgment at [48]), these were lies to reassure the Wife about their financial situation.

75 The Husband's arguments are unconvincing. He has not provided a convincing reason why the Wife needed reassurance on their financial position. The messages he sent to the Wife between 2021 and 2023 about his financial success were replete with specific, detailed and unprompted claims about his business interests. The conversation on the A$2m in the CBA account also shows a financial discussion between the parties, with the Husband providing a comparative analysis of interest rates across different banks and jurisdictions. There was no suggestion in the discussion that Husband did not have the means to place the deposit.

76 The Husband also submits that there is no evidence to support the Judge's finding that the BP is holding moneys on trust for him. In explaining that there is a substratum of evidence indicating that the Husband has undisclosed businesses, cash and investments, the Judge had referred to her finding that the moneys "were not loans" which could "suggest that the BP may be holding significant assets on the [Husband's] behalf" (Judgment at [49]). The Judge was entitled to draw the inference that the monies held by the BP belonged to the Husband.

77 In respect of the receipt of A$52,054.52 from "Chen" and cash deposits totalling A$40,100 between February and March 2023, the Husband submits that he lacked the opportunity to explain these transactions. We disagree. The Husband had the opportunity to adduce evidence or seek permission to do so.

Even on appeal, he offers only tentative speculation about what he would likely have said at the hearing below rather than definitive answers about what actually occurred. His statement that these deposits "*could* have been a mixture of his monthly allowance and travel reimbursement" is prefaced with "*[f]or example*", revealing uncertainty about relatively large transactions that should have been well within his personal knowledge. Moreover, the amounts received far exceed the documented terms of the revised partnership agreement. Yet there is no explanation for this discrepancy and no banking records to support his claims.

78 The Husband submits that the Wife's requests for disclosure in all the businesses in which he had a share within the timeframe of 2014 to 2019 were "oppressive and/or a fishing expedition" as he was only involved in [B Pte Ltd] from 2020. But his claim that he was only involved in [B Pte Ltd] from 2020 onwards is contradicted by his own evidence which shows that he was the sole shareholder and director since its incorporation in June 2016 and that he entered into the original partnership agreement with the BP with effect from August 2016. He also stated in his affidavit that [B Pte Ltd]'s business came from distributors in Taiwan between 2017 and 2019. The provision of [B Pte Ltd]'s Statements of Account and Notices of Assessment from FY2021 to FY2023 represents only a part of the company's operational history. The Wife was never an employee of [B Pte Ltd] and had no independent access to [B Pte Ltd]'s financial records. The onus was on the Husband, as the sole director and shareholder, to provide disclosure of the business operations that formed a significant part of his assets. Proper records should have been kept by the company. On appeal, the Husband continues to take issue with the scope of the Wife's discovery requests. Yet, he does not point to any substantive documentation to clarify [B Pte Ltd]'s operations and financial status.

79 Finally, in respect of the Australian Property, the Judge observed that the Australian Property is owned by a company called [J Pty Ltd]. This name was chosen by the Wife on 9 February 2023. Less than a month later on 1 March 2023, [J Pty Ltd] was registered with the BP as its sole shareholder, director and secretary. While the Husband does not deny this account of events and admits that the setting up of [J Pty Ltd] was done to facilitate the purchase, he claims that his plan to buy the Australian Property with the BP only fell through after the Wife informed him of her plan to divorce in April 2023. He says that he is unable to disclose documents or correspondence relating to the sale and purchase of the Australian Property without explaining why.

80 Given that there is evidence of the Husband's intention to purchase the Australian Property, the Husband should have adduced relevant evidence to support his position that his plan fell through and he had no interest in the property. Even if he did not have the requested documents, he could have asked the BP to provide him with them. Neither he nor the BP produced any documents relating to the sale and purchase of the Australian Property. Notably, there is no explanation for why the Husband's bank statement for April 2023 to July 2023 was addressed to the Australian Property.

81 The Husband submits, relying on *UDA v UDB* [2018] 1 SLR 1015 ("*UDA v UDB*"), that the Wife would have to prove that he had a beneficial interest in the Australian Property by commencing separate civil proceedings. However, in the present case, the Wife does not contend that the Australian Property ought to be regarded as a matrimonial asset. The Judge clearly stated that no sum may be added to the matrimonial pool for the Australian Property (Judgment at [70]). The Judge's finding that it is "clear from the evidence that the [Husband] has an undisclosed beneficial interest in the Australian Property"

(Judgment at [60]) is a finding on the Husband's non-disclosure and does not engage the scenarios in *UDA v UDB*.

82 In our view, the Judge did not err in giving effect to the adverse inference by awarding a 20% uplift to the Wife's share of assets. There is insufficient information on the extent of the Husband's undisclosed investments, businesses and cash. Whilst the Wife estimates the Australian Property to be worth S$844,116, there is no evidence of the size of the Husband's beneficial interest in it. We note the guidance of the Court of Appeal in *UZN v UZM* (at [35]):

> We suggest that where there is a genuine doubt or dispute as to the true extent of the non-disclosure, the court should prefer a finding which results in a higher share of the matrimonial assets being awarded to the other party. This follows from the very reason why the court is confronted with this task in the first place – the withholding of full disclosure or the concealment of assets by the non-disclosing party, which had led to the drawing of an adverse inference. On appeal, the exercise of discretion by the judge at first instance will not easily be disturbed unless the effect of the judge's decision was out of proportion to any reasonable estimate of the value of the undisclosed assets, and therefore resulted in the value of the matrimonial assets awarded to the other party being significantly different from what would have been just and equitable.

83 In the present case, a 20% uplift amounts to S$339,644.88 (Judgment at [70]). While a 20% uplift is of itself a relatively high percentage that may not usually be seen in division orders made by the Family Division of the High Court and the appellate courts, on the present facts of this case, the absolute quantum of S$339,644.88 is not out of proportion to a reasonable estimate of the undisclosed assets. It is of note that the Husband had claimed to have A$2m in his CBA Account as at 14 April 2023 (see [73(b)]) and this sum was not added to the pool.

Issue 5: Whether the Husband should pay the Wife a lump-sum maintenance of S$20,000

84 The Husband appeals against the award of lump sum spousal maintenance. His case is that the Wife was employed throughout the marriage. She earned an average of S$3,000 per month from 2007 to mid-2023. Her monthly income from 2021 to 2023 was S$3,733.89. Given the Judge's finding that her monthly reasonable expenses amounted to S$2,200, the Wife has "more than sufficient income" to bear her own expenses. Conversely, the Wife's position is that the Husband paid for the lion's share of the Wife's and the Children's expenses during the marriage. She says that the final time he made a provision of a sum of S$20,000 was in May 2023 and this sum was fully expended by July 2023. After the Husband stopped transferring her money in May 2023, she had to dip into her savings and borrow from friends for her expenses. Hence, this "modest lump sum" of S$20,000 is required for her to "get back on her feet to be self-sufficient".

85 The court's discretion in ordering maintenance for a former spouse pursuant to s 113(1)(*b*) of the Charter is "exercised with reference to the objective of facilitating the former spouse's transition into post-divorce life where eventual economic self-sufficiency will be reasonably expected" (*XHG v XHH* [2025] 2 SLR 501 ("*XHG v XHH*") at [74]) and the court must have regard to all the circumstances of the case including those stated in s 114(1) of the Charter.

86 In our view, we do not think that the Judge had erred in awarding the Wife maintenance of S$20,000 "to tide [her] over during this period of adjustment" (Judgment at [84]). The Judge was clear in explaining that "[t]his sum, intended for transitional issues, would complement the division of assets,

which provides for her longer term stability" (Judgment at [86]). It is an award based on what the Judge assessed to be appropriate to assist her in transiting into post-divorce life, having considered various factors, including her needs and her share in the division order. While the Husband will contribute to the maintenance of the children, the Wife remains the Minor Children's primary caregiver, with care and control of them. We note that her job is commissions-based and her income fluctuates on a monthly basis. Having only recently started to invest more time and effort into her career in 2023, it is reasonable for her to be provided a small lump sum maintenance to enable her transition to life after divorce.

87 We therefore find that the Judge did not err in ordering a lump sum spousal maintenance of S$20,000 to be paid by the Husband to the Wife.

Issue 6: Whether the Husband should bear 75% of the Minor Children's expenses

88 The Husband submits that the Judge erred in determining that he should be responsible for 75% of the Minor Children's expenses. He contends that their expenses ought to be borne equally between the parties. The core of his argument is that between 2021 and 2023, his average gross monthly income was S$2,509.33 whereas the Wife's was S$3,733.89. He claims that "he did not receive any commission from 2020 to June 2024 as [B Pte Ltd] was still rebuilding its business after the Covid-19 pandemic". He submits that given that their incomes are both largely dependent on sales and commission, the Minor Children's maintenance should be borne equally. The Wife disputes the Husband's assertion that their earning capacities are similar. She submits that the Judge's order on maintenance should be upheld as the Husband has

undisclosed assets and income. There is also no evidence that he cannot afford the monthly maintenance of S$1,965 for the Minor Children.

89 The approach to apportioning the share each parent should bear of their children's maintenance has recently been reiterated in *XHG v XHH* (at [41]):

> … Parents have an equal responsibility to maintain their child although their precise obligations may differ depending on their means and capabilities (see *UHA v UHB and another appeal* [2020] 3 SLR 666 at [36] and *AUA v ATZ* [2016] 4 SLR 674 at [41]). The court will consider all relevant circumstances, including the parties' income, earning capacities and financial resources, in arriving at the proportion of their children's expenses each party should bear.

90 The Judge found C2 and C3's combined reasonable monthly expenses to be S$2,620. She explained that as she had found that the Husband had undisclosed businesses, cash and investments and is earning substantially more than the A$3,000 or A$1,000 a month he contended, he should bear 75% of the expenses (Judgment at [93]–[94]).

91 Given our agreement with the Judge on the adverse inference to be drawn against the Husband, there is no reason to disturb the Judge's order of maintenance being apportioned in the ratio of 75% to be borne by the Husband and 25% to be borne by the Wife.

Conclusion and costs

92 We dismiss the appeal.

93 The Wife seeks S$50,000 in costs and S$1,038 in disbursements. The Husband seeks costs of S$30,000 plus disbursements. Considering the numerous issues raised by the Husband which were dismissed, we order the

Husband to pay the Wife costs fixed at S$35,000 (all-in). The usual consequential orders will apply.

Belinda Ang Saw Ean
Justice of the Court of Appeal

Kannan Ramesh
Judge of the Appellate Division

Debbie Ong Siew Ling
Judge of the Appellate Division

Chettiar Kamalarajan Malaiyandi and Navin Kangatharan (Rajan Chettiar LLC) for the appellant;
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