

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGHCF 13

District Court Appeal No 113 of 2025

Between

XSB

... Appellant

And

XSC

... Respondent

FOUNDATIONS OF DECISION

[Family Law — Matrimonial assets — Division]

[Family Law — Maintenance — Wife]

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XSB

v

XSC

[2026] SGHCF 13

General Division of the High Court (Family Division) — District Court
Appeal No 113 of 2025
Kwek Mean Luck J
28 April 2026

7 May 2026

Kwek Mean Luck J:

Introduction

1 This was the Husband’s appeal against various aspects of the ancillary orders made by the District Judge (“DJ”) in FC/D 5738/2023. One of the issues was whether the duration of the spousal maintenance should have been fixed, rather than intentionally left undetermined. After reviewing the jurisprudence and the facts of this case, I allowed the appeal in part and held that the spousal maintenance in this case should be fixed for a period of eight years. I set out in full my grounds of decision below.

Background

2 The parties, Husband and Wife, had a marriage that lasted for 16 years and nine months. They have two sons, C and X, aged 17 and 16 respectively at

the time of the Ancillary Matters (“AM”) Hearing. The Husband is 45 years old, and the Wife is 47 years old. The elder son, C, has been diagnosed as being on the autism spectrum. Although the Wife worked prior to having children, she had been a full-time stay-at-home mother for ten years before finding work at a restaurant in April 2025. The Husband raised four issues on appeal.

Parties’ positions on issues

Duration of spousal maintenance

3 First, the Husband submitted that the DJ should not have ordered monthly spousal maintenance of \$1,000 without a fixed duration.¹

4 The DJ reasoned that the Wife had been out of the workforce for more than ten years and also faced significant issues with her mental and physical health. She would also have to take care of the children as the parent with sole care and control. Taking care of the children on her own would be challenging given that C is a child with special needs. In the event that the matrimonial flat is sold, she would face the additional challenge of helping the children adjust to a new environment. Therefore, it was unrealistic to fix a timeline for her to get back on her feet at the time of the judgment on AM. In any event, the law allows for a variation in the event of a material change in circumstances, even if a timeline was not specified.

5 The Husband submitted on appeal that the spousal maintenance should be limited in duration. In the court below, he submitted that maintenance should be limited to six months and he maintained this position on appeal. He highlighted that the Wife has been working in a restaurant chain since 17 April

¹ Appellant’s Case (“AC”) dated 5th December 2025 at [6(i)].

2025. He also highlighted that she was 46 years old (at the time written submissions were filed) and has a diploma. He submitted that she can find better jobs if “she focus[ed] her energies and efforts on upgrading of her skills”.² In addition, he stated that the latest evidence of her physical ailment was around June 2024. There is therefore no evidence that she still requires treatment or medication. Further, her referral for mental health treatment from Kallang Polyclinic is dated January 2024. There is no evidence of the current prognosis of her mental health or the treatment she is receiving. It did not appear to affect her ability to work, given her current employment.³ Further, based on the Assessment and Diagnostic Report dated 7 March 2024, C was found to be able to cope with the demands of the curriculum in mainstream education.⁴ Moreover, the Wife is receiving child maintenance for the children.⁵

6 In response, the Wife maintained that the DJ was correct in finding that an indefinite period of spousal maintenance was appropriate and submitted that she had not been working for ten odd years during the marriage.⁶ Her current job in the restaurant chain is as a casual worker, where she earns \$500/month. It would be unrealistic for her to find a job commensurate with what she had in 2015 within the six months that the Husband expected her to do so.⁷ In the lower court, in support of her claim of being unable to obtain full-time employment due to her Major Depressive Disorder (“MDD”), the Wife adduced a referral letter from Kallang Polyclinic and a letter from Singapore General Hospital

² AC at [10].

³ AC at [11].

⁴ AC at [14].

⁵ AC at [13].

⁶ Respondent’s Case (“RC”) dated 5th January 2026 at [8].

⁷ RC at [8].

(“SGH”) stating that she “has depressive symptoms and is currently on follow-up at SGH”.⁸ It states that the Wife was referred to a psychiatrist, that she was prescribed Faverin (an anti-depressant medication) and that she was receiving treatment at Health and Mind Clinic.⁹ The difficulty the Wife faces in regaining financial self-sufficiency is exacerbated by her responsibilities as the parent with care and control of the children, particularly in caring for C. While C should be able to cope with the demands of curriculum in mainstream educational settings, his deficits in social interaction and communication as well as his stereotypic behaviour were the main causes of the Wife’s concerns. The Wife submitted that C’s behavioural issues could not be taken lightly, especially when C exhibited self-harming acts such as punching his own head and aggressive behaviours towards family members (including forcefully grabbing his younger brother). The Wife’s evidence in the lower court was that C also experiences auditory hallucinations and possesses thoughts about self-harming.¹⁰

7 In the alternative, the Wife submitted that if the court was minded to fix a duration of spousal maintenance, a multiplier of half the duration of the marriage should apply. The Wife relied on *WGE v WGF* [2023] SGHCF 26 (“*WGE*”), where the court referred to several cases, which held that for shorter marriages involving younger wives who were able to rejoin the workforce, a multiplier of approximately half the duration of the marriage would be appropriate for the duration of spousal maintenance.

⁸ RC at [10].

⁹ RC at [10]; Record of Appeal (“RA”) pp 402, 566–567.

¹⁰ RC at [11].

8 The Wife submitted that a lump sum spousal maintenance of \$96,000 (\$1,000/month for a period of eight years) would be reasonable for a marriage that lasted for 16 years and nine months. This was in view of the standard of living enjoyed by herself during the marriage, the need for sufficient resources to tide herself through her battle with MDD and her journey to obtain full-time employment at an income similar to what she was earning before she became a full-time homemaker.¹¹

Ratio for division of matrimonial assets

9 Second, the Husband submitted that the ratio for division of matrimonial assets should have been 70:30 instead of 60:40 in favour of the Husband, as found by the DJ.

10 The DJ treated the marriage as a single-income marriage and applied the approach set out for such in *TNL v TNK* [2017] 1 SLR 609. This was not contested by either party in the appeal. The DJ noted that the trend in “moderately lengthy marriages” of around 15 to 18 years was towards awarding the homemaker wife about 35% to 40% of the matrimonial assets. In the present case, the length of the marriage was about 16 years and nine months as of the date of the Interim Judgment. The DJ awarded the Wife the higher end of the range, *ie*, 40% of the asset pool, having taken into consideration the circumstances, including the responsibility of caring for two children, one of whom has special needs.

11 The Husband submitted that the DJ failed to give enough weight to his indirect contributions,¹² including his participation in C’s therapy sessions, as

¹¹ RC at [14].

¹² AC at [6(ii)].

well as paying for C’s medical fees and the children’s expenses more generally. There was a higher financial burden on himself with the Wife not working. The Husband also submitted that the DJ accorded excessive weight to the Wife for taking care of C, as C was only diagnosed in March 2024. Additionally, it was confirmed medically that C could cope with mainstream education.

12 The Wife submitted that while C was only diagnosed with autism in March 2024, the medical report stated that as early as between four to five years old, there had been deficiencies in C’s social interactions and communication with others (in addition to his stereotypic behaviour).¹³ Her evidence was that C suffers from a disorder that was present from birth.¹⁴ It must follow then that the Wife, being the primary caregiver, had exerted significant efforts in raising a child with special needs. Therefore, the DJ’s finding served to recognise the Wife’s additional responsibility of managing C’s psychological and behavioural condition in discharging her role as the children’s primary caregiver.¹⁵ The Wife further submitted that the DJ did not ignore the Husband’s contributions. The Husband’s submission that the Wife be given only 30% of the assets was contrary to precedents. The Wife cited the decision of *BOR v BOS* [2018] SGCA 78 (“*BOS*”), where it was observed at [113] that the trend was to award homemaker spouses about 25% to 35% of the matrimonial pool only where the marriage was of a shorter duration, *ie*, around ten to 15 years.¹⁶

¹³ RC at [18].

¹⁴ RC at [18].

¹⁵ RC at [19].

¹⁶ RC at [21].

Timeframe for Wife to exercise right of first refusal for HDB flat

13 The third issue raised by the Husband at the appeal related to the DJ's timelines for the sale of the parties' Housing and Development Board ("HDB") flat.

14 By the time of the appeal, the six-month timeline, as ordered by the DJ, for the Wife to exercise her right of first refusal had expired. She did not exercise this right. Hence, the only issue at the appeal was whether the DJ should have ordered a duration of 12 months within which the flat be sold on the open market, after the expiry of the Wife's right of first refusal. The Husband submitted that the timeline for the flat to be sold on the open market should be reduced to six months. In addition, he expressed his wish to take over the ownership of the flat. He was however uncertain if this option would be available to him, based on the DJ's orders.

15 The Wife submitted that the Husband had not provided cogent reasons as to why the timelines in the DJ's order would prejudice the Husband's interests to move on post-divorce.¹⁷ The timelines were already complemented by the order empowering the Registrar of the Family Justice Courts to execute and sign documents relating to the sale of the flat. Taken together, the orders eliminated the risk of the Husband having to make applications to extend the time for disposal of the flat if that was needed.

Costs

16 Fourth, the Husband submitted that the DJ erred in ordering each party to bear their own costs. The Husband submitted that this did not take into

¹⁷ RC at [24].

account the Wife's failure to comply with court timelines and her numerous changes in legal representations, causing extensive delays to the proceedings.¹⁸

17 The Wife submitted that as an aided person under the Legal Aid and Advice Act 1995 (2020 Rev Ed) ("LAAA"), she is shielded from costs unless she acted improperly in the conduct of proceedings. She submitted that failure to comply with court timelines and the numerous changes in legal representations did not constitute improper conduct justifying costs against her.¹⁹ She further pointed to documentary evidence of her significant physical and mental health issues in 2024 which contributed to her failure to comply with court timelines.²⁰

Decision

Duration of spousal maintenance

18 I begin with the first issue raised by the Husband, the duration of the spousal maintenance.

19 It is well established that the provision of spousal maintenance does not seek to create situations of life-long dependency of former wives on their former husbands. This principle was laid out by the Court of Appeal in *ATE v ATD* [2016] SGCA 2 at [31], citing *Quek Lee Tiam v Ho Kim Swee (alias Ho Kian Guan)* [1995] SGHC 23 at [22]. Former wives, where reasonable, would be expected to regain some level of financial self-sufficiency.

¹⁸ AC at [28].

¹⁹ RC at [27].

²⁰ RC at [27].

20 Financial self-sufficiency of the wife is to be determined by whether or not the wife can be gainfully employed to defray her personal expenses, rather than a question of whether ideal employment can be found: *ARY v ARX* [2016] at [98].

21 At the same time, as pointed out by V K Rajah J (as he then was) in *NI v NJ* [2007] 1 SLR(R) 75 at [11], “every case will have to be assessed in its proper context”. In *ATS v ATT* [2011] SGHC 213, spousal maintenance was ordered without a fixed duration. This was affirmed by the Court of Appeal in *ATT v ATS* [2012] 2 SLR 859 (“*ATT*”). In delivering the grounds of decision, Chao JA observed that while the Wife was a diploma holder in her 40s, she had care and control of three school-going children, especially two younger ones aged 13 and nine. The wife had been out of the job market for some 13 years, making it unrealistic or impractical to expect her to immediately pick up from where she left off before she became a homemaker, even with the assistance of a maid. In addition, the husband’s submission on the issue of maintenance was also hampered by the adverse inference which had been drawn against him due to *his* failure to fully disclose his true earning capacity: at [28].

22 As can be observed, there were particular facts in *ATT* which supported the indeterminate duration of the spousal maintenance.

23 These do not arise in this case. The Wife has returned to the workforce. While it was submitted that she was hampered from finding employment because of her physical or mental health issues, this was not apparent from the evidence. The fact that she had found casual employment in a restaurant chain, suggested that this was not a barring factor to her finding and pursuing employment.

24 Nevertheless, I agreed with the Wife that she would need more time to find employment that is commensurate with her education qualifications of having a diploma, bearing in mind that she is in her 40s and had been out of the job market for ten years. The six months contended by the Husband would be too short.

25 In addition, I also agreed with the Wife that even though C can undertake mainstream education, she would still need to take time to manage the behavioural issues arising from C's Autism Spectrum Disorder. C is currently 18 years old and will continue to be in polytechnic for about two years more. Thereafter, he will have National Service, which will be another major adjustment point for him. Following that, he will likely need to adjust to working life. Given C's condition, I am of the view that the Wife is justified as a mother in wanting to focus on taking care of C as he journeys through these milestones. This would affect her capacity to prepare herself to be employable in higher-earning jobs.

26 Taking into consideration all these circumstances, it would appropriate to apply a multiplier of eight years of spousal maintenance.

27 Before finalising my assessment of this, I also compared the duration of spousal maintenance in two types of cases. The first, where the Wife is unlikely to be able to find employment and the second, where the wife is young enough and likely to regain employment.

28 In *Foo Ah Yan v Chiam Heng Chow* [2012] 2 SLR 506 ("*Foo Ah Yan*"), the parties' marriage lasted for about 13.5 years. They had no children together. At the time of the AM proceedings, the wife was 60 years old and the husband was 72 years old. Both had retired shortly after they were married, although the

husband continued to receive a total of \$2,600 per month after retirement, consisting of annuity, allowance from the children from his previous marriage and rental income. The Court of Appeal held that a multiplier of seven years was appropriate in the circumstances, as the husband was able to meet the maintenance order due to his income, while the relatively shorter length of the multiplier took into account his status as a retiree: at [27].

29 The Wife also referred to *WGE*. There, Mavis Chionh J referenced *ACY v ACZ* [2014] 2 SLR 1320 and *CGX v CGY* [2014] SGHC 256. Both were marriages of shorter duration than the present case and the court applied a duration for the spousal maintenance that was about half of the length of the marriage.

30 In this case, the length of the marriage was about 16 years and nine months. A spousal maintenance of eight years, as indicated above, was appropriate in the circumstances and consistent with the trend in the above precedents. I held that the eight years were effective from the date of the AM Hearing orders, which was in September 2025.

31 To allow parties to find closure and move on with their lives, I awarded the spousal maintenance as a lump sum. This would exclude the spousal maintenance already paid by the Husband since the AM Hearing. Taking note that the Husband was preparing an offer to buy over the matrimonial flat and the parties' financial circumstances, I ordered that the lump sum is to be paid within three months of this decision and that the Husband has liberty to write in to propose an instalment plan if he is not able to pay this in one instalment.

Ratio for division of matrimonial assets

32 I turn next to the second issue. I am unable to agree with the Husband that the DJ erred in holding that the ratio for division of matrimonial assets should be 60:40 in favour of the Husband instead of 70:30.

33 First, in *BOS*, the Court of Appeal observed at [113] that the trend in “moderately lengthy marriages”, of about 15 to 18 years, was towards awarding the homemaker wife about 35% to 40% of the matrimonial assets. For marriages of shorter duration, of around ten to 15 years, the trend appeared to be towards awarding the non-income earning party about 25% to 35% of the matrimonial pool. As the marriage here was about 16 years and nine months, this would be considered a moderately lengthy marriage. The Husband did not surface any exceptional factors that justified treating this marriage as one of shorter duration.

34 Second, having assessed the facts and the DJ’s grounds of decision, I did not find that the DJ failed to give sufficient weight to the Husband’s indirect contributions or that he gave excessive weight to the Wife’s contributions in taking care of C. While C was only diagnosed in March 2024, it was undisputed that the medical report states that C suffered from deficiencies in his social interactions and communications with others (in addition to his stereotypic behaviour) as early as 4 to 5 years old, and the Wife has been the main caregiver of C.

Timeframe for Wife to exercise right of first refusal for HDB flat

35 The third issue raised on appeal related to the timeframes for the sale of the HDB flat. At the hearing, the Husband informed the Court that the timeframe

for the Wife's right of first refusal was now moot as the timeline had expired by the time of the appeal hearing, and she had not exercised it.

36 I noted that under the DJ's orders, the Husband was not prevented from making an offer to the Wife for the HDB flat. In any event, for avoidance of doubt, I ordered that the Husband has the right to make an offer for the HDB flat, before parties place the flat on the open market.

37 With respect to timelines for sale, the Husband had not identified any prejudice that he would suffer from the existing timeline ordered for the sale, which is 12 months after the expiry of the Wife's right of first refusal. I hence left this timeline untouched. This would obviate the need for parties to make a further application to extend timelines, if issues arise in the transaction of the HDB flat.

Costs

38 The fourth issue raised by the Husband related to the costs order below, where the DJ ordered that each party bear their own costs. As the Wife is a legally aided person, the question was whether she acted improperly in the conduct of proceedings, pursuant to s 14(3)(b) of the LAAA.

39 The threshold of improper conduct under s 14(3)(b) of the LAAA is a high one. In *Anpex Pte Ltd v Cheng Yong Sun* [2022] SGHC 294, Choo Han Teck J considered whether there was evidence that the legally aided person conducted their defence in a way that a reasonable defendant would not: at [4]. In *WXG v WXH* [2024] SGFC 41, the wife claimed that she incurred significant costs as a result of various delays in proceedings being brought on by the legally aided husband's non-compliance and obstruction: at [5]. In particular, she

alleged that the husband had caused the delays by refusing to disclose documents that should have been voluntarily disclosed so that the wife would not have had to take out additional applications: at [7]. The court found that there was insufficient material to determine whether the husband's actions caused substantial delays and noted that the delays arose from the provisional grant of aid being cancelled and reinstated by the Legal Aid Bureau ("LAB"): at [15].

40 In this case, counsel for the Wife informed the Court that the changes in two sets of solicitors for the Wife arose from discussions between the solicitors and the LAB. It was not because the Wife discharged them. The Husband informed the Court that he was not in the position to refute this. I did not find that the threshold of improper conduct was met on the facts before me.

Conclusion

41 For the reasons above, the appeal was allowed in part, in that the spousal maintenance would be for a period of eight years from the date of the AM Hearing, rather than for an indeterminate period. This shall be paid as a lump sum by the Husband to the Wife, excluding the spousal maintenance paid to date since the AM Hearing. This sum is to be paid within three months of this decision. The Husband has liberty to write in to propose instalment payments of the lump sum. I also clarified that the Husband has the right to make an offer for the HDB flat before parties put the flat out on the open market.

42 I made no order as to costs.

Kwek Mean Luck
Judge of the High Court

Looi Min Yi Stephanie (Constellation Law Chambers LLC) for the
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