

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 81

MSS 54 of 2026

Between

XXJ

... Applicant

And

XXI

... Respondent

GROUNDS OF DECISION

[Family Law — Maintenance — Application for Variation]

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XXJ

v

XXI

[2026] SGFC 81

Family Court — MSS 54 of 2026
Magistrate Soh Kian Peng
24 April 2026

29 May 2026

Magistrate Soh Kian Peng:

1 There were two applications before me:

(a) MSS 54 of 2026 (“MSS 54”) was the Husband’s application to vary MO 361 of xxx (“MO 361”).

(b) MSS 47 of 2026 (“MSS 47”) was the Wife’s application to enforce MO 361 against the Husband.

2 Both matters were fixed for trial before me on 24 April 2026. I proceeded to hear and determine MSS 54 first, given that any decision to vary MO 361 could conceivably affect the Wife’s application to enforce the same order in MSS 47.

3 After hearing evidence and arguments from parties, I dismissed MSS 54. This is my decision.

4 To succeed in his application, the Husband had to prove that there was a change in circumstances, or that there was good cause for varying the order: s 72 of the Women’s Charter 1961.

5 The crux of the Husband’s application was that the learned District Judge who made the order had erred in that she had assessed his monthly income as coming in at \$30,000 when the true figure should be \$10,000. He said the error lay in the fact that \$20,000 of his monthly income should be attributed to his father. He spoke of an arrangement where his monthly salary *qua* director of a moneylending company, [Company X], would be passed to his father. He would report that income to Inland Revenue Authority of Singapore (“IRAS”) for the purposes of income tax, and his father would pay the tax bill.

6 The Husband also took issue with the backdated maintenance ordered by the learned District Judge in MO 361. He said that sum which he was ordered to pay should be lower. He pointed to what he claimed was extravagant spending on the part of the Wife.

7 The nature of variation applications means that the applicant must show that there was a change in the circumstances between the time the order was made, and the filing of the variation application which would justify an adjustment to the sums of maintenance that had been ordered. Based on what I had heard during the Husband’s testimony, the basis of his application was that the learned District Judge who made the order had erred in several respects.

8 The proper recourse then, would have been to file an appeal. To that end, I note that an appeal was indeed filed but was subsequently withdrawn. There

are two implications which flow from the Husband's decision to not pursue that appeal to the very end.

9 First, that it cannot then be open to him to challenge the learned District Judge's decision through this variation application in MSS 54. The court will not allow applications to vary maintenance orders to be used as a backdoor appeal. Second, it also means that I must take the learned District Judge's findings of fact as the starting point in assessing the Husband's application for variation. In other words, the Husband had to demonstrate that his monthly income had experienced a significant drop from the \$30,000 that he was earning when MO 361 was made.

10 I heard evidence from the Husband of how his business was not faring too well in recent times. While the Husband had, in his testimony, quantified the drop in the income from his business, I am reluctant to accord much weight (if any at all) to his evidence on this point.

11 For one, the Husband stated that because he operated as a sole proprietor, he did not have the same bookkeeping that a private company would be expected to have. Further, while the Husband had told me that his monthly takings from the business in 2024 was more than \$10,000 per month, he had only declared \$20,000 as his trade income in his annual income tax return. He explained that this discrepancy was due to some accounting issues which were still being ironed out.¹ These deficiencies in the Husband's bookkeeping practices, as well as the discrepancy between his declared income for the purposes of tax and his monthly takings from the business thus cast a shadow

¹ Transcript at p 17.

on the reliability of the figures he presented to evidence the decrease in his business takings.

12 That said, even taking the Husband's case at its highest, and accepting that there had been a drop in his business earnings, this must be weighed against the fact that he was still receiving money from his position as a director in [Company X]. Given that the Husband continues to receive the \$20,000 monthly payment from his role as a director, and that this forms the bulk of his monthly income of \$30,000, any decrease in his takings from the business would not have reduced his monthly income to the point where he could no longer afford to pay the sums ordered in MO 361.

13 In short, I did not find that the Husband had shown that there was a change in circumstances which justified the downward variation of MO 361 that he sought. Further, his dissatisfaction with the District Judge's judgment, which was the basis for his application in MSS 54, cannot be a good reason for varying the order made. As I have stated above (at [9]), applications to vary maintenance orders cannot, and should not, be treated as a backdoor appeal.

14 The Husband's application in MSS 54 was thus dismissed.

Soh Kian Peng
Magistrate

The Wife in person and unrepresented;
The Husband in person and unrepresented.
