

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGHCF 6

District Court Appeal No 46 of 2025 (Summons No 333 of 2025)

Between

XON

... Appellant

And

XOM

... Respondent

District Court Appeal No 94 of 2025 (Summons No 347 of 2025)

Between

XOM

... Appellant

And

XON

... Respondent

JUDGMENT

[Family Law — Procedure — Appeals — Admission of further evidence on appeal]

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XON
v
XOM and another appeal

[2026] SGHCF 6

General Division of the High Court (Family Division) — District Court
Appeal No 46 of 2025 (Summons No 333 of 2025) and District Court Appeal
No 94 of 2025 (Summons No 347 of 2025)
Tan Siong Thye SJ
5 February 2026

10 March 2026

Judgment reserved.

Tan Siong Thye SJ:

Introduction

1 This judgment concerns the parties' summonses to adduce fresh evidence for their respective appeals against the decision of the District Judge ("DJ"). Summons 333 of 2025 ("SUM 333") is filed by the husband ("Husband") while Summons 347 of 2025 ("SUM 347") is filed by the wife ("Wife"). Both parties are self-represented.

2 The parties filed cross-appeals against the decision of the DJ in relation to ancillary matters, following the parties' divorce. District Court Appeal No 46 of 2025 is brought by the Husband while District Court Appeal No 94 of 2025 is brought by the Wife.

3 The DJ delivered her detailed and comprehensive brief grounds of decision (“GD”) on 18 February 2025 and her supplementary grounds of decision (“S-GD”) on 20 March 2025.

4 This is my decision on SUM 333 and SUM 347.

Applicable law

Admission of further evidence on appeal

5 The Family Justice Rules 2014 at r 831(2) states that no further evidence shall be admitted unless:

- (a) the evidence relates to matters which have occurred after the date of the trial or hearing of the judgment on appeal (“post-hearing evidence”); or
- (b) the evidence satisfies special grounds (“pre-hearing evidence”).

Category 1: post-hearing evidence

6 The court has the discretion to allow a party to adduce fresh evidence; however, the court will not admit post-hearing evidence as a matter of course. The court may generally admit post-hearing evidence which has a *perceptible impact* on the decision, such that it would be in the interest of justice that such further evidence be admitted (*Yeo Chong Lin v Tay Ang Choo Nancy* [2011] 2 SLR 1157 (“*Yeo Chong Lin*”) at [13]). In *Yeo Chong Lin*, the further evidence sought to be admitted by the husband “clearly [went] to the heart of the decision, and could alter the basis of the decision regarding the matrimonial assets” (at [14]). Thus, the further evidence was admitted.

7 The “perceptible impact” test was further elaborated on in the case of *BNX v BOE* [2018] 2 SLR 215 (“*BNX*”). The Court of Appeal (at [99]) explained that, in deciding whether the further evidence would have a perceptible impact on the decision, the court should:

- (a) first, ascertain what the relevant matters are, of which evidence is sought to be given, and ensure that these are matters that occurred after the trial or hearing below;
- (b) second, satisfy itself that the evidence of these matters is at least potentially material to the issues in the appeal; and
- (c) third, satisfy itself that the material at least appears to be credible.

8 While *BNX* related to an appeal in the arbitration context, the Court of Appeal held that “the approach [set out in *BNX*] applies equally to family proceedings” (*TSF v TSE* [2018] 2 SLR 833 (“*TSF*”) at [45]). In *TSF*, the father sought to admit reports detailing the child’s medical condition and performance in school. The Court of Appeal found that the reports “offered the court the most up-to-date information about [the child’s] condition and his conduct” and “offered a more accurate insight into [the child’s] future needs”, which were issues material to the question of which parent should be granted care and control of the child. Thus, the reports were admitted (*TSF* at [47]).

Category 2: pre-hearing evidence

9 If the evidence sought to be admitted concerns matters which occurred *before* the date of the decision being appealed, the evidence must satisfy the requirement of “special grounds”. The Court of Appeal has clarified that “special grounds” refers to the conditions laid down in the case of *Ladd v Marshall* [1954] 1 WLR 1489 (“*Ladd v Marshall*”): see *UJN v UJO* [2021] SGCA 18 at [4]. These conditions (see *Ladd v Marshall* at 1491) are:

... first, it must be shown that the *evidence could not have been obtained with reasonable diligence* for use at the trial; secondly, the evidence must be such that, if given, it would probably have an *important influence on the result of the case*, though it need not be decisive; thirdly, the evidence must be such as is presumably to be believed, or in other words, it must be *apparently credible*, though it need not be incontrovertible ...

[emphasis added]

Variation of maintenance order

10 Additionally, I note that both parties intend to appeal the DJ’s order on the maintenance for the children. Some of the evidence the parties seek to admit is to support each party’s submission on the reasonable quantum of maintenance for the children. If there have been any material changes in circumstances which warrant a revision of the quantum of maintenance for the children, the proper procedure is for the parties to invoke s 118 of the Women’s Charter 1961 (2020 Rev Ed) (“Women’s Charter”) to vary the maintenance order for the children in the court below. The power of a court to vary an order for maintenance is set out in s 118 of the Women’s Charter:

The court may at any time vary ... any subsisting order for maintenance ... where it is satisfied that the order was based on any misrepresentation or mistake of fact or *where there has been any material change in the circumstances*.

[emphasis added]

11 It is inappropriate to use the appeal process to deal with the material changes in the circumstances to vary the maintenance for the children. At the hearing, I informed the parties that the purpose of an appeal against the decision of the DJ is for the appellate court to ascertain whether the DJ has erred in the law or the application of the facts that were available before the DJ.¹ Therefore, to introduce fresh evidence to show material changes in the circumstances for

¹ Certified Transcript of 5 February 2026 (“Transcript”) at p 4.

the purpose of varying the maintenance order of the children, the parties should invoke the specific and correct procedure under s 118 of the Women's Charter. However, I am prepared to allow the fresh evidence, which is relevant for variation of maintenance, to be adduced if the parties agree. Unfortunately, there is no agreement.

12 I shall now deal with the Husband's application to adduce fresh evidence in SUM 333, followed by the Wife's similar application in SUM 347.

SUM 333

13 I shall now set out the fresh evidence which the Husband wishes to adduce in SUM 333:²

S/N	Evidence	Nature
1	Husband's actual maintenance payments made under the orders between April and September 2025	Post-hearing evidence
2	Detailed evidence of the Husband's actual income, fixed expenses and financial liabilities	Both post-hearing evidence and pre-hearing evidence
3	Change in circumstances in relation to the children's school and transport fees	Post-hearing evidence

² HCF/SUM 333/2025 Husband's Written Submission dated 3 February 2026 ("Husband's WS") at para 16.

S/N 1: Husband's actual maintenance payments

14 The Husband seeks to adduce evidence of the actual maintenance payments he made to the Wife from April to September 2025, pursuant to the DJ's orders. The evidence the Husband seeks to adduce is a self-created table detailing the payments he has made.³

15 At the hearing, the Husband stated that the DJ ordered him to pay the children's maintenance at a monthly average of S\$8,600.00. In reality, he has been paying around S\$12,000.00 per month on average. He explained that this was because the DJ ordered the Husband to pay for certain expenses, including school books and school uniforms, on a reimbursement basis.⁴ The Husband argues that evidence of the maintenance amounts he is now paying is relevant as it allows the court to validate his argument on appeal, *ie*, that the maintenance costs awarded were onerous.⁵

16 I am of the view that this evidence will not have a perceptible impact on the decision. As such, I decline to admit this piece of evidence.

S/N 2: Husband's actual income, fixed expenses and financial liabilities

17 The Husband also wishes to adduce evidence of his actual income, fixed expenses and financial liabilities. In this regard, most of the documents he wishes to adduce constitute post-hearing evidence. These include, among others, his rental contract dated 17 March 2025, his payslips and Central Provident Fund ("CPF") statements from April to September 2025, his

³ HCF/SUM 333/2025 Appellant's Affidavit to Admit New Evidence dated 2 December 2025 ("Husband's Affidavit") at Tab 1.

⁴ Transcript at p 12; GD at [89].

⁵ Husband's WS at para 18.

telephone charges and utility bills from May to October 2025, and bank statements from April to September 2025.⁶

18 These pieces of evidence will not have a perceptible impact on the issues on appeal. The DJ decided on the appropriate quantum of maintenance for the children based on the evidence available before her at the hearing below (which would have included his payslips, CPF statements, *etc*).

19 As I have highlighted above (at [10]), if the Husband wishes to vary the existing maintenance order based on material changes in his circumstances, as evidenced by his payslips, CPF statements, *etc*, he should not be doing so through an appeal. Rather, the Husband may apply to vary the existing maintenance order for the children.

20 The Husband also wishes to adduce one piece of pre-hearing evidence, namely, a “Standard Employment Contract” for the family’s domestic helper dated 20 August 2024.⁷ It is unclear why the Husband could not have produced this piece of evidence at the hearing below. The test in *Ladd v Marshall* is not satisfied. Thus, I decline to admit this piece of evidence.

S/N 3: Change in children’s school and transport fees

21 Lastly, the Husband wishes to adduce an e-mail exchange between himself and the Wife, confirming that the oldest child (“E”) has transferred from an international school to a local primary school.⁸ He wishes to argue on appeal

⁶ Husband’s Affidavit at Tab 2.

⁷ Husband’s Affidavit at pp 39–40.

⁸ Husband’s Affidavit at Tab 3.

that the transfer of E to a local primary school is a material change in the circumstances that warrants a reduction in the child maintenance payable.⁹

22 If the Husband wishes to use this piece of evidence to justify a reduction of the maintenance for the children, the proper procedure is for the Husband to apply for a variation of the existing maintenance order. Thus, I decline to admit this evidence.

SUM 347

23 Next, I set out the fresh evidence which the Wife wishes to adduce in SUM 347:¹⁰

S/N	Evidence	Nature
4	Log of the Husband's access to the children post-separation	Post-hearing evidence
5	Proof of the Husband's new address and rental expenditure	Post-hearing evidence
6	Husband's Inland Revenue Authority of Singapore ("IRAS") Notice of Assessment ("NOA") statement for Year of Assessment 2025 and selected bank and credit card statements from April to September 2025	Post-hearing evidence

⁹ Husband's Affidavit at p 11.

¹⁰ HCF/SUM 347/2025 Appellant's Written Submissions for Summons to Adduce Further Evidence on Appeal dated 2 February 2026 at para 16.

7	One-way tickets to the Wife's home country	Post-hearing evidence
8	Rental contract for the Wife's condominium unit	Post-hearing evidence
9	Communication between Husband and Wife about children's matters post-separation	Post-hearing evidence
10	Updated medical and therapeutic documentation relating to the youngest child ("A") and E	Post-hearing evidence
11	Confirmation of withdrawal of the Wife's child from her earlier marriage ("L") from a special needs school	Post-hearing evidence
12	Wife's IRAS NOA statements for Years of Assessment 2016 to 2020	Pre-hearing evidence

S/N 4: Log of the Husband's access to the children

24 The Wife wishes to adduce evidence that the Husband has exercised his access rights infrequently. She seeks to adduce a self-produced table detailing the Husband's exercise of access as well as WhatsApp messages between the parties.¹¹ She states that the DJ had assumed that the Husband was an involved

¹¹ HCF/SUM 347/2025 Affidavit in Support of Summons to Adduce Further Evidence on Appeal dated 22 December 2025 ("Wife's Affidavit") at Tab A and Tab E.

father and built this assumption into the access and maintenance framework.¹² The Husband raises that the evidence is selective and incomplete.¹³

25 I shall first address the self-produced table. Considering the factors in the “perceptible impact” test in *BNX*, this evidence appears to be partial and selectively chosen by the Wife. By admitting this evidence, there is a risk that an incomplete picture is painted of the extent to which the Husband has exercised his access rights. This is because the Wife’s self-produced table is not corroborated. Hence, I decline to admit this piece of evidence.

26 I shall deal with the WhatsApp messages under S/N 9 (at [38] below).

S/N 5: Proof of the Husband’s new address and rental expenditure

27 The Wife seeks to adduce evidence of the Husband’s rental contract dated 17 March 2025.¹⁴ For completeness, I note that the Husband sought to adduce the same document under item S/N 2 (see [17]–[20] above).

28 The Wife seeks to admit this piece of evidence to benchmark a reasonable rental budget for the children’s maintenance and assess the feasibility of joint custody.¹⁵

29 This piece of evidence is not material to the issue of maintenance. Should the Wife seek to use the Husband’s change in address as a material

¹² Wife’s Affidavit at para 22(b).

¹³ HCF/SUM 347/2025 Response to Appellant’s Application to Admit New Evidence dated 26 January 2026 at para 5(a).

¹⁴ Wife’s Affidavit at Tab B.

¹⁵ Wife’s Affidavit at para 25(b).

change in circumstances that warrants a variation in the children's maintenance, the Wife should separately apply for a variation of the maintenance order.

30 However, I find that the evidence of the Husband's *new address* may be potentially material to the issues of access and custody. Knowing where the Husband stays would allow the court to assess a feasible access schedule for the children. The Husband does not dispute the authenticity of the rental contract. I thus find that the evidence is credible. Therefore, I allow this piece of evidence to be admitted.

S/N 6: Husband's 2025 IRAS NOA and bank statements

31 Next, the Wife seeks to adduce evidence of the Husband's IRAS NOA statement for the Year of Assessment 2025 and his bank statements from April to September 2025.¹⁶ She seeks to adduce these pieces of evidence as they supposedly affect the "correctness of the maintenance awards" and "the credibility of the [Husband's] financial representations".¹⁷

32 It would appear that the Wife seeks to use the Husband's IRAS NOA statement and his bank statements to vary the maintenance for the children. She should do so by separately applying for a variation of the maintenance order. I do not find that these pieces of evidence are material to the issues on appeal. Thus, I decline to admit these pieces of evidence.

¹⁶ Wife's Affidavit at Tab C.

¹⁷ Wife's Affidavit at para 28(b).

S/N 7: One-way tickets to the Wife's home country

33 The Wife seeks to adduce evidence of one-way tickets from Singapore to the Wife's home country.¹⁸ The Wife had bought four tickets for herself and the three children of the marriage. These tickets were later refunded.

34 At the hearing, the Wife explained that she sought to adduce those tickets to demonstrate the financial hardship she had gone through around the time the DJ issued her decisions. The Wife stated that before the DJ issued her S-GD, the Wife felt that she did not have enough funds to continue renting accommodation in Singapore. Thus, the Wife bought tickets for herself and her children to return to her home country.¹⁹

35 This evidence is potentially not material to any of the issues on appeal. At the hearing, upon my query, the Wife (rightly) acknowledged that this piece of evidence did not satisfy the "perceptible impact" test in *BNX*.²⁰ I thus do not admit this piece of evidence.

S/N 8: Rental contract for the Wife's condominium unit

36 The Wife wishes to admit her rental contract.²¹ The Wife's rental contract commenced on 1 April 2025, after the hearing below.

37 I am satisfied that the evidence of the Wife and the children's new living arrangements would at least potentially be material to the issues in the appeal. In particular, knowing where the children now reside would assist the court in

¹⁸ Wife's Affidavit at Tab D, pp 100–105.

¹⁹ Transcript at p 18.

²⁰ Transcript at p 18.

²¹ Wife's Affidavit at Tab D, pp 106–116.

assessing suitable access arrangements and the feasibility of joint custody. The Husband does not dispute the authenticity of the rental contract and agrees to the rental contract being admitted as evidence.²² Thus, I admit the Wife's rental contract as evidence.

S/N 9: Post-separation communication between Husband and Wife

38 The Wife wishes to adduce evidence of communication between herself and the Husband relating to the children's matters, including screenshots of WhatsApp messages and e-mails.²³ She states that such communication is material in considering whether joint custody remains viable, and in determining the appropriate quantum of maintenance.²⁴

39 Following the "perceptible impact" test in *BNX*, I find that the evidence sought to be adduced concerns communication in April 2025 and later, *ie*, after the hearing below. Since the Wife is appealing the DJ's decision to award joint custody, I am of the view that the evidence of the parties' ability to co-operate with each other, as evinced by their communication with each other, is at least potentially material to this issue on appeal. However, the Husband's objection to the introduction of the evidence is that it is incomplete and irrelevant.²⁵ I am satisfied that the evidence appears to be credible. This is because the evidence is of WhatsApp messages and e-mail communication between the parties. Thus, the court will have a better idea of the parties' responsibilities regarding the joint custody, and care and control of the children. Furthermore, the Husband does not dispute the authenticity of the evidence. Therefore, I allow the Wife's

²² Husband's WS at para 32(D).

²³ Wife's Affidavit at Tab E.

²⁴ Wife's Affidavit at para 34(b).

²⁵ Husband's WS at para 32(E).

application to admit the post-separation communication between the Husband and herself.

S/N 10: Updated medical documentation relating to A and E

40 The Wife wishes to adduce evidence of updated medical and therapeutic documentation relating to A and E, who are both children of the marriage.²⁶ The Wife states that these documents are relevant in assessing the appropriate quantum of maintenance for each of these children.²⁷

41 The Wife intends to use this evidence to vary the quantum of maintenance. She should instead apply for a variation of the maintenance order for the children. Thus, I do not admit this piece of evidence.

S/N 11: Confirmation of withdrawal of L from a special needs school

42 The Wife also wishes to adduce evidence that L, her child from a previous marriage, has since been withdrawn from a special needs school.²⁸ She seeks to adduce this piece of evidence to illustrate the adverse consequences of the DJ's decision on L and to support the need for an adjustment to the maintenance order for the children.²⁹

43 The Wife seeks to adduce this piece of evidence to vary the quantum of maintenance, and the evidence does not make a perceptible impact on the present appeal. It is more appropriate for the Wife to apply for a variation of the maintenance order for the children. Thus, I do not admit this piece of evidence.

²⁶ Wife's Affidavit at Tabs F, G.

²⁷ Wife's Affidavit at paras 36–41.

²⁸ Wife's Affidavit at Tab H.

²⁹ Wife's Affidavit at para 43(b).

S/N 12: Wife's IRAS statements from 2016 to 2020

44 Lastly, the Wife seeks to adduce her IRAS NOA statements for the Years of Assessment 2016 to 2020.³⁰ She states that these statements are relevant as they confirm her modest income during the marriage and rebut the inference that she had undisclosed income.³¹ As these statements concern matters occurring before the date of the decision being appealed, these statements are pre-hearing evidence.

45 I am not satisfied that these statements satisfy the *Ladd v Marshall* test. In particular, the Wife has not shown that the evidence could not have been obtained with reasonable diligence for use at the hearing below. At the hearing, the Wife admitted that she could have applied for leave to adduce evidence at the court below as she had the statements before the hearing in the court below, but she did not do so.³² Hence, I decline to admit this piece of evidence.

Conclusion

46 For the foregoing reasons, I dismiss SUM 333 in its entirety, and I allow SUM 347 in part. I allow only the following pieces of evidence to be admitted under SUM 347:

S/N	Evidence
5	Proof of the Husband's new address and rental expenditure
8	Rental contract for Wife's condominium unit
9	Communication between Husband and Wife about children's matters post-separation

³⁰ Wife's Affidavit at Tab I.

³¹ Wife's Affidavit at para 46(b).

³² Transcript at p 20.

47 The parties are to bear their own costs.

Tan Siong Thye
Senior Judge

Appellant in SUM 333 and respondent in SUM 347 in person;
Respondent in SUM 333 and appellant in SUM 347 in person.
