

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 52

Originating Summons (Family) No 6 of 2024 (Summons No 109 of 2025)

Between

VTP

... Applicant

And

VTO

... Respondent

GROUND OF DECISION

[Family Procedure — Extension of time — Application for a further extension of time to file a notice of appeal]

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**VTP
v
VTO**

[2025] SGHCF 52

General Division of the High Court (Family Division) — Originating
Summons (Family) No 6 of 2024 (Summons No 109 of 2025)
Teh Hwee Hwee J
3, 15 July 2025

22 August 2025

Teh Hwee Hwee J:

1 The application before me in HCF/SUM 109/2025 (“SUM 109/2025”) was an application made by the applicant/husband (the “Husband”) in HCF/OSF 6/2024 (“OSF 6/2024”) for a further extension of time to file a notice of appeal against the decision of the learned District Judge (the “DJ”) delivered on 27 September 2024 in relation to the ancillary matters (“AM”) in FC/D 3415/2019. The respondent/wife (the “Wife”) objected to the application.

2 I dismissed SUM 109/2025 with brief reasons on 15 July 2025. I now set out my grounds of decision in detail.

Background facts

3 On 17 July 2019, the Wife commenced divorce proceedings against the Husband,¹ which he contested. On 21 April 2021, the DJ dissolved the parties' marriage and entered interim judgment, finding that the Wife had proven that the marriage had irretrievably broken down as the Husband had behaved in such a way that she could not reasonably be expected to live with him.² The Husband's appeal against that decision was dismissed by the Family Division of the High Court on 22 October 2021.³ The Husband's subsequent application for leave to appeal to the Appellate Division of the High Court was dismissed on 11 January 2022.⁴

4 The AM hearing commenced on 20 October 2022, and continued on 29 November 2022, 20 January 2023, 14 February 2023, 28 June 2023, 19 July 2023, 7 August 2023 and 21 June 2024.⁵ On 22 August 2024, the court informed the parties through a Registrar's Notice that a further AM hearing was fixed for 27 September 2024 at 9.30am. Another Registrar's Notice for the AM hearing scheduled on 27 September 2024 was sent on 26 September 2024 to re-schedule the hearing from 9.30am to 10.30am.⁶ The Husband failed to turn up at the

¹ Writ for Divorce filed on 17 July 2019 in FC/D 3415/2019.

² *VTO v VTP* [2021] SGFC 80 at paras 1 and 69; Interim Judgment dated 21 April 2021 in FC/D 3415/2019.

³ *VTP v VTO* [2021] SGHCF 36.

⁴ Wife's Written Submissions filed on 8 May 2025 in SUM 109/2025 ("W's WS in SUM 109") at para 9.

⁵ DJ's Brief Oral Grounds of Decision and Judgment dated 27 September 2024 ("DJ's Oral Grounds") at paras 1 and 5.

⁶ W's WS in SUM 109 at paras 12 and 13.

hearing on 27 September 2024, and the hearing proceeded in his absence. The DJ delivered his judgment on the same day with brief grounds.⁷

5 The Husband filed a notice of appeal against the DJ's decision on 11 October 2024, which was the final day permitted for such a filing. The filing was rejected on 14 October 2024, as it was not filed under Division 59 of Part 18 of the Family Justice Rules 2014 ("FJR 2014") (as in force immediately before 15 October 2024), which applies by virtue of Part 1, Rule 2(3)(d) of the Family Justice (General) Rules 2024.⁸ The Husband claimed that he had attempted to file the notice of appeal again on 14 October 2024, but that it was rejected for being out of time.⁹

6 Following the rejection of his notice of appeal on 14 October 2024, the Husband did not immediately apply for an extension of time to file a notice of appeal. Subsequently, on 1 November 2024, he requested for a waiver of the requisite court fees to file an application to extend time.¹⁰ According to him, he later visited the Legal Aid Bureau on 2 December 2024, where he was advised to file the extension of time application without delay.¹¹ Acting on that advice, he proceeded to file his application in OSF 6/2024 on 3 December 2024, despite not having secured any court fees waiver.

⁷ Husband's Written Submissions filed on 2 June 2025 in SUM 109/2025 ("H's WS in SUM 109") at para 3; W's WS in SUM 109 at para 14.

⁸ Husband's Affidavit filed on 3 December 2024 in OSF 6/2024 ("H's Affidavit in OSF 6") at para 4.

⁹ Other Hearing Related Request filed by the Husband on 16 October 2024 at 10.59am; H's Affidavit in OSF 6 at para 4; Wife's Written Submissions filed on 26 February 2025 in OSF 6 at paras 53 and 77; Wife's Affidavit filed on 16 April 2025 in SUM 109 ("W's Affidavit in SUM 109") at paras 52 and 68; W's WS in SUM 109 at paras 15, 34 and 39.

¹⁰ H's Affidavit in OSF 6 at p 17.

¹¹ H's Affidavit in OSF 6 at pp 13 and 21.

7 OSF 6/2024 was heard on 27 March 2025. The Husband attended in person, and the Wife was represented, at that hearing. The Husband was granted an extension of time until 4.00pm on 7 April 2025 to file the notice of appeal.¹² However, he did not do so by the extended deadline. Instead, he filed SUM 109/2025 on 7 April 2025, before the court-ordered deadline of 4.00pm, to seek a further 28-day extension to enable him to obtain a waiver of court fees to file the intended appeal and the requirement to provide security for the Wife's costs.¹³ I heard SUM 109/2025 on 3 July 2025 and dismissed it on 15 July 2025.

The applicable law

8 In determining whether to grant an extension of time to file an appeal, the court will consider the following factors: (a) the length of delay, (b) the reasons for the delay, (c) the chances of the appeal succeeding if time for appealing were extended, and (d) the prejudice caused to the would-be respondent if an extension of time was in fact granted (*Lee Hsien Loong v Singapore Democratic Party and others and another suit* [2008] 1 SLR(R) 757 (“*Lee Hsien Loong*”) at [18], referring to *Lai Swee Lin Linda v Attorney-General* [2006] 2 SLR(R) 565 (“*Linda Lai*”) at [45]). All four factors are equally important and must be balanced against one another, having regard to the facts and circumstances of the case (*Lee Hsien Loong* at [28]). The paramount consideration in the exercise of the court's discretion is the need for finality in litigation (*Lee Hsien Loong* at [18], referring to *Linda Lai* at [45], which in turn referred to *The “Melati”* [2004] 4 SLR(R) 7 at [37]). Indeed, the Court of Appeal in *Lee Hsien Loong* noted the following (at [33]):

¹² Minutes of 27 March 2025 hearing in OSF 6/2024 for the first application for an extension of time to appeal at pp 4–5.

¹³ Husband's Affidavit filed on 7 April 2025 in SUM 109/2025 (“H's Affidavit in SUM 109”) at para 9.

33 ... The overriding concern in the context of *appeals* is that there be *finality*. ... Underlying the concern with finality is the fundamental rationale of *justice and fairness*. The decision concerned has, *ex hypothesi*, gone against the losing party (*ie*, the would-be appellant), and the onus is therefore on it to file an appeal if it feels that the decision is wrong. Correspondingly, the other party (the would-be respondent), having had the decision handed down in its favour, should not be kept waiting – at least, not indefinitely – on tenterhooks to receive the fruits of its judgment. ...

[emphasis in original]

9 In an application for a *further* extension of time to file a notice of appeal (such as this), the court's focus in the above-mentioned factorial analysis is on why the would-be appellant has failed to file the appeal despite the extension of time already granted. The inquiry centres on why the would-be appellant did not avail himself of the earlier indulgence, and strong justifications must be shown. After considering the four factors mentioned in [8], and bearing in mind that this was an application for a *further* extension of time, I was not persuaded that the Husband had provided sufficient justification to be granted yet another extension of time to file the notice of appeal.

Analysis and decision

Length of delay

10 Rule 825(b) of the FJR 2014 requires every notice of appeal to be filed and served within 14 days after the date on which the decision appealed against was pronounced. The notice of appeal should therefore have been filed by 11 October 2024. In this case, the length of the delay was very substantial. By the time the Husband filed OSF 6/2024 on 3 December 2024, there was already a delay of 53 days from the original deadline of 11 October 2024. He was granted an extension of time to file the notice of appeal by 7 April 2025, but he still did not do so. When he failed to file the notice of appeal by the extended deadline

and instead filed SUM 109/2025 for a further extension of time to file the notice of appeal, a cumulative total of 178 days, or nearly six months, had elapsed since the original deadline.

11 The initial delay of 53 days was already longer than the 49-day delay in *AD v AE* [2004] 2 SLR(R) 505, which the Court of Appeal deemed “[b]y any standard ... a very substantial delay” (at [11]). The notice of appeal remained unfiled even after the extension of time was granted. Almost half a year had passed and yet the Husband was nowhere close to filing the notice of appeal. The Husband cited financial constraints as his reason for failing to file the notice of appeal by the extended deadline. However, the substantial passage of time would have afforded him sufficient opportunity to secure the funds required to file his notice of appeal following the grant of the extension. I will address this point in greater detail below when examining the Husband’s claims about his financial position and his reasons for his failure to file the notice of appeal by 7 April 2025.

12 Before I turn to an examination of the reasons given by the Husband for failing to file the notice of appeal by 7 April 2025, I noted that the Husband’s conduct suggested a disregard for the timely resolution of the matter, and accepted the Wife’s submission that the Husband had demonstrated “scant regard for the court process”.¹⁴ This was demonstrated even in relation to his applications for extension of time to file a notice of appeal. He made repeated requests to re-fix the hearing of his application for a further extension of time in SUM 109/2025, from 3 July 2025 to the week commencing 25 August 2025.¹⁵

¹⁴ W’s WS in SUM 109 at para 26.

¹⁵ Requests for re-fixing/vacation of hearing date filed on 20 and 27 June 2025; Husband’s request to re-fix and vacate hearing date via e-mail correspondence to the Registry dated 24 June 2025 at 11.23am.

With respect to OSF 6/2024, he made similar requests for adjournments on 11 December 2024 (citing overseas leave from 20 December 2024 to 14 January 2025)¹⁶ and 26 December 2024 (citing overseas leave for fundraising from 27 December 2024 to 5 February 2025).¹⁷ The DJ similarly observed that the divorce proceedings, which were commenced on 17 July 2019, had been protracted, and noted that the primary cause was the manner in which the Husband had been conducting his case.¹⁸

13 I turn to examine the reasons provided by the Husband for his continued delay in filing the intended appeal.

Reasons for the delay

14 The Husband's primary explanation for failing to file his notice of appeal by the extended deadline was his failure to obtain a waiver of the requisite court fees and the requirement to provide security for the Wife's costs. However, the credibility of his claims regarding his financial situation that necessitated the waivers was undermined by his apparent ability to travel, and the evidence of his business activities and property ownership in India. Further, it bears noting that for the furnishing of security for costs, financial difficulties *per se* are not sufficient to justify an extension of time as "[t]he various rules centring around the provision of security for costs and the need to be prompt in filing and serving one's Notice of Appeal would otherwise be set at naught" (*Linda Lai* at [48]). That said, as noted in *Lee Hsien Loong* (at [118]–[119]), in extreme and meritorious cases, there might be a solution to the problem (such as an extension of time for the provision of the security deposit). I found,

¹⁶ Request for re-fixing/vacation of hearing date filed on 11 December 2024.

¹⁷ Request for re-fixing/vacation of hearing date filed on 26 December 2024.

¹⁸ DJ's Oral Grounds at para 1.

however, that there were no extenuating circumstances in the present case to justify a further extension of time for the filing of the notice of appeal.

15 The Husband's claims of financial hardship warranted scrutiny. His planned travel to India in July 2025 for fundraising purposes diminished the credibility of his claims about his financial position, as it demonstrated that he had the means for international travel. By his own admission at the hearing of SUM 109/2025, relatives in India were funding both his air travel and living expenses in India. According to him, these relatives were willing to support him, and had previously assisted him and remained willing to do so.¹⁹ This apparent access to financial support raised questions about his inability to secure similar support for the payment of court fees and the provision of security for costs. Moreover, as the Wife observed, in today's digital age, there were no compelling reasons why funds could only be raised when the Husband was physically in India.

16 The Husband also asserted that he was unemployed and had no income. However, as evidenced by messages exchanged between the parties on 18 December 2024, he was a co-producer of an Indian film production and also had an acting role in it. His image and name were included in what appears to be a poster for that film production which he himself had sent to the Wife.²⁰ Furthermore, he did not deny that he owned properties in India, which were not included in the pool of matrimonial assets, as shown in messages exchanged with the Wife on 31 March 2025 between 12.31pm and 12.51pm.²¹

¹⁹ Minutes of 3 July 2025 hearing in SUM 109/2025 for the second application for an extension of time to appeal at p 3.

²⁰ W's Affidavit in SUM 109, Enclosure to Tab B.

²¹ W's Affidavit in SUM 109, Enclosure to Tab C.

17 The Husband requested on 27 March 2025 and 4 April 2025 for a waiver of court fees, and a waiver of the requirement to provide security for the Wife's costs, for the filing of his intended appeal. The Husband's requests for a waiver of court fees were rejected on 28 March 2025, and again on 7 April 2025, by the Registrar.²² He did not file a formal application to waive the requirement to provide security for the Wife's costs, despite being informed by the Registry via e-mail on 28 March 2025, and again on 7 April 2025, that a waiver of the requirement to provide security for costs could not be processed through a request by e-mail.

18 There was no reason for the Husband to presume that his requests for waiver of court fees, and/or his (unfiled) application for waiver of security for costs, would be granted. The Registry had made it very clear in its e-mail to the Husband on 28 March 2025 that the deadline for the filing of the notice of appeal would remain, notwithstanding any pending application for waiver. The Husband was aware, from a previous appeal against the decision of the DJ,²³ that he must pay court fees and provide security for the Wife's costs to file an appeal. It goes without saying that the Husband should have acted accordingly, being aware of his personal circumstances. If the Husband was in financial difficulties as he claimed, and if funds had to be raised, he had ample time to secure them from the relatives whom he said were willing to support him, or other sources, in preparation for the filing of the notice of appeal should the extension of time be granted. The Husband should not have taken anything for granted if his intention was indeed to comply with the procedure and requirements for filing the appeal.

²² E-mail correspondence from Registry to Husband dated 28 March 2025 at 2.15pm; E-mail correspondence from Registry to Husband dated 7 April 2025 at 2.18pm.

²³ See *VTP v VTO* [2021] SGHCF 36.

19 For the foregoing reasons, I was satisfied that the Husband did not provide any satisfactory explanation, let alone show any strong justification, to excuse his failure to file the notice of appeal by 7 April 2025.

Chances of success on appeal

20 On the question of the merits of the appeal, unless there are no prospects of the intended appeal succeeding, this is a factor which ought to be considered to be neutral (*Lee Hsien Loong* at [19], referring to *Aberdeen Asset Management Asia Ltd and another v Fraser & Neave Ltd and others* [2001] 3 SLR(R) 355 (“*Aberdeen Asset Management Asia Ltd*”) at [43]).

21 In this case, the Husband’s intended appeal primarily challenged the DJ’s decision on the division of matrimonial assets. The Husband argued that the DJ awarded him only 21% of the value of one of the properties in the pool of matrimonial assets despite his significant direct and indirect financial contributions.²⁴ He was dissatisfied with what he contended was the DJ’s failure to consider various Notes of Confirmation (“NOCs”) which purportedly proved his direct contributions towards two properties that were included in the pool of matrimonial assets.²⁵ He also argued that his previous lawyer did not submit sufficient documentation evidencing his contributions.²⁶

22 It is clear from the DJ’s reasoning that a significant factor in his analysis of the Husband’s direct contributions was his finding that the NOCs were

²⁴ H’s WS in SUM 109 at para 9.

²⁵ Minutes of 27 March 2025 hearing in OSF 6/2024 for the first application for an extension of time to appeal at p 2.

²⁶ Minutes of 27 March 2025 hearing in OSF 6/2024 for the first application for an extension of time to appeal at p 2.

fabricated.²⁷ Although it is open to the Husband to argue that the DJ’s reasoning was flawed, it is incorrect for the Husband to assert that the DJ did not consider the NOCs. That said, I was of the view that the Husband’s intended appeal met the low threshold of not being hopeless. This was therefore a neutral factor in the analysis.

Prejudice to the respondent

23 It is well-settled that the prejudice to the would-be respondent cannot be by virtue of the fact that the appeal would thereby be continued (*Lee Hsien Loong* at [25], referring to *Aberdeen Asset Management Asia Ltd* at [44]). The prejudice must be one that “cannot be compensated by an appropriate order as to costs” (*S3 Building Services Pte Ltd v Sky Technology Pte Ltd* [2001] SGHC 87 at [69], referred to in *Lee Hsien Loong* at [27]).

24 I found that granting a further extension of time would cause prejudice to the Wife that could not be adequately compensated by costs, given that one basis on which the Husband was now relying for more time is the waiver of security for the Wife’s costs of the appeal. The Husband had sought an additional 28 days to enable him to obtain a waiver not only of the requisite court fees (the requests for which had already been rejected), but also of the provision of security for the Wife’s costs of appeal. If granted a further extension of time to file the notice of appeal, the Husband would likely mount yet another application – this time, to waive the requirement to provide security for costs – which would compel the Wife to expend further time and resources to respond to additional court proceedings other than the intended appeal.

²⁷ DJ’s Oral Grounds at para 26.

25 The prejudice to the Wife was particularly acute given that the Husband had already accumulated, but failed to pay, costs ordered against him exceeding \$37,000, dating as far back as 3 August 2021.²⁸ He had shown no indication of any willingness to satisfy those obligations. His intention to apply for a waiver of the requirement to provide security for costs was another indication that he was unlikely to comply with potential future costs orders. It would thus be unjust to subject the Wife to further financial burden that would only exacerbate the emotional strain of prolonged litigation, while she remained unable to move on from the divorce as the Husband continued to protract these court proceedings. The situation here mirrored that in *WVD and others v WUR and others* [2025] SGHCF 9, which also involved an application for an extension of time to file a notice of appeal. In dismissing the application, Choo Han Teck J found (at [9]), *inter alia*, that granting an extension of time would prejudice the respondents in a way that may not be sufficiently compensated by an appropriate costs order, given that the first applicant there had an outstanding costs order of \$70,000, and had tried to seek assistance from the Legal Aid Bureau and Pro Bono SG for his intended appeal. The learned Judge concluded that there were cogent reasons to believe that the first applicant might not be able to satisfy any potential costs orders made against him in that matter. On the facts of the present case, I similarly found that the Wife would suffer prejudice that could not be compensated by an appropriate order as to costs if the application were allowed, as there was sufficient cause to believe that the Husband was unlikely to comply with, or satisfy, any potential costs orders that may be made against him.

²⁸ W's Affidavit in SUM 109 at para 84; W's WS in SUM 109 at para 59.

Conclusion

26 Having already been granted one extension of time, the Husband's continued pursuit of latitude to file his notice of appeal could not be sustained. Even according due consideration to the Husband as a self-represented litigant in the filing of a notice of appeal, which may warrant some latitude in deserving situations, such as where there were genuine procedural missteps (*Tan Heng Khoon (trading as 360 VR Cars) v Wang Shing He* [2024] SGHC 243 at [23]), such accommodation cannot be extended without limits.

27 As observed in *Lee Chee Wei v Tan Hor Peow Victor* [2007] 3 SLR(R) 537 at [82] (referred to in *Lee Hsien Loong* at [37]), the rules of court practice and procedure provide a framework to facilitate dispute resolution and to serve the ultimate and overriding objective of justice, and this objective "must never be eclipsed by blind or pretended fealty to rules of procedure", but a pragmatic approach governed by justice as its overarching aim "should not be viewed as a charter to ignore procedural requirements". There must be, as far as is possible, a fair and just procedure that leads to a fair and just result (*United Overseas Bank Ltd v Ng Huat Foundations Pte Ltd* [2005] 2 SLR(R) 425 at [8], cited in *Lee Hsien Loong* at [36]). Where a party has failed to comply with any procedural deadline and seeks the court's indulgence to extend that deadline, he or she must provide sufficient and proper reasons to persuade the court to exercise its discretion in his or her favour. In this case, the court had already held the door open for the Husband by granting an extension of time beyond the original deadline, but the Husband failed to file his notice of appeal within that extended period. The Husband had neither shown why the earlier indulgence was insufficient nor justified the grant of a further indulgence. That door should now be shut, as granting him any further indulgence would undermine, rather than advance, the objective of achieving justice.

28 Therapeutic justice, as it is practised in the Family Courts, is forward-looking, and directed at enabling parties to move on with their lives following a divorce. There is much to be said for emphasising the importance of finality in litigation. While a party is entitled to exercise the party's right of appeal if dissatisfied with a decision, the party cannot, and must not, be allowed to re-open sutured wounds and drag the party's feet in the filing of the intended appeal. Having regard to all the circumstances, it was my judgment that the interests of fairness and justice did not warrant the exercise of the court's discretion to grant the Husband a further extension of time to file a notice of appeal. Accordingly, I dismissed the Husband's application in SUM 109/2025.

Teh Hwee Hwee
Judge of the High Court

The applicant in person;
The respondent in person.
