1. This judgment DOES need redaction.
2. Redaction HAS been done.

DISTRICT JUDGE KOW KENG SIONG
25 April 2025

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGFC 44

SS No. 1198 of 2024

Between

XDC

And

XDB

JUDGEMENT

Family Law – *Family violence – Orders for protection – Revocation of protection order – Applicable principles*

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XDB
v
XDC

[2025] SGFC 44

Family Court – SS No. 1198 of 2024

District Judge Kow Keng Siong
7 November 2024; 22 January, 4 February & 14 March 2025

25 April 2025

District Judge Kow Keng Siong:

Introduction

1 Section 67(1) of the Women's Charter 1961 ("**Charter**") allows a party to seek the revocation of a personal protection order ("**PPO**") made against him/her. To succeed, the party must prove that the PPO is no longer necessary. What must the party establish to satisfy this requirement? The present case presents an opportunity to address this question.

2 In February 2023, the Respondent obtained a PPO against the Applicant, her ex-husband: PPO xx4/2023 ("**PPO xx4**").

3 In June 2024, the Applicant applied to revoke PPO xx4. Among others, he submitted that after the PPO was issued, (a) the parties have lived in different

households and (b) the Respondent did not make any more allegation of family violence against him.[1] The Applicant added that the continuation of the PPO would impede his efforts to normalise his relationship with his children.

4 The Respondent strenuously objected to the revocation of PPO xx4. Among others, she alleged that the Applicant had continued to harass her after the PPO was issued, and that she was fearful that he would physically harm her.

Applicable principles

5 Before dealing with the parties' contentions, it is useful to summarise the principles for revoking a PPO. They are as follows.

(a) *Applicant's legal burden of proof*. To begin, a party applying to revoke a PPO ("**applicant**") has the legal burden of proof – i.e., he/she must prove, on a balance of probabilities, that the *PPO is no longer necessary to protect the person stated in the order* ("**respondent**"). This legal burden remains with the applicant throughout the revocation proceedings: s 103 of the Evidence Act 1893 ("**Evidence Act**"). In other words, the respondent does not have the legal burden to prove that the PPO is still necessary: *AZB v AYZ* [2012] 3 SLR 627 at [28]; *Joycelyn Toh Hui Yu v Toh Siew Luan Bette* [2013] SGDC 275 ("***Joycelyn Toh***") at [17(e)].

(b) *Discharging the legal burden*. In determining whether the applicant has discharged his burden of proof, the relevant considerations include the following:

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[1] Applicant's affidavit dated 13 September 2024 at [11]; Oral submissions on 14 March 2025.

(i) Why was the PPO issued against the applicant in the first place? See e.g., *XDV v XDW* [2024] SGFC 87 at [15] to [17].

(ii) Has there been any incident of family violence *after* the PPO was issued? See e.g., *XGG v XGH* [2024] SGFC 111 at [35(c)], [36] and [39]. If the answer is yes, then it is generally not appropriate to revoke the PPO unless –

(1) The violence is very dated: see e.g., *XFL v XFM* [2024] 103 (***"XFL"***) at [20(b)],

(2) The harm is so slight that no person of ordinary sense and temper would complain of such harm. (This well-established principle has sometimes been expressed as *de minimis non curat lex*), or

(3) The violence is committed in extenuating circumstances, e.g., due to intense provocation by the respondent: *VYR v VYS* [2021] SGFC 128 at [44] and [45]; *XFL* at [20(a)]; *XKJ v XKK* [2025] SGFC 35 at [49(a)].

(iii) Has the respondent *abused* the PPO by using it to oppress or provoke the applicant – instead of for protection?

(iv) Is the applicant likely to commit family violence in the future?

(c) *Material change of circumstances.* In determining the issue in [5(b)(iv)] above, an important consideration is whether there has been a material change in the circumstances since the PPO was issued – such

that the applicant no longer has any opportunity or reason to commit family violence in future. Some factors that can be relevant to this consideration include the following:

(i) Has the underlying cause for family violence been resolved between the parties? See e.g., *VKW v VKX* [2020] SGFC 70 at [2] and [27(b)].

(ii) Are the parties likely to have future interactions with each other? If so, then what is the extent of such interactions, and are they likely to be opportunities/occasions for conflict and family violence?

(iii) Is the applicant still deeply antagonistic towards the respondent?

(iv) Does the applicant have a propensity for committing family violence? See e.g., *XFL* at [21(d)].

(d) *Resisting a revocation application*. To resist an application to revoke a PPO, the respondent can assert, e.g., that –

(i) The applicant has committed family violence *after* the PPO was issued,

(ii) The applicant is likely to commit such violence in future,

(iii) *New issues* have surfaced after the PPO was issued and these may become flashpoints for the applicant to commit family violence.

It bears highlighting that when the respondent makes assertions such as the above, he/she has the *evidential* burden of proving them on a balance of probabilities: s 105 of the Evidence Act.

(e) *Irrelevant matters*. For completeness, it is useful to add that in line with the *res judicata* principle, a court hearing a revocation application will proceed on the basis that the PPO has been validly issued in the first place. Accordingly –

(i) The court will not review the correctness of the decision to issue the PPO: *Harvey Llewellyn Campbell v Angeline Yam Lai Lin* [2006] SGDC 227 at [5] to [8]; *Joycelyn Toh* at [17(a)] and [17(b)].

(ii) Neither will the court consider –

(1) Arguments and evidence which have, or could have, been considered when the PPO was issued: *ACZ v ADC* [2009] SGDC 457 ("***ACZ***") at [13] and [25], or

(2) Fresh evidence that may be relevant to the decision on whether to issue the PPO: *ACZ* at [15] and [22]; *AHQ v AHR* [2010] SGDC at [9], [13] and [14].

6 Having summarised the relevant principles, I will now apply them to the present case.

Reasons for PPO xx4

7 I begin by noting that PPO xx4 was issued for the following reasons.[2]

(a) *Family violence committed*. The judge who heard the Respondent's PPO application ("**DJ Lee**") found that the Applicant had, without the Respondent's consent, installed CCTV cameras in their matrimonial home ("**Home**") and an Air-Tag in her car. DJ Lee found that such acts constituted continual harassment and were done to cause anguish to the Respondent.[3]

(b) *PPO was necessary*. DJ Lee had also found that a PPO was necessary because the Applicant was likely to have further contact with the Respondent due access and other arrangements regarding their three children.[4]

Did the Applicant continue to harass the Respondent

8 I will move on to address the issue of whether the Applicant had continued to harass the Respondent after PPO xx4 was issued.

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2 The reasons appear in the Records of Proceedings for SS xx2/2023 on 3 February 2023 (Day 7) from page 33.

3 See the Records of Proceedings for SS xx2/2023 on 3 February 2023 (Day 7) at pages 36 and 37; Respondent's complaint (SSA xxx1/2022) dated 29 April 2022. The complaint is exhibited in the Respondent affidavit dated 12 September 2024 at pages 18 to 25.

4 Records of Proceedings for SS xx2/2023 on 3 February 2023 (Day 7) at page 38 (line 30) and page 39 (line 1).

Alleged intrusions into the Respondent's bedroom

Respondent's allegation

9 The Respondent alleged that after the PPO was issued and while they were still staying together at the Home, the Applicant (a) had opened her bedroom door (without knocking), (b) had peered into her room when he had no reason to do so, and (c) would leave the room only when she took out her phone to either record or threaten to record him. She tendered a video recording of one such incident which occurred on 9 June 2024. The Respondent alleged that the Applicant knew that she would feel threatened by such intrusions.[5]

Applicant's response

10 The Applicant denied the Respondent's allegation.

11 Regarding the video recording, the Applicant explained that the incident had occurred when he was taking over the care of the children. He was searching for his son at the material time when he noticed that the Respondent's bedroom door was ajar. He decided to check the room to see if his son was there. According to the Applicant, he did not know that the Respondent was inside the room. He admitted that he should have checked before entering the room.[6]

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5 Respondent's affidavit dated 12 September 2024 at [10]; Record of Proceedings for 22 January 2025 at page 46 (line 25) to page 47 (line 23). The video can be found in a CD-ROM in the folder "Tab 5".

6 Record of Proceedings for 7 November 2024 at page 38 (line 1) to page 39 (line 12); Record of Proceedings for 22 January 2025 at page 37 (lines 6 to 21), page 38 (lines 10 to 18), page 115 (line 2) to page 117 (line 13).

My decision

12 Having considered the evidence, I find that the Respondent had failed to show that the Applicant had entered her bedroom to harass her. Let me explain.

13 I begin with the video recording of the 9 June incident.

(a) *First*, the recording merely shows that the Applicant had (i) stuck his upper torso into the room from behind the door, (ii) peered around the room to look for someone (or something), (iii) glanced at the Respondent's direction very briefly, and (iv) thereafter withdrawn his body from behind the door. The entire process lasted for only about 4 seconds. During this time, the Applicant had a neutral look on his face. He did not stare or make any gesture at the Respondent. Neither did he say anything to her. The recording did not show that the Applicant had harassed or intimidated the Respondent at the material time.

(b) *Second*, I find that the recording is more consistent with the Applicant's explanation that he had peered into the Respondent's room to look for his son.

(c) *Third*, the Applicant's explanation (that he was looking for his son at the material time) is inherently credible in view of the following *undisputed* facts:[7]

(i) The 9 June incident took place at about 6.17 pm. This is shortly after 6.00 pm – the time when the Respondent was supposed to hand over the children to the Applicant.

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7 Record of Proceedings for 22 January 2025 at page 113 (line 27) to page 117 (line 13), page 143 (lines 27 to 29), page 147 (line 30) to page 148 (line 1).

(ii) The children could enter the Respondent's room whenever they wanted. For instance, they would sometimes "hang out" in her room to use her iPad.

(iii) The bedroom door was not closed before the Applicant peered into the room. If the Respondent did not want to be disturbed while she was in the room, she would have closed the door fully.

14 Next, I turn to the Respondent's allegation that apart from the 9 June incident, the Applicant had "intruded" into her bedroom on other occasions.

(a) *First*, I find this allegation to be too generic and bare of details. It is not clear, for instance, on which occasions and in what circumstances these intrusions had occurred. Such information is critical (i) to enable the Applicant to properly respond to the allegation, and (ii) for me to assess whether the allegation is credible and reliable.

(b) *Second*, the Respondent did not tender video recordings of the Applicant's "intrusions" into her bedroom *other than* the 9 June incident. This is puzzling, given the following:

(i) According to the Respondent, she had been advised by the Police to make recordings if the Applicant were to commit family violence against her.

(ii) The Respondent did not dispute the Applicant's evidence that she had made "a huge number of video recordings" of him at the Home after PPO xx4 was issued.[8]

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[8] See e.g., Record of Proceedings for 7 November 2024 at page 36 (lines 8 to 13).

(iii) The admission of such video recordings would have supported the Respondent's case that the Applicant had repeatedly "intruded" into her bedroom without any excuse.

(c) *Finally*, if the Respondent had felt either (i) harassed by the Applicant's "intrusions" or (ii) fearful of him, then she could easily have installed a simple lock on the inside of her bedroom door to prevent such intrusions. Strangely, she failed to do so. I find her explanation for such a failure – that she could not afford to buy even a cheap lock – to be unconvincing.[9]

Alleged obstruction of the Respondent's passage at the Home

Respondent's allegation

15 I now turn to the Respondent's next allegation of harassment. According to her, when the Applicant detected that she was leaving her bedroom to go to the ground floor, he would frequently (a) rush out of his bedroom and (b) stand at the top of the stairs leading to the ground floor to obstruct her passage or so that she had to walk close to him. The Respondent tendered a video recording of one such incident.[10]

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9 Record of Proceedings for 7 November 2024 at page 38 (line 28) to page 39 (line 12); Record of Proceedings for 22 January 2025 at page 115 (line 18) to page 116 (line 5); Evidence during cross-examination on 14 March 2025.

10 Respondent's affidavit dated 12 September 2024 at [18] and [19]. The video can be found in a CD-ROM in the folder "Tab 8".

Applicant's response

16 The Applicant denied the Respondent's allegation.[11]

My decision

17 I am unable to accept the Respondent's allegation that the Applicant had regularly obstructed her from going down the stairs.

(a) *First*, such an allegation is not borne out by the video recording that she had tendered as evidence.

(i) The recording shows the Respondent standing behind her bedroom door for about 6 seconds.

(ii) When she opened the door, the Applicant also opened his bedroom door at about the same time.

(iii) On seeing the Respondent, the Applicant *turned away from her* direction and stood at the doorway to his bedroom – as if to let her pass him first. There appears to be *ample space* for the Respondent to walk past the Applicant to go down the stairs.

(iv) Instead of going down the stairs, the Respondent went straight into the toilet. A short while later, she opened the toilet door stepped out. The Applicant, who was then standing at the top of the stairs, looked at her.

[11] Record of Proceedings for 22 January 2025 at page 40 (lines 11 to 17), page 118 (line 5) to page 124 (line 30).

(v) The Respondent called out to her daughter to bring her a glass of water. Soon thereafter, the Applicant walked down the stairs.

(vi) Throughout the incident the Applicant did not say anything to the Respondent.

(b) *Second*, the Respondent did not tender any other video recording to support her allegation that the Applicant had regularly obstructed her passage down the stairs.

Handover of the children during the 2024 summer holiday

18 I will now address the Respondent's next allegation of harassment. According to her, this took place during the children's 2024 summer holiday in France.

19 The background to this incident is not disputed. In late June 2024, the Applicant left Singapore with the children for Bordeaux for the holiday. The Respondent left Singapore later – in early July – for Bergerac. The plan was for the Applicant to hand over the children to the Respondent in France.

Respondent's allegation

20 The Respondent's case is as follows:

(a) The Applicant was supposed to hand over the children in *Bergerac*. The Respondent's case is based on clause 16 of a court order issued in June 2024 ("**June 2024 Order**"). According to that clause, the Applicant shall "personally hand over" the children to the Respondent

for the summer school holiday.[12] Contrary to clause 16, the Applicant had wanted the handover to take place in *Bordeaux*. After the Respondent's repeated emails from 30 June to 2 July on the issue, the Applicant eventually agreed to hand over the children in Bergerac. He agreed to do so only on 3 July – i.e., the day of her arrival in France. The Applicant's initial indication for the handover to take place in Bordeaux and his late reply to the Respondent emails had caused her immense distress at the material time.

(b) Later in the same trip, the Applicant had refused to pick up the children from her in Bergerac and insisted that she had to send them to him in Bordeaux.[13]

Applicant's response

21 According to the Applicant,[14] the Respondent's interpretation of the June 2024 Order was erroneous. He also denied being unresponsive to her emails regarding the handover arrangement. According to him, his emails regarding the issue had been constructive, non-threatening, and showed that he had acted in the children's best interests at all material times.

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12 Clause 16 of the June 2024 Order can be found in the Applicant's affidavit dated 5 August 2024 at page 237.

13 Respondent's affidavit dated 12 September 2024 at [15] to [17].

14 Record of Proceedings for 7 November 2024 at page 44 (line 16) to page 45 (line 20).

My decision

22 The issue is whether the Applicant had "created" or exploited the handover issue to harass the Respondent. In my view, the answer is no. Let me explain.

(a) *First*, the correspondence shows that there had been a *bona fide difference in views* between the parties regarding what was the most practical handover arrangement during the 2024 summer holiday.

Handover from the Applicant to the Respondent

(i) The Respondent had wanted the Applicant to *personally pilot a chartered plane* to fly the children to Bergerac airport for the handover.[15]

(ii) On the other hand, the Applicant believed that what the Respondent had wanted him to do was unrealistic as it was contingent on several factors being met – i.e., that his license was valid, the weather allowed for it, the cost was low, and the air club had a plane to lend him for the trip. All these conditions could not be met at the material time. Instead, he felt that it was more feasible for the children to take a commercial flight to Bordeaux airport. This is because the Respondent was herself flying into that airport. The children and she could thus fly into Bordeaux airport, meet there, and then travel together by car to

[15] The Respondent's proposal is set out in her lawyers' letter dated 2 July 2024. This letter can be found in her affidavit dated 12 September 2024 at page 93.

Bergerac. These explanations had been provided to the Respondent's lawyers on 1 July and 3 July 2024.[16]

(iii) Clause 16 of the June 2024 Order states that the Applicant is to hand over the children to the Respondent for the summer school holiday.[17] The order does not stipulate that the handover must take place in Bergerac. Given that the Respondent was going to arrive in Bordeaux airport (before driving to Bergerac), an argument can be made that a handover at Bordeaux airport (instead of Bergerac) is consistent with the June 2024 Order.

Handover from the Respondent to the Applicant

(iv) As for the Respondent's insistence that the Applicant *pick up* the children from her in Bergerac later in the holiday, clause 16 does not stipulate that he must do so. She did not refer me to any other provision in the June 2024 Order to support her position that she was entitled to hand over the children in Bergerac. In the circumstances, it is reasonable for the Applicant to take the view that since the children were with the Respondent at the material time, it is for her to *hand over* to him the children. Under this view, the handover point should thus be Bordeaux since he was there at the material time.

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16 These letters can be found in the Respondent's affidavit dated 12 September 2024 at pages 92 and 101.

17 Clause 16 can be found in the Applicant's affidavit dated 5 August 2024 at page 237.

(b) *Second*, as a matter of principle, the Applicant cannot be said to commit "continual harassment" (as the term is defined in s 64 of the Charter) by *simply disagreeing* with the Respondent on the handover issue.

(i) To constitute such harassment, there must be something more – the Applicant must have (1) intentionally held a clearly unreasonable interpretation of the June 2024 Order or (2) acted unreasonably pursuant to his interpretation of the order. In such cases, the Applicant may be inferred to have disagreed with the Respondent intending or knowing that his unreasonable conduct is likely to cause anguish to her. A contrary view – that the Applicant commits "continual harassment" even if he has a reasonable basis for disagreeing with the Respondent and does so reasonably – is absurd.

(ii) In the present case, the Respondent has failed to prove that the Applicant's disagreement over the handover issue was unreasonable and thus constituted "continual harassment".

Removal of the Respondent's belongings from the Home

23 Next, I turn to a highly contentious issue at the hearing. This concerns the removal of the Respondent's belongings from the Home.

24 By way of background, (a) the parties were staying in a black-and-white property at the material time, (b) the lease for this property was due to end on 15 August 2024, and (c) the Respondent had secured a place to stay from 16 August 2024 onwards.

Respondent's allegation

25 According to the Respondent, she had the right to stay at the Home until 15 August 2024. She relied on two pieces of evidence to support this position.

(a) Clause 18 of the June 2024 Order states –

> The Plaintiff shall be allowed to remain in [the Home] with the said 3 children *until the expiry of the current lease* [on] 15 August 2024.[18]

(b) On 20 June 2024, the Applicant's lawyers sent a letter to the Respondent's lawyers ("**20 June Letter**"). Paragraph 3 of this letter states that –

> Clause 18 of the Order provides that your client shall be allowed to remain in the [Home] with the Children until the expiry of the current lease on 15 August 2024. In view of DJ Lee's Order, arrangements have been made for the [Home] to be returned to the landlord on 15 August 2024. ...[19]

26 The Respondent alleged that despite the above, the Applicant had arranged for movers to pry open the lock on her bedroom door on or about 6 August 2024 and move her belongings into storage. The Applicant had done so knowing (a) that she was holidaying in France at the material time and (b) her objections to her belongings being moved. Furthermore, he did not promptly provide her with the key to the storage facility holding her belongings.

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[18] Clause 18 of the 2024 June Order can be found in the Applicant's affidavit dated 5 August 2024 at page 237.

[19] Paragraph 3 of the letter can be found in exhibit R5.

According to the Respondent, the Applicant's actions – which left her stranded with nowhere to stay upon her return to Singapore on 11 August 2024 – was calculated to cause her distress.[20]

Applicant's response

27 The Applicant submitted that it was not reasonable for the Respondent to assume that she could stay at the Home until 15 August 2024.

(a) *First*, she knew that the Home had to be reinstated *before* the lease expired on 15 August 2024. The parties had discussions about this on many occasions. In line with the need for reinstatement, the Applicant had in fact already packed most of her belongings into boxes by the time he left with the children for the June 2024 summer holiday.[21]

(b) *Second*, the Applicant had sent the following two emails to the Respondent in July 2024 regarding the need for her to move out of the Home for the purpose of the reinstatement:

(i) Email dated 18 July 2024:[22]

> ... could you *please confirm* that you have *removed all your belongings from our [Home]*? I need to ensure the house is returned to its original state per the landlord's requirements at least one week before the lease concludes.
>
> [emphasis added]

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20 Respondent's affidavit dated 12 September 2024 at [12]; Record of Proceedings for 22 January 2025 at page 74 (line 22) to page 75 (line 3), page 93 (lines 1 to 22), page 98 (line 6) to page 99 (line 15), page 101 (lines 3 to 17).

21 Record of Proceedings for 22 January 2025 at page 103 (line 25) to page 105 (line 2).

22 The email can be found in the Applicant's affidavit dated 5 August 2024 at page 266.

(ii) Email dated 21 July 2024:[23]

> Could you please confirm whether you have removed all your belongings from the [Home]? As per our agreement with the landlord, *you are aware* that we need to return the property to its original condition and *I need to empty the house before starting any construction work*. If I don't hear from you *by July 22nd*, I will organize to clear the house. *Be assured that any items left will be stored securely, and I will provide you with access to them if required*.
>
> [emphasis added]

28 In response to the above, the Respondent sent the following email to the Applicant on 23 July 2024:

> ... you are now issuing me with UNILATERAL deadlines, demanding that I move the Children's and my belongings. I do not agree to you moving my and the Children's belongings at the [Home] and if you do, it will be in clear contravention of DJ Lee's order that allows me and the Children to remain at [the Home] until 15 August 2024. You are in no way doing your part as of the orders of the court in order for me to facilitate the move. You knowing full well that I am currently away in France, unable to move my and the children's things not just because of lack of funds but because of the obvious logistics of me being in France. I had tried to organise being set up well before my departure to Singapore and even had my lawyers send you multiple letters to do as the orders of the court 13th June 2024. However, as dated from your lawyers, it was specifically clear that you would not pay and that they even reiterated that I should stay in the [Home] until the end of the tenancy which is the 15th August. Your changing positions is not welcome and is intentioned to cause me unnecessary stress. Therefore, as per that order, that is what I am doing. Should you take my belongings before then or should I not be able to stay in the [Home] for any reason

[23] The email can be found in the Applicant's affidavit dated 5 August 2024 at page 266.

> until that date, YOU WILL BE BREACHING THE ORDERS OF THE COURT GIVEN AS OF THE 13TH JUNE 2024.

29 According to the Applicant, he had no choice but to get the movers to put her belongings into storage in early August – so that the Home could be reinstated and handed back to the landlord by 15 August 2024.[24]

30 Regarding the storage facility key issue, the Applicant explained that he did not intend to cause the Respondent distress. The issue about the key had slipped his mind. He was still in France with the children at the material time. In any event, he had responded to the Respondent regarding the key issue on the same day when she queried him about it.[25]

My decision

31 I find that the Respondent knew, at all material times, that the Home had to be vacated *before* 15 August 2024 so that reinstatement works could be done. This finding is based on the following.

(a) *First*, the Applicant had sent an email to the Respondent on 31 July 2024. In that email, he stated, among others, the following:

(i) That the Respondent was "fully aware" of the requirement for reinstatement to be done *before* the Home was to be surrendered.

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[24] Record of Proceedings for 22 January 2025 at page 66 (line 5) to page 67 (line 16), page 68 (lines 12 to 19), page 72 (lines 3 to 13), page 87 (line 14 to 27), page 104 (line 12) to page 105 (line 10).

[25] Record of Proceedings for 22 January 2025 at page 109 (line 32) to page 110 (line 32), page 113 (line 14). See also the email dated 6 August 2024 in the Applicant's affidavit dated 5 August 2024 at page 268.

(ii) That this requirement was stipulated in the Home's lease agreement. (In my view, this assertion is inherently credible as the need for reinstatement is an important condition to a lease.)

(iii) That the lease agreement had already been sent to her lawyers on their request "during the interim applications proceedings".[26] The "interim application proceedings" in question would have been related to (i) the renewal of the Home's lease agreement (7 July *2023*) and/or (ii) the *June 2024 Order* (13 June 2024).[27]

(b) *Second*, on 1 August 2024, the Respondent had provided a point-by-point rebuttal to various issues raised in the Applicant's 31 July email. Glaringly, she did not deny the Applicant's assertion summarised in [31(a)] above.[28]

(c) *Finally*, the Respondent's knowledge about the need to vacate the Home before the lease expired is also evident from her police report filed on 12 August 2024. In that report, she had stated the following:[29]

> My ex-husband and I have an interim maintenance and care of the children order from the 13th June 2024 ... stating that I am entitled to live in the marital home until the 15th August when the tenancy lease expires. ***I had tried to move out immediately after the order was given prior to my departure to France on***

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26 The email can be found in the Applicant's affidavit dated 5 August 2024 at page 258.

27 See exhibit R4.

28 The email can be found in the Applicant's affidavit dated 5 August 2024 at page 252.

29 The report can be found in the Respondent's affidavit dated 12 September 2024 at page 73.

> ***holiday***, but he informed my lawyers that he would not pay for my rental until the end of the current lease (15 August). ...
>
> [emphasis added]

32 The Respondent had relied on clause 18 of the June 2024 Order to assert that she was entitled to stay at the Home until 15 August 2024 – the very last day of the lease. In my view, it is not entirely clear that clause 18 supports her position.

(a) Clause 18 can be interpreted in two ways.

(i) One interpretation (the one used by the Respondent) is to read clause 18 based on the emphasis in bold below:

> The Plaintiff shall be **allowed to remain** in [the Home] with the said 3 children **until** *the expiry of the current lease* [on] **15 August 2024**.

(ii) The second interpretation gives emphasis to the text in italics above. It could reasonably be argued that by referring to the "current lease", the clause had envisaged that the Respondent's stay in the Home was subject to the conditions in that lease – which would include the requirement to reinstate the Home. Under this interpretation, the date "15 August 2024" in clause 18 is merely a reference to the expiry date of the Home's lease and does not stipulate the last day that the Respondent could stay at the Home.

(b) The ambiguity in clause 18 could have been avoided through better drafting. For instance, if DJ Lee had intended for the Respondent

to be allowed to stay at the Home until 15 August 2024, then the text "the expiry of the current lease" should have been omitted.

(c) There is no evidence to show whether DJ Lee had been alerted by the parties to (i) the ambiguity in clause 18 and (ii) the need to factor in sufficient time for the Home to be reinstated before its surrender on 15 August 2024.

(d) If DJ Lee had been alerted to these matters, I seriously doubt that she would make the order in clause 18. This is because it is plainly unreasonable for the Respondent to be allowed to stay in the Home until the very last day of its lease given that the reinstatement works would take time – especially when the Home is a black-and-white house and the parties had stayed there for more than 10 years.[30]

33 The Respondent had also relied on the 20 June Letter to support her entitlement to stay in the Home until 15 August 2024. According to her, the letter gave her this impression. It is unclear how the Respondent could have come to such an impression. I say this because the letter *clearly* states that – "In view of DJ Lee's Order, arrangements have been made for the [Home] *to be returned to the landlord on 15 August 2024*" (emphasis added).

34 To sum up –

(a) The Respondent had failed to prove her case that the Applicant had created the situation regarding the removal of her belongings from the Home to harass her.

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[30] Record of Proceedings for 22 January 2025 at page 67 (lines 5 to 14).

(b) I accept the Applicant's evidence that he had no choice but to get the movers to put her belongings into storage in early August – so that the Home could be reinstated and handed back to the landlord by 15 August 2024: see [29] above.

(c) I also accept the Applicant's evidence regarding the storage facility key issue: see [30] above.

Alleged harassment in the Applicant's communications

Respondent's allegation

35 I now move to the Respondent's final allegation. According to her, the Applicant had continued to be "harassing, constantly bullying, and threatening in his communication with [her]" after the PPO was issued.[31]

Applicant's response

36 The Applicant denied the Respondent's allegation.

My decision

37 I am unable to accept the Respondent's allegation against the Applicant.

(a) *First*, the Respondent had failed to substantiate her bare allegation. There would not have been any difficulty for her to adduce evidence of the Applicant's alleged threats/harassment. This is because based on her evidence, (i) the threats/harassment were in the form of messages/emails which can easily be produced in court, and (ii) there

[31] Respondent's affidavit dated 12 September 2024 at [10].

were several such communications. Given these circumstances, the Respondent's failure to adduce the relevant threatening/harassing communications casts doubt on veracity of her allegation against the Applicant.

(b) *Second*, the Respondent's allegation that the Applicant was someone who would send threatening/harassing communications does not gel with his emails that have been tendered in evidence.[32] I find the tone and content in these emails to be restrained and civil. This is so even when the Respondent had levelled harsh accusations against him in her emails.

Dog Air-Tag

38 For completeness, I note that during cross-examination, the Respondent had testified to being fearful of being placed under surveillance by the Applicant. She alleged that she had found an Air-Tag in her home with the name of his dog, "A" ("**Dog's Air-Tag**").

39 I did not place any weight on this allegation.

(a) *First*, the allegation was made belatedly – (i) it was not "put" to the Applicant, (ii) it did not appear in the Respondent's affidavit or examination-in-chief, and (iii) it was raised for the first time only during the tail end of her evidence under cross-examination.

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[32] See the emails in the Applicant's affidavit dated 5 August 2024 at pages 251 to 278, and the Respondent's affidavit dated 12 September 2024 at pages 67 to 68, pages 86 to 91, pages 112 to 128.

(b) *Second,* the Respondent did not provide any evidence to show that the Applicant had planted the Dog's Air-Tag to track/harass *her*.

(c) *Finally,* when pressed on whether she was making any accusation against the Applicant regarding the Dog's Air-Tag, the Respondent clarified that (i) she was merely stating that the Air-Tag was found in her home, and (ii) she did not know whether the Dog's Air-Tag was even working. No reference was made to the issue of the Dog's Air-Tag in her closing submissions.

Summing-up

40 To sum-up, the Respondent had failed to prove her allegation that the Applicant had continued to harass her after PPO xx4 was issued.

Is the Applicant likely to commit family violence in future

41 I will now consider whether the Applicant is likely to commit family violence against the Respondent in future: see [5(b)(iv)] and [5(c)].

42 In this regard, I note that when DJ Lee issued PPO xx4, she had considered that the parties were likely to meet each other because of access and other arrangements regarding their children: see [7(b)] above. Presumably, DJ Lee was concerned that such contacts could become flashpoints for the Applicant to harass the Respondent.

Applicant's submissions

43 In this regard, the Applicant submitted that he is unlikely to commit such family violence in future. He highlighted the following:

(a) *First*, when PPO xx4 was imposed in February 2023, the parties were still married and living together. There has been a material change in circumstances since then. Specifically, the parties (i) have obtained interim judgement for divorce (in May 2023), (ii) have been living in different premises (since August 2024), and (iii) have minimal interactions with each other. Their communications are now conducted through emails or letters between their respective lawyers.[33]

(b) *Second*, the handovers of the children at the Respondent's condominium (i) have been taking place regularly without the need for parties to meet each other and (ii) have been incident-free. As the children grow older, they can travel to the parties' place of residence by themselves.[34]

Respondent's submissions

44 According to the Respondent, the PPO is still necessary. She is concerned that the Applicant will harass her if it is revoked.

(a) *First*, despite the parties living apart, they continue to have dealings with each other because of the children:

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33 Applicant's affidavit dated 13 September 2024 at [22] to [24]; Oral submissions on 14 March 2025.

34 Applicant's affidavit dated 13 September 2024 at [17(a)], [18(f)], [18(h)], [18(i)], [19] and [20]; Record of Proceedings for 7 November 2024 at page 31 (lines 6 to 17).

(i) There are several occasions each month when they will need to handover the children at her condominium.[35]

(ii) Furthermore, their children are still young and schooling – 15 years, 13 years, and 12 years – and the parties will thus need to meet at the various school-related and children's activities.[36]

(b) *Second*, there are various contentious legal proceedings between the parties. These are as follows"[37]

	Matter
1	**HCF/DCA xx/2024** Applicant's appeal against interim orders on – (a) Award of care and control of the parties' children to the Respondent, and (b) Maintenance
2	**FC/D xxx5/2022 – FC/SUM xxx2/2024** Respondent's application for Mareva injunction
3	**FC/D xxx5/2022** Ancillary proceedings
4	**MSS xxx5/2024** Enforcement of maintenance order

(c) *Third*, the Applicant submitted that the Respondent had sought to portray herself as the "victim" in the revocation proceedings

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35 Respondent's affidavit dated 12 September 2024 at [10]; Oral submissions on 14 March 2025; Record of Proceedings for 22 January 2025 at page 128 (line 18) to page 131 (line 21).

36 Respondent's affidavit dated 12 September 2024 at [4], [10].

37 Respondent's affidavit dated 12 September 2024 at [8] and [21]; Oral submissions on 14 March 2025.

("**Relevant Submission**"). Such a submission shows that he lacked (i) awareness of the effect of his conduct on her and (ii) remorse.[38]

(d) *Finally,* the Respondent is fearful that the Applicant may physically hurt her.[39]

My decision

45 In my view, it is unlikely that the Applicant will harass the Respondent in future. Let me explain.

46 *First*, I accept the Applicant's submissions at [43(a)] above that there has been a material change in circumstances since the PPO was imposed. These changes make it unlikely for him to want to place her under surveillance.

(a) *Reason for PPO.* PPO xx4 was issued on the *sole basis* that the Applicant had, without the Respondent's consent, installed CCTV cameras in the Home (in February 2022) and Air-Tags in the Respondent's car (in April 2022). DJ Lee found that the installation of these devices had caused her distress.[40]

(b) *Reasons for installing surveillance devices.* According to the Applicant, he had installed the surveillance devices to prevent the Respondent from (i) falsely accusing him of having committed family

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38 Oral submissions on 14 March 2025.

39 Respondent's testimony on 4 February 2025.

40 Record of Proceedings for 7 November 2024 at page 65 (lines 6 to 28); Applicant's affidavit dated 5 August 2024 at [9(b)]. See also the Records of Proceedings for SS xx2/2023 on 3 February 2023 (Day 7) at pages 36 and 37; Respondent's complaint (SSA xxx1/2022) dated 29 April 2022. The complaint is exhibited in the Respondent affidavit dated 12 September 2024 at pages 18 to 25.

violence at the Home, and (ii) disposing the matrimonial assets kept there.

(c) *No more motive.* At the time of this judgement, the parties have been leading separate lives for some time. They no longer share a common communal space. As such, (i) the Applicant's reasons for placing the Respondent under surveillance in the first place no longer exist, and (ii) the opportunities for him to harass her – e.g., by intruding into her private space – is practically zero.

47 *Second*, the evidence shows (fortunately) that the children's care and other arrangements have not become a source of conflict between the parties.

(a) *Physical contact is rare.* Since the parties started living apart, they have seldom come into physical contact with each other because of the children. It is undisputed that children's handover can – and has – taken place without the Applicant having to engage the Respondent.

(b) *Interactions have been incident-free.* On the occasions where the parties had been in physical contact, e.g., handing over of the children's passports and helping to load/unload the luggage into the Applicant's car for the children's holidays,[41] there is no evidence that the Applicant had harassed the Respondent. In coming to this view, I am mindful that there was an incident with the children's handover during the 2024 summer holiday. In my view, that incident was neither created nor exploited by the Applicant for the purpose of harassing the Respondent: see [22] above.

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41 Records of Proceedings for 22 January 2025 at page 161 (line 9) to page 163 (line 28); Testimony given during hearing on 4 February 2025.

(c) *Occasions for disagreement have been reduced by court orders.* The occasions for disagreements between the parties are likely to be reduced moving forward. I say this because after the PPO was imposed, various interim orders had been issued (in June 2024) that clarified the parties' rights and obligations relating to the children's care and control arrangements, as well as their maintenance.

(d) *Applicant can act rationally when dealing with children's issues.* Where they were disagreements over the children's issues, the Applicant had chosen to engage with the Respondent on these issues squarely – instead of resorting to threats and harassment to resolve them: see [37(b)] above.

48 At this juncture, I wish to address three matters raised by the Respondent.

(a) *Ongoing legal proceedings.* Contrary to her submission, I am not persuaded that PPO xx4 is still necessary just because there are ongoing legal proceedings between the parties. The Respondent has failed to show why this fact alone justifies the continuation of the PPO. I note that the parties have been embroiled in legal proceedings since 2022.[42] There is no evidence to show, e.g., that the Applicant had initiated or used these proceedings to harass the Respondent, or that such proceedings make him more prone to commit family violence.

(b) *Whether Applicant lacks insight into the effects of his conduct on the Respondent.* Additionally, I disagree with the Respondent's contention regarding the Relevant Submission.

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42 See exhibit R3.

(i) It bears highlighting that the Applicant had made the Relevant Submission in the context of *two strongly contested issues* – i.e., whether he had harassed the Respondent, (1) during the handover of the children during the 2024 summer holiday, and (2) by removing her belongings from the Home without her consent In August 2024.[43]

(ii) The Applicant had made the Relevant Submission to persuade me to decide on the two disputed matters based on the facts – instead of stereotypical thinking that women are victims and men are abusers. In my view, the Applicant should be given some latitude to decide how best to frame his case for the two disputed matters. Otherwise, his ability to effectively present his case and discredit the Respondent's case will be severely curtailed.

(c) *Whether Applicant will be physically violent towards the Respondent.* Contrary to the Respondent's submission, I find it unlikely that the Applicant will physically hurt her if the PPO is revoked.

(i) The Respondent submission that he will hurt her is based on an "assumption". According to the Respondent, she had formed this assumption because he did not attend the children's parent-teacher meetings. She reasoned that he had been absent because he was afraid that he might not be able to control himself and might begin to hurt her if he were to see her at such

[43] Oral submissions made on 14 March 2025.

meetings.[44] I find the Respondent's assumption to be highly fanciful.

(ii) There is no evidence to show that the Applicant has a propensity for using physical violence against the Respondent. It is an undisputed fact that *even before PPO xx4 was imposed*, she did not put a lock on the inside of her bedroom to prevent him from entering her bedroom.[45] The Respondent would not have been so blasé about not installing such a lock if the Applicant is prone to using physical violence and she is fearful of him.

(iii) I find that the Respondent is a woman who is not afraid to assert her rights and to take appropriate measures to protect her personal safety and interests. This is evident from the fact that she (1) had applied for PPO against the Applicant (in 2022),[46] (2) had filed police reports against him (in 2022 and 2024),[47] (3) had recorded the Applicant's actions when she felt threatened during the time they were staying together, and (4) had no hesitation in using harsh language in her emails to him.[48] The Applicant will know that if he were to commit family violence against her, she will not hesitate to place the full weight of the law on him.

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44 Respondent's examination-in-chief on 4 February 2025.

45 Record of Proceedings for 22 January 2025 at page 115 (lines 24 to 30), page 124 (lines 20 to 29).

46 The application for PPO can be found in the Respondent's affidavit dated 12 September 2024 at page 19.

47 The police reports can be found in the Respondent's affidavit dated 12 September 2024 at pages 26 and 73.

48 The emails can be found in the Respondent's affidavit dated 12 September 2024 at pages 66 to 68, pages 86 to 91, pages 113 to 119, and pages 121 to 126.

49 *Finally*, having observed the Applicant testify in court, I sense that he has decided to move on with his life. I do not get the impression that he harbours deep animosity towards the Respondent.

Conclusion

50 For the above reasons, I find that PPO xx4 is no longer necessary to deter the Applicant from committing family violence against the Respondent.

51 In my view, the revocation of PPO xx4 is in line with the parties' wish for co-parenting to play a larger role in their children's lives. This wish is evident, for instance, from the following:

(a) A few months before the hearing, the Respondent had decided to personally hand over the daughter's passport to the Applicant at the airport. According to the Respondent, she had wanted to demonstrate to the children that she could work together with the Applicant as co-parents, and that she was not afraid of him.[49]

(b) According to the Applicant, he wants PPO xx4 to be revoked because it sends a strong negative signal that he is likely to commit family violence, and that such a signal hampers his efforts to normalise his relationship with his children.[50]

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49 Respondent's evidence during cross-examination on 4 February 2025.

50 Records of Proceedings for 7 November 2024 at page 33 (lines 11 to 24); Applicant's oral submissions on 14 March 2025.

52 Accordingly, I revoke the PPO with immediate effect.

Kow Keng Siong
District Judge

Applicant in person;
Poonam Lachman Mirchandani (M/s Mirchandani & Partners) for the Respondent.