

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2024] SGHCF 7

Divorce (Transferred) No 2504 of 2018
(Summons No 276 of 2023)

Between

VHK

... Plaintiff

And

VHL

... Defendant

GROUND S OF DECISION

[Family Law — Custody — Access — Whether disclosure of party’s bank statements and IP address is allowed]

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

VHK

v

VHL

[2024] SGHCF 7

General Division of the High Court (Family Division) — Divorce
(Transferred) No 2504 of 2018 (Summons No 276 of 2023)

Choo Han Teck J

25 January 2024

31 January 2024

Choo Han Teck J:

1 The plaintiff mother has a long history of denying the defendant (her former husband, the father of their daughter), access to their child. Matters came to a head in 2022 when the plaintiff breached a court order in refusing to send the daughter to see the defendant in the United States of America where the defendant works as a doctor. After several evasive actions by the plaintiff, the defendant applied for stricter orders on the plaintiff to ensure that the defendant gains access to the child.

2 I was minded to order that the child, being 8 years old at the time, fly alone to the United States, but the plaintiff objected on the ground that the child was too young to travel alone. I then ordered the plaintiff to bring the child to court so that I may ascertain whether she is capable of flying alone. The plaintiff

said that the child did not wish to see me, thereby refusing the court access to the child.

3 Eventually, on 25 October 2022, I ordered the plaintiff to produce the child in court. She did not, writing by email purportedly from France, to say that the child was ill and could not fly. I gave her five days to bring the child. At the deadline, the plaintiff wrote to say that the child was unwell, and they would not be coming to court. In the meantime, the defendant had begun committal proceedings against the plaintiff. Notice of the application had been served on her. Given the circumstances, I ordered a warrant of arrest to be issued against the plaintiff on 8 May 2023. She has not been seen in Singapore since.

4 The defendant applied and obtained an order on 21 July before me, granting him sole custody, and care and control of the child. The defendant said at the hearing on 21 July 2023, that the plaintiff refused to disclose where the child is. Therefore, in an effort to locate the plaintiff and the child, the defendant applied by Summons 276 of 2023 in October 2023 to compel the DBS Bank Ltd (“DBS Bank”), where the plaintiff maintains certain accounts, to disclose those accounts and the documents showing their transaction history. By the same summons, the defendant prays for an order that the Supreme Court of Singapore discloses the plaintiff’s internet protocol address (“IP address”).

5 The defendant said that as recently as 10 July 2023 the plaintiff’s DBS Bank account was still active, and that the defendant had transferred US\$162,810 as the balance due to the plaintiff as her share in the matrimonial home. The defendant also said that the court proceedings on 21 July 2023 was heard through live video (Zoom). He said that the Court, as the host of the Zoom proceedings will have the plaintiff’s IP address. He said that the IP address will lead to information about the child’s whereabouts.

6 Neither the DBS Bank Ltd nor the Supreme Court is named in the summons, but Mr Tham Hsu Hsien and Ms Abigail Fernandez of Allen & Gledhill LLP appeared as counsel for the bank as the first non-party. State counsel Ms Ho Jiayun and Mr Chng Luey Chi appeared as counsel for the Supreme Court as the second non-party.

7 Ms Fernandez submitted that the DBS Bank holds a neutral position and will accede to any court order requiring the release of the documents and information, but the bank must adhere to the obligations of banking secrecy. However, provided that the application is made in the right terms and in satisfaction of s 175(1) of the Evidence Act 1893 (2020 Rev Ed), the bank will comply with the court orders. Seeing that the defendant was unrepresented, Ms Fernandez said that the Bank will accept an order of court in terms of the draft produced. The defendant said that he has no objections to having his summons amended to reflect the draft order of court. I accepted the summons as amended accordingly, and granted an order in terms of the draft order of court, with costs of \$4,000 plus any extraction fees that the bank might incur in getting the documents.

8 The draft order of court provides as follows:

1. The Defendant shall, within seven (7) days from the date of the order to be made herein, be at liberty to take a copy of the monthly bank statements of all bank accounts and credit/debit cards that the Plaintiff may have with DBS Bank Limited (the “**Relevant Accounts**”) from and including the month of April 2023 to date (the “**Relevant Statements**”)
2. The Defendant shall, within four (4) weeks from the receipt of a copy of the Relevant Statements, be at liberty to write to DBS Bank Limited and/or its solicitors identifying any specific transactions of funds out of the Relevant Accounts listed in the Relevant Statements (the “**Specific Transactions**”) and requesting for any of the following documents relating to the Specific Transactions (if any)(the “**Written Request**”):-

- (i) for Outward Telegraphic Transfers, the Integrated Payment Engine (IPE) system reports;
- (ii) for internet banking transfers, system reports relating to the requested transaction;
- (iii) for PayNow or PayLah transfers, system reports relating to the requested transaction;
- (iv) for cash withdrawals from automated teller machines, system reports relating to the requested transaction;
- (v) for FAST payments / receipts, system reports relating to the requested transaction;
- (vi) for GIRO payments / collections via GIRO, system reports relating to the requested transaction; and
- (vii) for Point-of-Sale Transactions, system reports relating to the requested transaction

(collectively, the “**Specific Documents**”).

3. The Defendant shall be at liberty to take a copy of the Specific documents, referred to in the Written Request, save always that (i) DBS Bank Limited shall have eight (8) weeks from the date of receipt of the Written Request (subject to any extension of time as may be agreed between the Defendant and DBS Bank Limited, such extension not to be unreasonably withheld) to provide a copy of the Specific Documents to the Defendant and (ii) the Specific Documents are in DBS Bank’s custody or control.

4. The Defendant shall pay DBS Bank Limited’s reasonable costs and expenses in such quantum as agreed or fixed by the Court, including retrieval charges for any documents to be provided pursuant to this order at such rates as DBS Bank Limited would apply to its own customers.

5. Such further orders as this Honourable Court deems just.

6. There be liberty to apply.

9 So far as the request for the disclosure of the plaintiff’s IP address is concerned, Ms Ho submitted that the only basis for ordering discovery against the Supreme Court is s 34(1) of the Government Proceedings Act (Cap 121, 1985 Rev Ed), but that provision only applies where the Supreme Court is a party in the proceedings. The defendant’s application is made under DT 2504

of 2018, which is a divorce proceeding between the plaintiff and the defendant. There is therefore no legal basis to compel the Supreme Court to disclose the plaintiff's IP address. I agree with Ms Ho.

10 Furthermore, even if the defendant has the standing to apply for the information, the IP address is not information that ought to be released in aid of a private manhunt. It is common knowledge that the IP address is sensitive information that can, if used indiscriminately, lead to unwanted consequences. The IP address, if leaked or fell into the wrong hands, can become a hacker's tool. The court has no resources to control how the IP address is used once it gets released. The defendant may have to call upon police assistance to obtain the IP address. For the above reasons, the defendant's application for the disclosure of the plaintiff's IP address is dismissed with no order as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

The plaintiff unrepresented, absent;
The defendant in person;
Tham Hsu Hsien and Abigail Fernandez (Allen & Gledhill LLP) for
first Non-Party;
Ho Jiayun and Chng Luey Chi (Attorney-General's Chambers) for
second Non-Party.