

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2018] SGHCF 17

HCF/Divorce (Transferred) No 793 of 2015

Between

TQT

... Plaintiff

And

TQU

... Defendant

JUDGMENT

[Family Law] — [Matrimonial assets] — [Division]

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**TQT
v
TQU**

[2018] SGHCF 17

High Court — HCF/Divorce (Transferred) No 793 of 2015
Choo Han Teck J
24 September 2018

15 November 2018

Judgment reserved

Choo Han Teck J:

1 The plaintiff married the defendant on 6 March 1990 and they have three children, a daughter who is 25 years old, a son who is 21 and another son who will be 21 on 29 January next year. The plaintiff is 55 years old, and the defendant is 56. After two unsuccessful attempts, the plaintiff finally obtained a divorce on 24 March 2016, on the ground that she and the defendant had separated and lived apart since 28 June 2010.

2 The defendant was practising as a doctor in his own clinic during the marriage. The plaintiff is an accountant by training but she worked in the defendant's clinic after she married him. Both of them are now unemployed, after the defendant closed his clinic when divorce proceedings began. The present proceedings before me concerns the division of their matrimonial assets and the custody of the younger son. All three children have been living with the defendant since custody was granted to him. They are happy with this

arrangement. Having interviewed the daughter and the younger son, I am of the view that the interim custody order should continue so far as the youngest child is concerned since he is the only one below the age of 21, and even he will be 21 in about three months' time. There will be no custody orders for the adult children.

3 The issue of division of assets is the more difficult one. The main problem is that the defendant claims that much of the assets acquired were from money left to him by his parents, but there is no evidence of what his inheritance was. His father died in 1989 and his mother 2000. The defendant's mother's estate thus might have included inheritance from his father, but the defendant had produced no evidence of the value of either his father's estate or his mother's. His counsel, Mr Ong, stated that it was a long time ago and no evidence of the precise amount was available. Mr Ong submitted that the defendant received 45% of his mother's estate, but no evidence of the value of that 45% was adduced. Despite attempts by the court to investigate, counsel says that it would be an impossible task as the defendant is unable to provide the specific figures. Mr Ong submitted that the defendant received \$315,000 in 1985 as a gift; \$49,635.96 worth of shares in the HSBC Bank, \$44,526 in shares in Straits Trading; \$9,300 in OCBC shares.

4 Several properties were purchased in the course of the marriage. The initial matrimonial home was in Pender Court, a property purchased in March 1986 for \$315,000. They then bought a Housing and Development Board ("HDB") shop at Bukit Batok for \$850,099.88 which they used as a clinic for the defendant as well as a shop selling bubble tea (managed by the plaintiff). They moved to 74 Eng Kong Place in October 1995, a house bought for \$1,820,000. When the marriage broke up, the defendant and the children moved

to 39 Lorong Pisang Raja, purchased for \$3,260,000. There were several properties overseas:

- (a) The following was purchased in joint names:
 - (i) Liang Feng Mansion, Unit 26F in Shanghai, China.
- (b) The following were purchased in plaintiff's sole name:
 - (i) Bukit OUG, Unit A1-5-8 in Kuala Lumpur, Malaysia;
and
 - (ii) Sun Island Club, Unit B#119D1 in Shanghai, China.
- (c) The following were purchased in defendant's sole name:
 - (i) Wadihana, Unit #15-08 in Johor Bahru, Malaysia;
 - (ii) Regalia, Unit B-18-E in Shanghai, China;
 - (iii) Hai Hong Plaza, Unit 15G in Shanghai, China; and
 - (iv) Sun Island Club, Units B#117-D1 and B#118-D1 in Shanghai, China.

Mr Ong conceded that there is no dispute that these properties were purchased but he submitted that they were largely purchased from the defendant's inherited money. The plaintiff says that she has no details of the foreign properties save that the defendant bought them. She does not have details even of those properties in her name because they were acquired by the defendant, and all documents were sent to him. The husband has been singularly unhelpful in denying that he still has any of the properties previously bought in his own name, and at the same time, refusing to provide any account beyond the bare

assertion that he no longer owns any of them. For convenience, I will set out the assets in a consolidated table.

Asset	Plaintiff's estimate	Defendant's estimate
Jointly owned		
Liang Feng Mansion	Purchase price of S\$264,960 in October 1994.	Purchase price of at least US\$137,116 in January 1995.
Registered in plaintiff's sole name		
Bukit OUG	Purchase price of S\$140,316 in April 1994.	Purchase price of RM212,600 in 1994.
Sun Island Club, Unit B#119D1	Purchase price of S\$74,739 in August 1994.	Purchase price of S\$73,739 in September 1994.
Registered in defendant's sole name		
Wadihana	Purchase price of S\$322,955 in July 1993.	Estimated current value of S\$301,571.61. ¹
Regalia	Purchase price of S\$364,507 in July 1994.	Purchase price of US\$227,817 in 1994.
Hai Hong Plaza	Purchase price of S\$123,822.05 in June 1995.	Purchase price of S\$122,822.05 in 1995.
Sun Island Club, Units B#117-D1 and B#118-D1	Purchase price of S\$74,739 per unit in August 1994. Total purchase price of	Purchase price of S\$73,739 per unit in September 1994. Total purchase price of

¹ Defendant's 1st Affidavit at para 9.

	S\$149,478.	S\$147,478.
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5 Besides real estate, the parties have other assets, which I set out in the table below:

	Asset	Net Value (\$)
Wife's Name	Motor vehicle	5,455.00
	Three Great Eastern Life Policies	485,053.00
	Shares in various listed companies	135,828.27
	DBS account -9130	9,946.87
	DBS account -0107	2,133.36
	OCBC account -0001	14,188.83
	Central Provident Fund ("CPF")	69,218.79
Husband's Name	NTUC Income policy	22,277.98
	Shares in various listed companies ²	442,209.09
	DBS account -8886	6,235.47
	CPF	223,480.73

6 The plaintiff contributed little financially from her own income for the purchase of the matrimonial assets for the simple reason that she had not worked anywhere except at the defendant's clinic. She worked there as the clinic

² H's 1st AOAM at page 69.

manager, doing the administration as well as running the bubble tea shop that the defendant set up in the clinic itself.

7 In terms of non-financial contribution for looking after the home, it seems to me that both the plaintiff and defendant looked after the children equally. The children were sufficiently bonded with the defendant to be willing to live with him when he separated from the plaintiff, though they do not speak ill of the plaintiff at all. I will therefore find that both shared equally in the non-financial contributions to the home and children.

8 The plaintiff says that she was paid only \$6,000 working for the defendant. I am of the view that she worked not just as an employee, but also as a spouse, working jointly with the other, and that being the case, it is my view that proceeds from all matrimonial ventures, such as this, ought to be shared equally. Couples walk jointly into a marriage as equals, work at it as equals, and if the marriage fails, they should not be heard to claim more than the other. Marriage is for the better or the worse. That vow should not be turned merely into a business account upon divorce.

9 The undisputed fact is that Pender Court was the first property owned by the couple. The defendant claims that it was purchased from the money he inherited from his parents. I have tremendous difficulty finding how much he inherited because he offered no evidence save the grim fact that his father died a year before the defendant married the plaintiff and that ten years into the marriage, the defendant's mother died. What is clear is that the plaintiff contributed little towards the purchase price of Pender Court, and so I will assume that the defendant contributed the bulk of it. In the absence of evidence from the defendant, I will round off his financial contribution of this property

to an equivalent of 65% (or 70%). Since the defendant had been helping the defendant in his clinic, in addition to her non-financial contribution towards the running of the home, I would award her a 50% of Pender Court. Pender Court has since been sold in a collective sale in November 2010, and the defendant received proceeds of S\$1,893,541.97. The proceeds are no longer identifiable.

10 As to the other assets subsequently acquired, again, in the absence of evidence from the defendant, it seems to me that the assets could reasonably have been paid for through the income from the clinic and bubble tea shop run by the plaintiff and the defendant. I accept the plaintiff's claim that the defendant was wholly in charge of the finances and all documentation of the income earned. I also find that the defendant incorporated TCAPL purely to hold his interests in the shares in the two companies, TBL and TTL. I am of the view that the defendant had managed his tax liability sufficiently well so that his income tax liability does not accurately reflect his financial ability to acquire the real properties in and outside Singapore. For completeness, given the timing, I accept that the defendant's shares in TBL and TLL were gifts from his late father, and are therefore not marital assets.

11 In sum, it seems to me that much of the assets owned by the plaintiff and the defendant today comes from the clinic, and that was a joint matrimonial venture. Ordinarily, it would follow that the plaintiff should be entitled to 50% of the pool of marital assets. In respect of Pender Court, although it pre-dated the clinic, I would also have awarded the plaintiff 50% of its value for the reason stated above. An adjustment must be made in view of the severe difficulties in identifying, and ascertaining the true value, of these assets. These are matters which the defendant could have shed light on, yet he has not done so. I am, therefore, compelled to draw an adverse inference against him. To compensate

for the absence of information as to the full extent of assets held by the defendant, I am of the view that a fair order is for all ascertainable assets to be sold and divided in the ratio of 75% to the plaintiff, and 25% to the defendant. There will be no order as to costs.

- Sgd -
Choo Han Teck
Judge

The plaintiff in-person;
William Ong Meng Hwa (Alpha Law LLC) for the defendant.
