

LAB's Case Digest (January – March 2026)

This digest features various High Court cases on family law and procedure, published since the January – March 2026 Case Digest, which LAB found to be of interest. Each case write-up only focuses on points which LAB has found to be of interest and does not cover every issue that was considered in the case.

1. Division of matrimonial assets; maintenance

1.1 XIT v XIS [2026] SGHC(A) 2

Matrimonial Assets — Valuation — departing from the default operative date

Matrimonial Assets — Division — drawing adverse inferences against a non-disclosing party

Appellate Division of the High Court

Brief facts: The parties married in 1993 and had three adult children. The husband was a director with shares in several companies (the “Shares”), while the wife had been an educator. The wife commenced divorce proceedings in 2017. Interim Judgment (“IJ”) was granted on 9 January 2018. The ancillary matters were heard by the Family Division of the High Court on 24 January 2025. The husband appealed on various aspects of the decision, including: (a) valuing the Shares at an earlier date than the IJ; (b) drawing an adverse inference against the husband for failing to fully disclose his assets (“the adverse inference”); (c) according a 5% uplift to the wife in the final division of the matrimonial assets (“the 5% uplift”); and (d) the indirect contributions finding of 80:20 in the wife’s favour.

Held, allowing the appeal in part:

- (a) The starting point was that the date of the ancillary matters hearing was the operative date for valuing the matrimonial assets. But the court could depart from this date where there were cogent reasons, such as where there had been dissipation of assets by one party. Here, it was justified to value the Shares at the earlier date of 31 December 2018 instead of the ancillary matters hearing date in 2025 because the husband had dissipated the assets of the underlying companies post-IJ by improperly paying their funds to himself and his family members (“the dissipation”). Further, beneficial ownership determines the entitlement to corporate assets regardless of how dividends are actually distributed. Thus, even though the dividends from certain companies were not disbursed to the husband, but to third parties, he was the beneficial owner of the shares in them, and hence these monies should be returned to the matrimonial pool.
- (b) The husband claimed that he had taken a loan from one of the companies to purchase a property. He exhibited a “Circular Resolution by Directors” dated 30 April 2015 stating that the company had agreed to extend a loan of up to RM5,000,000 to him without interest; (b) a payment voucher dated 3 April 2017 stating that a payment of RM1,650,002.12 was disbursed to him (comprising RM1,650,000 as a loan to him and

RM2.12 in bank charges); and (c) two invoices and a remittance application form dated 3 April 2017 evidencing the transfer of money. The financial statements of the company that had been independently audited corroborated the quantum and interest-free nature of this loan. It was thus justified to include this loan in the pool of matrimonial assets.

- (c) The husband had expended monies to purchase a property for his son one month before the divorce proceedings were filed. This sum was expended when divorce proceedings were imminent and had to be included in the matrimonial pool.
- (d) The husband had withdrawn monies for his personal use from an account that he claimed to have held on trust for his late father's grandchildren and for the maintenance of the ancestral home. It was justified to include that account in the matrimonial pool especially since there was no evidence to support the existence of a trust in respect of the account.
- (e) The husband received interim dividends from a company that were paid into a bank account that also contained funds that were pledged to secure an overdraft facility taken by the company with the same bank. The fact that part of the funds in the account were pledged did not affect the husband's entitlement to the remainder of the funds. The remainder of the funds were thus included in the matrimonial pool.
- (f) The husband had used RM91,589.50 of the dividends that were paid by a company to renovate a property. The husband claimed that although he had received the dividends, he had assigned the dividends to a non-party to the proceedings. But the RM91,589.50 ultimately came from the husband's dividends. It was thus justified to include it in the matrimonial pool.
- (g) Adverse inferences were drawn not to punish for concealment of matrimonial assets but to account for omissions to place them before the court for just and equitable division. No adverse inferences should be drawn where acts of dissipation had been addressed by adopting a valuation date that preceded those acts. Here, the dissipation had been addressed by bringing forward the date for valuing the Shares. There was thus no need to draw the adverse inference or to accord a 5% uplift.
- (h) The indirect contributions of the parties during periods of separation should not be discounted simply because they had lived apart. Here, even as the parties had been separated for 17 of the 25 years of marriage, the wife had brought up three children while working full-time and had done so without financial support from the husband in the first four years of separation. It was thus unjustified to discount her indirect contributions to the marriage simply because of that separation. The indirect contributions ratio of 80:20 in the wife's favour was upheld.

Key takeaways: High evidential standards must be met to exclude assets that are ostensibly matrimonial assets from the matrimonial pool.

1.2 XNG v XNH [2026] SGHCF 3

Matrimonial Assets — Division — Ensuring effective implementation of orders

Procedure — Judgments and Orders — Post-judgment Mareva injunctions

Family Division of the High Court

Brief facts: The parties were married in India in 2004. The wife filed for divorce in Singapore in February 2022, and interim judgment was granted on 20 September 2022. The parties settled the ancillary matters after mediation, and a consent order was recorded on 21 March 2023.

Under the consent order, the husband was to: (a) pay the applicant \$20 million by June 2027, through a schedule of monthly payments, (b) make the mortgage payments for the matrimonial property, and (c) pending the \$20 million payment, bear the reasonable costs of the wife's personal and household expenses.

The wife applied on 25 November 2024 to vary the consent order, requesting, amongst other things, the immediate lump sum payment of the outstanding balance, since the husband had not paid the monthly payments for 5 months, and had refinanced the matrimonial property to replace the existing \$8-9 million mortgage with a new \$29.5 million loan ("the loan"), which significantly diminished its net value. This application had been dismissed in *XNG v XNH* [2025] SGHCF 32.

On 30 September 2025, the wife filed a *Mareva* injunction to restrain the husband from disposing or dealing with his assets in Singapore up to the value of \$9,244,673, which was the balance amount of monthly payments due under the consent order. Her reasons were that the husband had been overdue on \$300,000 worth of monthly payments, had put up the matrimonial property for sale, had received most, if not all, of the loan monies, and had intentions of moving to Dubai.

On 3 October 2025, the court made a restricted interim order restraining the husband's dealings with the matrimonial property and directed parties to provide accounts of payments and monies disbursed under the loan.

The husband then made some monthly payments. At the final hearing of the *Mareva* injunction application, the wife sought to restrain a lesser amount of S\$7,564,092.50, after taking these monthly payments into account.

Held, granting the *Mareva* injunction without requiring the wife to provide any undertaking for damages:

- (a) The court had the power, through a *Mareva* injunction, to prevent conduct by the husband that would frustrate the enforcement of its own orders and render it nugatory. Although it might have the effect of providing security for the wife's claim, which had not been the intention under the consent order, this effect was merely incidental. The issue was whether there was a real risk of the husband dissipating his assets with the

intention of depriving the wife of the payments due under the consent order. This required solid evidence, not just bare assertions, and the court had to assess the husband's dishonesty, particularly through a pattern of unusual or unexplained movement of funds.

- (b) The husband had consistently failed to make timely payments since May 2025, only paying after the wife obtained a Writ of Seizure and Sale (“WSS”) and an order for the Examination of the Judgment Debtor against him. He defaulted on his September 2025 payment and only paid when the wife obtained another WSS against him. He was late in his October and November 2025 payments. This was not the conduct of a person acting in good faith. The husband had also paid over \$18.2 million of the loan monies to his company in 2 tranches, with the rest unaccounted for. He claimed that he owed the company \$15.9 million - but did not explain why he paid the company \$18.2 million instead. There was also no proof to show the first tranche of loan monies was actually paid to the company. The second tranche of monies credited to the company was immediately debited to the husband's account on the same day. He also had no explanation for this. The court said that this unusual and unexplained movement of funds suggested dishonesty in the husband's financial dealings.
- (c) Although the evidence appeared insufficient to establish a real risk of dissipation in commercial proceedings, the principle of just and equitable division under s 112(1) of the Women's Charter 1961 necessitates the consideration of protecting vulnerable spouses from conduct that undermines their court-ordered entitlement to the matrimonial assets.
- (d) Based on the conduct of the husband, a *Mareva* injunction restraining him from disposing, dealing with, and diminishing his assets up to the value of \$7,564,092.50 was justified. The husband was further required to place funds with his solicitors, within 30 days, to cover all the remaining monthly payments under the consent order until June 2027, to be disbursed as per the schedule in the consent order.
- (e) Undertakings for damages in *Mareva* relief protect respondents' rights when *Mareva* relief is granted before the parties' rights have been finally determined in the court proceedings, especially when the *Mareva* relief is granted *ex parte*. This rationale did not apply when the *Mareva* relief was granted after the court proceedings had concluded in a final judgment such as the consent order.

Key takeaways: The court may be more ready to grant a *Mareva* injunction in divorce cases than in commercial cases. Further, that post-judgment *Mareva* relief does not require an undertaking as to damages.

1.3 XYK v XYL [2026] SGHCF 5

Matrimonial Assets — Division

Family Division of the High Court

Brief facts: The parties were married for nearly 25 years, and had 3 adult children. The wife had been a homemaker for most of the marriage. The key issues in the ancillary matters were three properties that the husband jointly owned with his family members, as well as joint bank accounts he had with his family members, which the wife argued should be matrimonial assets.

Held, valuing the pool of matrimonial assets at \$5,599,294.64 and dividing it 50:50:

- (a) Property A was purchased before the marriage date, but was used as the matrimonial home, and hence was included in the matrimonial asset pool.
- (b) Property B was purchased by the husband during the marriage as an investment property, and he held it on a joint tenancy with his mother. One of the defining characteristics of a joint tenancy is that there are no actual shares in a joint tenancy because each co-owner owns the whole. Even so, the husband held a "notional, aliquot" share (*ie*, a share that is a potential or undivided rather than actually divided share) in the property. It was this notional, aliquot "share" on the part of the husband (comprising 50% of the value of Property B) that constituted a matrimonial asset.
- (c) Property C was held on a joint tenancy between the husband, his mother and brother. It was purchased before the marriage. There was clear documentary evidence that the mortgage had been fully paid up before the marriage date. Hence, it was excluded from the matrimonial asset pool. The parties had lived in this property for 3-5 months after the marriage, before moving into Property A. However, this was not sufficient to qualify as an asset ordinarily used or enjoyed by both parties for shelter, household, or other purposes under s 112(10)(a)(i) of the Women's Charter 1961. Residing in a property 5 months out of a 25-year marriage would fall far short of the threshold of "usual and relatively prolonged use" required under this section.
- (d) The husband had a joint account with his mother, a joint account with his brother, and 2 joint accounts with both his mother and brother. Neither party provided any evidence on the husband's beneficial ownership of the monies in all these accounts. In the absence of such evidence, there was a presumption of equal beneficial ownership based on legal title - essentially the joint owners (including the husband) each got an equal share in the bank account monies. The husband's share of the bank account monies was then added to the matrimonial asset pool.
- (e) Given these findings, the total matrimonial asset pool amounted to \$5,599,294.64.
- (f) This was a long single-income marriage, where the wife was primarily the homemaker, running the household and caring for the children, and the husband was primarily the breadwinner, focusing on his employment and paying for the household expenses. The wife had worked for about 5 years in a bakery run by the husband, for which she was paid \$2,000 a month. She also had significant investments amounting to \$243,570 in value. However, the court was of the view that neither of these activities detracted from her primary homemaker role. Although the wife had a university degree, this had no bearing on whether the wife was the primary homemaker.

- (g) Pursuant to *TNL v TNK* [2017] 1 SLR 609, the matrimonial assets in long single-income marriages were generally divided 50:50. Although this was not an immutable rule, there were no exceptional circumstances in this case to depart from this position, such as an unusually large matrimonial asset pool, accrued due to the extraordinary contributions of one party. Hence, dividing the matrimonial asset pool equally was just and equitable.
- (h) The wife wanted the husband to pay her spousal maintenance. The husband had paid the wife an allowance of \$3,000 during the marriage, and the wife claimed that she had not worked for more than two decades (apart from working in the bakery for 5 years) and was unlikely to be able to earn any significant income. Still, given that the \$2,799,647.32 that the wife would receive from the division of the matrimonial assets would support her for around 23 years based on her claimed expenses of about \$10,000, it was not justified to order the husband to maintain her any further.

Key takeaways:

- 1. Joint ownership with third parties does not shield assets from division – spouse’s notional share will be included in the matrimonial pool**
- 2. Long homemaker marriages generally get a division of 50:50**
- 3. No wife maintenance as wife had a considerable amount from the matrimonial assets**

1.4 XKU v XKT [2026] SGHC(A) 7

Matrimonial assets — Division — Dual-income or single-income marriage

Appellate Division of the High Court

Brief facts: The parties were married for approximately 24 years and have three children, two of whom were minors at the date of the ancillary matters hearing. Parties agreed on joint custody, with care and control to the wife. The husband was the main breadwinner, but the wife worked for the first 6 years of the marriage as cabin crew, and after this, worked as an estate agent for the rest of the marriage. The Family Division of the High Court classified the marriage as single-income and found that the husband had dissipated sums of money. It drew an adverse inference against the husband, divided the matrimonial asset pool 70:30 in the wife’s favour. It awarded the wife lump sum maintenance of \$20,000 and apportioned the minor children’s maintenance at 75% (husband) and 25% (wife). The husband appealed.

Held, dismissing the appeal:

- (a) *TNL v TNK* is an exception (to the structured *ANJ v ANK* approach) for “single income marriages”, where first, one spouse is the sole income earner and the other plays the role of homemaker and second, the non-working spouse is prejudiced by the structured approach due to their role.

- (b) The focus should not be merely on labels such as “primary homemaker” or “primary breadwinner”, nor on the “homemaking” spouse’s income, but on whether, due to taking on the homemaking role, that spouse did not earn an income that could have been credited as their contributions under the structured approach, and was thereby prejudiced.
- (c) The marriage here was a dual-income one. Although there was no evidence of the wife’s working hours and she had the main caregiving responsibility, she earned an average of \$3,000 a month for 16 years. This was enough for her personal expenses, and to make direct and substantial indirect financial contributions. The quantum of income should be taken into account in considering the nature of the homemaker’s work, and the amount of time invested in it.
- (d) Based on the *ANJ v ANK* approach, the just and equitable division of the matrimonial assets was 50:50 between the parties.
- (e) The claims of the husband that he was financially struggling and had to take multiple loans (including from his business partner) to meet the family expenses were unsupported by documentary evidence or even contemporaneous messages. Instead, these claims were contradicted by WhatsApp messages sent by the husband bragging about his financial success (e.g. “Financially, I’m superb doing well”, “Accumulated ... \$200k for our family”, “close to making \$300k profit”, “thinking of getting [a Porsche Macan]”).
- (f) An adverse inference against the husband was justified based on the WhatsApp messages, unexplained transfers, refusal to produce business documents, and bank statements addressed to properties the husband denied owning. To give effect to this adverse inference, a 20% (\$339,644.88) uplift to the wife’s share of the matrimonial assets was justified because it was “not out of proportion to a reasonable estimate” of the undisclosed assets. The final ratio of division was thus 70:30 in the wife’s favour.
- (g) Based on that adverse inference, it was further justified to have the husband pay 75% of the minor children’s maintenance.
- (h) Lump sum wife maintenance of \$20,000 was appropriate to assist the wife’s transition to post-divorce life. Her job was commission-based and her income fluctuated monthly. She had only started to invest more time and effort into her career since the divorce proceedings. She also remained the minor children’s primary caregiver.

Key takeaways:

1. Even if the wife has the main caregiving responsibility, the marriage is a dual income one if she earns enough income to pay for her personal expenses and make indirect and direct financial contributions. The amount of time invested in her job should also be considered.

2. Bragging about one's success can backfire spectacularly, as it did for the husband, whose Whatsapp messages to the wife on his financial success contradicted his claims of financial struggle.

2. Custody, Care, and Control

2.1 XGO v XGN [2026] SGHCF 1

Orders — Stay of execution

Family Division of the High Court

Brief facts: The applicant father and respondent mother were Indonesian citizens. The mother filed for divorce in Indonesia in June 2023, and her application was dismissed at first instance, but allowed on appeal, and she was also granted custody of the child. The father appealed to the Indonesian Supreme Court, but his appeal was dismissed on 6 January 2025.

The mother had brought the child to Singapore on 14 May 2024, and applied on 15 July 2024 to settle access terms for the child. The father filed his own application on 17 September 2024 for joint custody and unsupervised access. The mother applied to restrain the father from taking the child away from Singapore pending further orders. At this time, there were no binding court orders in Indonesia.

On 13 May 2025, the Family Court made orders relating to the mother's custody application, and, *inter alia*, that neither party could unilaterally take the child out of Singapore. Both parties appealed.

Held, dismissing the father's appeal, allowing the mother's appeal, and declining to stay execution of the order permitting the mother to leave Singapore with the child. But the mother was to notify the father as to her and the child's whereabouts, so that the father could make his applications in the right forum:

- (a) By the time of the Family Court order, there were binding Indonesian court orders, including that the mother would have custody of the child.
- (b) The father's chances of success on appeal were low, given that he was not only trying to overturn the Singapore court's decision but could not make any further appeal against the Indonesian orders.
- (c) The father's request to prevent the mother from taking the child to Indonesia would require the Singapore courts to restrict the citizenship rights of Indonesian nationals to return to their home country, which was an issue more appropriately dealt with by the Indonesian court.
- (d) As the Indonesian court had already made its orders on the child, there would be a conflict if the Singapore court also made such orders. Hence, the parties should resolve their issues in the Indonesian courts.

Key takeaways: When considering applications in respect of a child, the court will defer to the jurisdiction with the strongest connection to the child - in this case, the parties were Indonesian citizens, Indonesia was their home country, and the Indonesian courts had already made substantive orders on the child. The court is also mindful to avoid conflicting orders.

3. Procedure and costs

3.1 WPG v WPF [2026] SGHCF 2

Adjournments — Self-represented litigant seeking multiple adjournments for repeated heart attacks

Family Division of the High Court

Brief facts: The parties married in 2009, had 2 children, began living apart from October 2019, and the wife filed for divorce on 4 August 2022. The husband contested the divorce strenuously, leading to significant delays. He filed a striking out application on 12 June 2023, which was dismissed, and his appeal against that decision was also dismissed. He further appealed to the Family Division of the High Court, but this appeal was also dismissed, on 29 July 2024.

The contested divorce hearing was scheduled for 13 August 2024, but was adjourned, with the husband claiming that he suffered from a heart issue. It finally proceeded on 9 September 2024 and was conducted remotely to accommodate the husband's medical condition. However, he had pre-arranged for an ambulance to arrive during the hearing! After the wife completed her evidence-in-chief, the husband refused to cross-examine her, and the hearing was terminated when the ambulance arrived. The husband then filed a recusal application against the district judge which was dismissed on 30 September 2025. He appealed. The contested divorce hearing was adjourned to 22 October 2024 and further adjourned for the hearing of the recusal application appeal. This appeal was fixed on 19 November 2024 and 11 December 2024 but was adjourned on account of the husband's heart condition. The court finally heard and dismissed the recusal application appeal on 28 February 2025. The husband had also filed an application to stay the divorce proceedings pending the recusal application, which was dismissed on 23 October 2024. The contested divorce hearing was adjourned 9 times between August 2024 and March 2025, with the husband complaining each time that he suffered from a heart condition.

On 5 March 2025, the Family Court finally granted the interim judgment. The husband appealed. On 22 January 2026, the day before the appeal, the husband stated he was not able to attend court because of his heart issue. He had also failed to file a reply affidavit or respond to the wife's written cross-examination questions (the court had directed an exchange of written questions and reply affidavits in October 2024, due to the husband's continued refusal to participate in oral cross-examination).

Held, dismissing the appeal and directing the wife to “finalise the ancillary matters of the divorce”:

- (a) The husband's heart failures had all occurred either on the eve of court proceedings or on the day of the proceedings, and once in the midst of court proceedings when it appeared that the proceedings were not going his way.
- (b) The husband's medical report in relation to the appeal hearing on 23 January 2026 only stated that the husband complained of chest pain at rest, and there were no further details.
- (c) Ultimately, the husband's conduct showed that he had no intention of pursuing the appeal.

Key takeaway: When a party's medical emergencies consistently coincide with court dates over a long period, especially when the medical reports lack substance, he or she will lose credibility. Stonewalling has its limits – the court will eventually proceed despite the party's non-co-operation.

3.2 XNG v XNH [2026] SGHCF 4

Costs — Costs and therapeutic justice

Family Division of the High Court

Brief facts: The wife in whose favour a post-judgment *Mareva* injunction was granted in *XNG v XNH* [2026] SGHCF 3 (see above) sought \$40,000 costs on an indemnity basis. She argued she had won the application, numerous affidavits had been filed, and the husband had acted in bad faith with the intention of diminishing the assets due to her. The husband requested for no costs order to be made, on the basis that this would be in line with therapeutic justice.

Held, ordering the husband to pay to the wife standard (and not indemnity) costs of \$10,000 as well as reasonable disbursements:

- (a) Although the husband's conduct of repeated payment default was reprehensible and unacceptable, necessitating multiple enforcement action by the wife, the legal expenses were adequately addressed through an award of standard costs without additional punitive measures. The application was not complicated, even though substantial affidavits and submissions had been filed by both sides. The husband's conduct did not reach the standard of conduct unreasonable to a high degree, which was necessary for indemnity costs to be awarded. Costs on the lower end of the range for such applications would suffice.
- (b) The objective of therapeutic justice is to "insert non-legalistic elements of forgiveness, empathy and magnanimity into otherwise rigid legal rules so that parties may be reminded that simple humanity can resolve disputes without the harshness of the pound of flesh that they want the law to carve out for them." Thus, for therapeutic justice to be applied, parties had to first embrace the idea of it and not "insist on every ounce of the pound of flesh they were claiming".

- (c) The husband's attempt to change the consent order in *XNG v XNH* [2026] SGHCF 3 had "reopened the old wound", necessitating litigation to resolve the resulting issues. This was an abandonment of the parties' agreed therapeutic path and required the wife to engage in costly litigation. Hence it was not appropriate of him to cite therapeutic justice in asking for a no costs order.

Key takeaway: It is inappropriate to invoke "therapeutic justice" while acting in bad faith. The husband had abandoned the parties' agreed therapeutic path by failing to abide by the consent order, thus necessitating a court hearing – so he could hardly invoke therapeutic justice to avoid paying costs for not succeeding in the hearing.

3.3 XON v XOM [2026] SGHCF 6

Appeals — admission of further evidence on appeal

Family Division of the High Court

Brief facts: The divorced couple had represented themselves before the Family Court, which made orders on their children's maintenance, custody and access, among other issues. Both parties filed appeals against the decision. Both also wanted to introduce new evidence to support their appeals.

Held, dismissing the application of the husband and allowing the application of the wife but only to the extent of evidence on the husband's new address, the wife's rental contract, and the post-separation communications between the parties:

- (a) Rule 831(2) of the Family Justice Rules 2014 stated that no further evidence shall be admitted unless (a) the evidence relates to matters which have occurred after the date of the hearing of the judgment on appeal (post-hearing evidence"); or (b) the evidence satisfies special grounds ("pre-hearing evidence").
- (b) An appellate court has the discretion to allow a party to adduce post-hearing evidence. Even so, it will not do so as a matter of course. Instead, the post-hearing evidence will be admitted only if it will have a "perceptible impact" on the appeal decision. The appellate court would (a) ascertain what the relevant matters are, of which the evidence is sought to be given; (b) ensure that these are matters that occurred after the trial or hearing below; (c) satisfy itself that the evidence is potentially material to the appeal issues; and (d) that it appears to be credible.
- (c) By contrast, an appellate court will not admit pre-hearing evidence unless there are "special grounds" to do so. These "special grounds" refer to the conditions identified in *Ladd v Marshall* [1954] 1 WLR 1489: the evidence could not have been obtained with reasonable diligence for use at the hearing; the evidence must be such that, if given, would probably have an important influence on the result of the case (though it need not be decisive); and the evidence must be apparently credible (though it need not be incontrovertible).

- (d) The husband wanted to present evidence about his actual maintenance payments, his current income and expenses, and changes to the children's school fees. He claimed all this would show the maintenance order against him was too burdensome. But all this evidence, even if most of it comprised post-hearing evidence, related to varying the maintenance order made rather than challenging the original decision, and would not have a perceptible impact on the issues on appeal.
- (e) The wife wanted to present evidence about: the husband's limited access visits with the children (in the form of a self-produced table) ("the access table"), his new address and rental costs, his financial statements, travel tickets for herself and the children which were later refunded, her new rental agreement, post-separation WhatsApp communications between the parties, updated medical records for two of the children, proof of the withdrawal of the wife's child from a previous marriage from a special school ("withdrawal document"), and her historical tax statements.
- (f) The further evidence on the husband's new address, the wife's rental contract, and the post-separation communications between the parties related to custody and access arrangements rather than maintenance variation. Knowing where both parties lived (i.e. proof the husband's new address, the wife's rental contract) would allow the court to assess a feasible access schedule for the children. The post-separation WhatsApp communications would allow the court to assess the parties' ability to co-operate with each other. The adduction of these pieces of further evidence was thus allowed.
- (g) On the other hand, the access table was uncorroborated and partial evidence – it was self-produced and selectively put together by the wife. As for the evidence of the husband's rental costs, the husband's finances, the travel tickets, medical reports on two of the children and the withdrawal document, they were relevant to a maintenance variation application but not to the appeal. As for the wife's historical tax statements - they could and should have been adduced in the court below. Hence, these pieces of further evidence were rejected.

Key takeaways: If an applicant's financial circumstances have changed since a maintenance order, he or she should file a separate variation application rather than try to appeal the maintenance order. Adducing fresh evidence on appeal has a high bar - but evidence for custody and access issues may be admitted if they help the court to assess feasible arrangements (e.g. where they live, how they communicate).

4. Bankruptcy case involving a divorced couple

4.1 Farooq Ahmad Mann (in his capacity as the private trustee in bankruptcy of Li Hua) v Xia Zheng [2026] SGHC 6

Bankruptcy — Undervalue transactions — divorcing couple (one a bankrupt) colluding to put matrimonial assets out of creditors' reach

General Division of the High Court

Brief facts: A former husband (the "Bankrupt") and his ex-wife (the "respondent") allegedly operated a fraudulent investment scheme through two companies between 2009 and 2012. The couple purportedly divorced in China in 2013 and entered into an agreement (the "Shanghai Agreement") whereby the Bankrupt "ceded all his interest" to the respondent. During 2009-2012, they had purchased Singapore properties as joint tenants using misappropriated funds.

Following substantial investor losses in July 2016, multiple lawsuits were filed against the Bankrupt claiming millions of dollars. In July 2019, amid extensive litigation, the Bankrupt and respondent sold one property and entered into an interim judgment by consent in the Family Court, transferring all the Bankrupt's Singapore assets to the respondent whilst leaving him liable for mortgage payments and child maintenance. Shortly thereafter, they sold additional properties with all proceeds going to the respondent. The Private Trustee in Bankruptcy ("PTIB") subsequently sought to recover these assets under s 361 of the Insolvency, Restructuring and Dissolution Act 2018 ("IRDA").

Held, allowing the claim by the PTIB and setting aside certain transfers to the respondent and revesting the transferred assets in the PTIB:

- (a) Section 361 IRDA provides that the Official Assignee can apply to court for orders to set aside transactions entered into by a bankrupt at an undervalue within three years of the bankruptcy application.
- (b) The compelling evidence of collusion between the couple through cumulative circumstances suggested that the assets had been transferred by the Bankrupt to the respondent at an undervalue, notwithstanding their marriage:
 - a. The extreme imbalance in the IJ leaving the Bankrupt with nothing while assuming all obligations (he had never been so altruistic during the marriage!);
 - b. The suspicious timing of the IJ coinciding with creditor demands and claims exceeding \$10 million in 2019 (divorce proceedings commenced only after a creditor's letter of demand, and yet the parties allegedly divorced in Shanghai six years earlier);
 - c. Continued asset dissipation after freezing injunctions (the respondent withdrew \$3.4 million from the parties' joint accounts after the Bankrupt's freezing order and continued spending \$84,300 in two months on living expenses even after there was an injunction against her);
 - d. The respondent's pattern of non-disclosure (repeated delays in providing required financial information to the PTIB, unexplained cash sources etc); and
 - e. Continued financial intermingling between the parties (undocumented loans from the respondent to Bankrupt, her payment of his mortgage obligations without seeking recovery, and cohabitation until 2021).

- f. The Shanghai Agreement reinforced suspicions of pre-planned asset concealment by the couple (the parties jointly purchased a property in Singapore two years after their alleged 2013 divorce and jointly mortgaged it in 2018, acting as if the Shanghai Agreement did not exist).
- (c) Trustees in bankruptcy can challenge property transfers made under matrimonial court orders under the IRDA without the complex procedural burden of setting aside the underlying family court judgment itself.
- (d) Although matrimonial property transfers normally attract a presumption that full consideration had been provided for the transfers, evidence of collusion or dishonesty between spouses designed to defeat creditors will displace this presumption, making such transfers vulnerable to insolvency challenges.
- (e) Collusion can be inferred from cumulative suspicious circumstances - including timing, extreme asset imbalances, continued financial intermingling, and patterns of non-disclosure - without requiring direct evidence of agreement between the parties.

Key takeaways: one-sided matrimonial settlements where a spouse receives everything while the other gets nothing and even retains liabilities will face enhanced scrutiny if insolvency follows. Any disproportionate division must be legally justifiable, with comprehensive documentation of the reasoning for the division.