

Teo E Shen v Wakako Nakayama
[2012] SGHC 68

Case Number : Divorce No 3492 of 2010 (RAS No 184 of 2011)
Decision Date : 29 March 2012
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Sim Bock Eng, Chloe Mercy Lee Weiming and Loo Ee Lin (WongPartnership LLP)
for appellant/defendant Gregory Fong (John Tay & Co) for respondent/plaintiff
Parties : Teo E Shen — Wakako Nakayama

Family Law

29 March 2012

Choo Han Teck J:

1 This was an appeal against my decision varying the maintenance order made below. That was the sole issue here and below. The court below ordered the plaintiff ("husband") to pay lump sum maintenance of A\$7,200 within a month from the date of the order. The defendant ("wife") appealed against that order and after hearing submissions of counsel, I varied the lump sum payment to A\$72,000 on the basis of A\$1,200 a month for five years. The wife had claimed A\$500,000 below whereas the husband made no offer on maintenance because he claimed that the marriage was over within a year. He also claimed that she gained from the marriage by his efforts in helping her get a permanent residency status. He also claimed that she "sponged" off his parents.

2 The husband is a 35-year-old veterinary surgeon in Singapore. The wife is 42 years old and works as a Japanese translator in Australia. They met in Australia, married in 2001 and divorced in 2010 in Singapore based on four years separation. The husband claims that he earns about \$6,000 to \$7,000 a month. The wife claims that she earns A\$2,836 a month. When they married the husband was a student and the wife had just completed her post-graduate course in business management. During their marriage they lived in an apartment that belonged to the husband's parents. The couple were thus spared the expense of finding their own home for which one or both would have had to contribute financially.

3 The wife claimed lump sum maintenance of A\$500,000. Counsel for the husband submitted that this was a short childless marriage and that a low maintenance should be awarded because he disputed the allegation that the wife supported the couple when they first married, and further, that the husband does not earn very much as a veterinary surgeon. In response to the wife's assertion that he seemed to have a lot of money to withdraw, his counsel explained on his behalf that he made those withdrawals because he was "a frequent gambler with Marina Bay Sands".

4 The husband's counsel had also submitted that the wife's expenses of A\$3,326.60 were exaggerated and that A\$1,887.60 was more reasonable. Therefore, her salary should be able to cover her expenses with a surplus of A\$1,055. The trial judge assessed her expenses to be A\$300 a week (or A\$1,200 a month) but awarded only A\$150 a week for a year as maintenance "to help her move on in her life". In my view, the evidence, though not very substantial, inclined me to believe that a minimum sum of A\$1,200 would be a fair monthly amount and that a multiplier of five years would be a

reasonable one given that a clean break would be best in this case. I am of the view that the wife probably contributed to the household expenses in the early years of the marriage. The claims of the husband that the wife used his parents' money, lived in their apartment and gained permanent residency status through marrying him also suggest that the marriage was not as short as the husband wanted the court to believe. Taking into account the age and occupation of the parties, and the advantage of early payment, the overall sum of A\$72,000 seemed to me a fairer sum and I so ordered.

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