

Lim Choon Lai v Chew Kim Heng
[2000] SGHC 264

Case Number : Divorce No 678 of 1998
Decision Date : 05 December 2000
Tribunal/Court : High Court
Coram : Chan Seng Onn JC
Counsel Name(s) : Leroy Solomon Tan (Lee & Lee) for the appellant; Raymond Lye (Tan Lye & Ngaw Partnership) for the respondent
Parties : Lim Choon Lai — Chew Kim Heng

JUDGMENT:

Grounds of Judgment

1. The petitioner, Mdm Lim Choon Lai, appealed against the following orders made by the district judge, Ms Hamidah Ibrahim:
 - (a) That the matrimonial property at 83 Namly Avenue, Singapore be sold in the open market within 6 months and the proceeds of sale, less expenses connected to the sale, be divided equally between the parties.
 - (b) That the petitioner be given the 1st option, exercisable within 1 month, to purchase the respondent's share.
 - (c) That there be no order as to maintenance.
 - (d) That there be no order as to costs.
2. I dismissed the appeal. Mdm Lim has appealed against my decision with regard to (a) and (b) only. I now give my reasons.
3. Mr Chew Kim Heng, the respondent, had lived with Mdm Lim for 8 years before marrying her in 1970. In 1999, their marriage of 29 years was dissolved. Their two children are now adults.
4. Mr Chew worked as a clerk since 1958. Mdm Lim, graduated in 1968, and became a school teacher. The matrimonial property was purchased in 1979. It was not disputed that the cost of the purchase and renovations amounted to \$229,000. To finance this, they took a loan of \$90,000. Both contributed towards the instalment payments equally. The loan had been fully repaid.
5. With regard to the balance of \$139,000, Mr Chew alleged that his share was \$125,000 whereas Mdm Lim said that his contribution was only \$22,768.82 and she paid the rest.
6. The judge examined the details and rightly found that both could not substantiate their respective claims. Mdm Lim however conceded that \$22,768.82 was contributed by the husband and another \$6,995 came from the profit of the sale of a Holland Road flat, which she said both should be given equal credit. Thus, the balance of \$109,237 remained in dispute. To deal with this, the judge took account of the fact that Mr Chew started work 10 years earlier. She found that it was highly probable that Mr Chew had accumulated more savings although Mdm Lim's salary was higher. At best, their savings were equal. I could not fault that assessment.
7. With those findings, the judge found that Mr Chew contributed 58% while Mdm Lim's direct monetary contribution towards the purchase of the property was 42%. I checked the calculations and they should have been 55% and 45% respectively.
8. However, Mdm Lim said that she looked after the welfare of the family and was the primary caregiver of the children. As such,

she claimed a 90% to 95% share of the matrimonial property now worth about \$1,700,000.

9. The judge recognised that she made indirect contributions. But so had he. The judge said: "*According to her, he was also mainly responsible for running the household and raising the children.*"

10. The judge noted that Mdm Lim had accumulated CPF monies of \$375,368.07, which formed part of the matrimonial assets. The judge did not see it fit to include that in the equation for division thus favouring Mdm Lim in this regard.

11. By applying a broad-brush approach, the judge felt that by allowing her to keep her CPF savings and giving her a 50% share of the property, Mdm Lim was in fact getting 60% of the matrimonial assets.

12. I saw no reason to interfere with her apportionment. In my opinion, her division was eminently reasonable and equitable in the particular circumstances of this case.

Chan Seng Onn

Judicial Commissioner

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