

See Toh Mei Yew v Shee Ping Fatt and Another
[2009] SGHC 200

Case Number : DT 3016/2007
Decision Date : 02 September 2009
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Ellen Lee (Ramdas & Wong) for the plaintiff; Foo Siew Fong (Harry Elias Partnership) for the defendant
Parties : See Toh Mei Yew — Shee Ping Fatt; Fu Ying

Family Law

2 September 2009

Choo Han Teck J:

1 The parties in the matter of the ancillary matters before me were both 63 years old. The husband defendant was a public accountant practising in his own firm. The plaintiff was a housewife. They married on 12 May 1973. Their son is now 34 years old and their daughter is 32 years old. The divorce was based on the ground of the defendant's adultery with the co-defendant.

2 After hearing lengthy submissions I made the following orders on 21 May 2009:

- (1) The plaintiff be entitled to a 45% share of the matrimonial flat and the defendant, 55%.
- (2) The defendant pays a lump sum of \$400,000 towards maintenance of the plaintiff.
- (3) The parties are to retain all other assets in their respective names, but assets in joint names to be divided equally.
- (4) Each party to bear his and her own costs.

On 29 June 2009 I allowed the defendant's application to pay the lump sum maintenance from the proceeds of the sale of the flat. The plaintiff did not object to the application if the flat was to be sold within reasonable time. The parties had agreed to appoint a valuer and have the flat sold by end of December 2009.

3 On 28 August 2009 I resolved some residual disputes as to what money ought to be taken into account when dividing the proceeds from the sale of the flat as part of the clarification of the orders made. In the interim, the plaintiff had filed an appeal on 19 June 2009 against one part of my original orders, namely, the award of \$400,000 lump sum alimony.

4 The dispute over the division of matrimonial property was contentious and a great number of allegations were made by counsel on behalf of both parties. The main complaint of the plaintiff was that the defendant tried to dissipate his assets and did not make full disclosure to this court. Counsel for the plaintiff submitted that the defendant's sale of his flat in Shanghai, China to the co-defendant was a sham and not proved. She also alleged that the sum of \$520,000 which the defendant said had

been lent to his friend and his sibling was also a sham. She claimed that the defendant was manipulating his accounts and paying her only a \$2,500 monthly maintenance which she found inadequate.

5 After perusing the affidavits and the submissions of counsel, I was of the opinion that the defendant probably did not disclose his assets fully. However, it would not be easy to track and ascertain his real worth without an extensive investigative audit, which could be done only at great expense and cost. I had expected the defendant as an experienced public accountant to have kept accounting records of his personal transactions but he seemed lax about his personal records.

6 Accordingly, taking into account the age of the parties and the length of the marriage, I decided that a lump sum maintenance would be more appropriate than an order for a monthly sum. Although the plaintiff claimed that the defendant's personal assets were worth up to \$5m, she was unable to prove it. Nonetheless, I am of the view that he would have at least \$1,000,000 from his career as an accountant, and evidenced from his purchase of a flat in Shanghai and the loan of \$520,000 to his friend and sibling. The plaintiff asked for a lump sum of \$500,000 which I thought was a little more than what I thought I would award. In the circumstances, I thought that \$400,000 would be a fair sum. I was of the view that the plaintiff should be given \$5,000 a month for a period of seven years, considering his income, the long marriage, the plaintiff's personal circumstances, namely her lack of personal income, and finally, their age. I rounded the amount downwards from \$420,000 ($\$60,000 \times 7$) to \$400,000. Anything less would seem a little inadequate given the means and wealth of the defendant.

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