

## The DATA:

To file for divorce, user must

Eligibility:

1. have the jurisdiction (s 93 WC),
2. past the 3 years from marriage (s 94 WC), unless user suffered exceptional hardship or depravation, AND

Facts:

3. at least satisfy one of the five valid grounds for Divorce (s 95, s95A).

Details rules below (based on Women's Charter (WC) and the case law attached).

Eligibility detailed explanation:

1. Have the jurisdiction: Pursuant to s 93 WC, either party must be domiciled in Singapore or habitually resident for 3 years prior to filing. No exception.
2. Past the Three-Year Bar – s 94 WC: Parties cannot file for divorce within 3 years of marriage UNLESS:
  - (a) Plaintiff suffered exceptional hardship; or
  - (b) Defendant committed exceptional depravity. • Court may refuse application if writ filed through misrepresentation or concealment - s 94(3).

- What is “**exceptional hardship**”?
- ✓ *Ng Kee Shee v Fu Gaofei* [2005] SGHC 171 – Exceptional hardship upheld; court found wife unilaterally exited marriage, causing intense emotional impact on husband.
- ✗ *Tan Yan Ling Kyna v Chan Wei Zhong Terence* [2014] SGHC 195 – Claimed depression from abuse; court found insufficient evidence of exceptional hardship. PPO was available. In similar case, direct USER to apply PPO.  
<https://www.judiciary.gov.sg/family/apply-personal-protection-order>

## Case law:

### • Three-year bar- s93 WC

o *Ng Kee Shee v Fu Gaofei* [2005] SGHC 171

o *Tan Yan Ling Kyna v Chan Wei Zhong Terence* [2014] SGHC 195

## GROUND FOR DIVORCE (s 95, s95A WC)

### • Unreasonable behaviour - s 95A(a)(b)

o *Wong Siew Boey v Lee Boon Fatt* [1994] SGHC 35

- Unreasonable behaviour can be taken in “cumulative effect” if all the spouse's actions and inactions, even minor ones, throughout the marriage, rather than isolated incidents.

o *Teo Hoon Ping v Tan Lay Ying Angeline* [2009] SGHC 244

- Husband's disrespectful and verbally abusive conduct, primarily evidence through emails, make it unreasonable to expect the wife to continue living with him.

- **Adultery - s 95A(1)(a) WC**

- o *WQX v WQW* [2024] SGHCF 18

- **3-year Separation with consent- s 95A(1)(d) WC and**

- 4-year separation without consent s 95A(1)(e) WC**

- o *Leong Kwek Keong v Lee Ying Kuan* [1990] SGHC 8

- o *Tan Lee Tiang v Chia Thuan Hwa* [1993] SGHC 256

- **Desertion - s95A(1)(c) WC**

- o *YZ v ZA* [2008] SGDC 191

- **You may also divorce if you and your spouse both Mutually agreed to divorce - s95A(1)(f) WC**