

BNH v BNI  
[2013] SGHC 283

**Case Number** : Divorce Transferred No 4659 of 2012  
**Decision Date** : 30 December 2013  
**Tribunal/Court** : High Court  
**Coram** : George Wei JC  
**Counsel Name(s)** : Foo Siew Fong (Harry Elias Partnership LLP) for the plaintiff; Loy Wee Sun (Loy & Co) for the defendant.  
**Parties** : BNH — BNI

*Family Law – matrimonial assets – division*

*Family Law – maintenance – child*

*Family Law – maintenance – wife*

30 December 2013

Judgment reserved.

**George Wei JC:**

**Introduction**

1 This is my judgment in respect of the ancillary matters in Divorce Transferred No 4659 of 2011. The parties have agreed on joint custody of the children with care and control to the plaintiff-wife ("the Wife") with reasonable access to the defendant-husband ("the Husband") and the matters which remain are the division of the matrimonial assets, maintenance for the wife and children, and the costs of these proceedings. There is also a secondary legal issue concerning whether the Wife should be allowed to claim costs of a private investigation report from the Husband.

2 After hearing the parties, my decision is that the Wife is to receive 25% of the nett value of a property known as the [VS] property in full and final satisfaction of her claim in the matrimonial assets. As for the issue of maintenance, the Wife is awarded a nominal sum of \$1 per month, and the children a sum of \$9,500 per month. The maintenance for the children is to be borne equally by the Wife and the Husband; the Husband is accordingly liable to pay \$4,750 per month to the Wife as maintenance for the children. The Husband is to pay the Wife \$10,000 that being the cost the Wife is allowed to claim for the private investigation report.

**The Facts**

***The Parties and their marriage***

3 The Wife is 35 years old and is a dentist employed by [PD] Pte Ltd, and holds the title of Associate Dental Surgeon. The Husband is 42 years old and is employed by [AU], and holds the title of Regional Chief Investment Officer, CIO APAC.

4 The parties were married on 16 December 2003, and there are two children of the marriage. They are:

- (a) [TY] – six years old, daughter; and
- (b) [CT] – four years old, son.

### ***Milestones in the marriage***

5 In 2003, the Wife left for the United States for a three-year course to pursue her post-graduate studies. In mid-2006, the Wife returned and the couple resided in [address redacted] (“the [EH] Property”), which was a property the Husband had purchased in 2002. Following the sale of the [EH] Property in 2006, the parties purchased a three-storey penthouse at [address redacted] Singapore XXX895 (“the [VS] Property”) registered in their joint names. They took possession sometime in mid-2007.

6 The marriage began to breakdown and in September 2012, the Wife with the children left the [VS] Property to stay with her parents. The Wife commenced divorce proceedings on 26 September 2012 and interim judgment of divorce was granted on 10 January 2013.

### **Division of matrimonial assets**

7 The starting point for the division of matrimonial assets is s 112(1) of the Women’s Charter (Cap 353, 2009 Rev Ed) (“WC”) which gives the court the power to order division of matrimonial assets and a wide discretion in doing so. Section 112(2) further provides for certain factors to be considered, and these are not exhaustive.

### ***Other potential matrimonial assets***

8 I start off first with the general financial positions of the parties with respect to the matrimonial assets that were in their individual names. While the main matrimonial asset was the [VS] Property, it is important to consider the potential pool of matrimonial assets that is to be divided. Not including the [VS] Property, counsel for the parties submitted different figures for the pool of matrimonial assets: counsel for the Wife submitted a value of approximately \$1,276,867.36 [\[note: 1\]](#) (the Husband’s total being \$988,235 and the Wife’s total being \$288,632.36), while counsel for the Husband submitted a figure of \$744,326.48. [\[note: 2\]](#) The difference is largely attributable to differing values for the Husband’s other assets. A comparison of these figures is set out in the table below:

Item	Wife’s figures <a href="#">[note: 3]</a>	Husband’s figures <a href="#">[note: 4]</a>
CPF	\$404,933.77 (total of sum in CPF Ordinary, Medisave and Special accounts)	\$362,357.77
Bank accounts	\$226,888.24	\$9,178.10
Shares (in UBS)	\$77,964	\$106,076.20
Husband’s car	\$155,000	\$0

9 As can be seen, there is a significant difference in the valuation of the Husband’s bank accounts and car. As the car was still subject to an outstanding hire purchase loan, I am inclined to prefer the Husband’s figure of \$0 in this case. Likewise, the wife had mistakenly considered the sum in

the Husband's OCBC overdraft account no [XXX]-[XXX]-[XXX]-001 as a credit (in the positive), when in fact it was a debit (in the negative) given that it was an overdraft account. [\[note: 5\]](#) This amounted to a total difference of \$372,710.14:

Item	Difference (Wife's value less actual value)
Bank accounts	\$226,888.24 – \$9,178.10 = \$217,710.14
Car	\$155,000 – \$0 = \$155,000
<b>Total difference</b>	<b>\$372,710.14</b>

10 Deducting this from the Wife's submitted value of \$1,276,867, this would bring the Wife's asserted figure down to \$904,156.86 (meaning that the Husband's total assets amounted to \$988,235 – \$372,710.14 = \$615,524.86 and Wife's total assets amounted to \$288,632.36), which is comparatively closer to the Husband's submitted figure of \$744,326.48. Given the oft-differing positions that the parties have taken on financial matters and that the figures were continually changing due to various contributions and withdrawals by the parties, I found it helpful to use the average figure of \$824,241.67 in considering the pool of matrimonial assets to be divided. Using this figure, the adjusted figures for the values of the assets held by each party will be as follows:

Wife's submitted value for Wife's assets	Husband's submitted value for Wife's assets <a href="#">[note: 6]</a>	Average
\$288,632.36	\$211,389.63	\$250,011
Wife's submitted value for Husband's assets	Husband's submitted value for Husband's assets <a href="#">[note: 7]</a>	Average
\$615,624.86 (adjusted)	\$532,936.85	\$574,280.85

(a) Husband – \$574,280.85 (approximately 70%); and

(b) Wife – \$250,011 (approximately 30%).

To me, this is a fairer representation of the share of assets held by parties, and also accords well with the fact that the Husband's income was about twice that of the Wife's. That said, while it is clear that the Husband is financially more able (and understandably so given his higher income), the difference in financial standing was not as stark as the Wife had submitted.

### ***Direct contributions to the [VS] Property***

11 There is not much dispute as to sources of the bulk of the direct contributions to the [VS] Property, which were the sale proceeds of the [EH] Property, contributions from the Wife's CPF, and contributions by the Husband to the mortgage repayments and renovations. However, the main dispute lies in how the proceeds of the [EH] Property should be "attributed" to the contributions of each party, as well as the Wife's contributions to the payment of mortgage loans and renovations.

12 I deal first with the Wife's submission that the sale proceeds of the [EH] Property should be

equally attributed to both parties. In calculating her direct contributions, counsel for the Wife submitted that the Wife contributed approximately 43% to the purchase of the [VS] Property. This was based on the assumption that the sale proceeds of the [EH] Property, calculated to be \$833,612, [\[note: 8\]](#) was to be equally attributed to each party (ie, the contribution of the Wife would be \$833,612 divided by two).

13 As briefly stated above, the [EH] Property was purchased by the Husband in 2002, assumingly with his own funds [\[note: 9\]](#) as the Wife has not submitted or tendered evidence showing otherwise. While the parties had married in 2003, they only moved in to the [EH] Property in mid-2006 when the Wife returned from her overseas studies. Very shortly after, [EH] Property was sold, and the [VS] Property was purchased. As such, it is clear that the [EH] Property was only used as the matrimonial home for a short period of time.

14 It is trite that the matrimonial home forms part of the assets to be divided. However, I found it rather surprising that counsel submitted that this, on its own, meant that 50% of the sale proceeds of the [EH] Property should be attributed to the Wife in considering the contributions to the purchase of the [VS] Property. Given the relatively short length of marriage at that point in time, and that the Wife was effectively overseas for 3 years (a point I will consider in further detail in considering indirect contributions later below), I am not inclined to adopt the Wife's position. If the sale proceeds of a previous matrimonial home were to be considered, it would be inherently more just to consider a hypothetical division of the home at that point in time given parties' various contributions (both direct and indirect). Therefore, I am more inclined to prefer the Husband's position that the sale proceeds of the [EH] Property should be largely attributed to his contributions.

15 I now address the Wife's submissions that she had contributed a sum of \$52,700 to the mortgage repayments and a sum of \$40,000 for renovations. I note that the Husband continues to pay the monthly instalments of the housing loan to this day, while the Wife contributes about \$1,485 from her CPF accounts on a monthly basis. The total amount of the housing loan instalments is about \$8,500 per month. Adopting the figures as submitted by the Husband, this table sets out the contributions of the parties:

Source	Husband	Wife
Cash payments	\$650,000	\$0
CPF payments	\$0	\$100,980
Mortgage repayments	\$646,000	\$0
Total	\$1,296,000	\$100,980
Percentage	92.77%	7.23%

16 Although the Wife submitted that she had contributed \$40,000 to renovations, I also note that the Husband likewise stated in his affidavit of assets and means [\[note: 10\]](#) that he had contributed about \$95,000 to renovating the house, and \$66,097 to other improvements. This was supported by invoices furnished by the Husband in his second affidavit for ancillary matters. [\[note: 11\]](#) In fact, in her submissions, the Wife stated that the Husband contributed a figure of \$274,705.40 to "renovations", [\[note: 12\]](#) although this more accurately included furnishings, fittings, appliances and landscaping as stated in the Husband's second affidavit for ancillary matters. [\[note: 13\]](#) I also observe that quite a bit

of these renovations were for a garden which the Husband meticulously maintained.

17 Nevertheless, if I were to include the Wife's claims of contributing to the renovations and mortgage repayments as well (and leaving aside the Husband's contributions to the renovations and improvements), the direct contributions will be as follows:

Source	Husband	Wife
Cash payments	\$650,000	0
CPF payments	0	\$100,980
Mortgage repayments	\$646,000	\$52,700 <a href="#">[note: 14]</a>
Renovations	—	\$40,000 <a href="#">[note: 15]</a>
<b>Total</b>	\$1,296,000	\$193,680
<b>Percentage</b>	87.00%	13.00%

18 I also note, however, that there seems to be a discrepancy between the figures as submitted by parties pertaining to the housing instalments paid by the Husband – while the Husband states that it is \$646,000, the Wife submits that this figure is only \$395,799.52 (as at January 2013). Using the Wife's figure as a starting point, taking into account the further payments the Husband would have been making for 2013, this would increase his contribution to \$470,549.44. Though this is still far short of the \$646,000 as submitted by the Husband, taking into consideration his contributions towards renovations and improvements of the house, I am of the view that it is unlikely that the percentage of direct contribution by the Wife would be much more than 15%.

### ***Indirect contributions***

19 I deal first with a preliminary point which is the Husband's assertion that the court should regard indirect contributions only from the start of cohabitation, which is six years even though the length of marriage was nine years. According to the Husband, since there was no "matrimonial asset" acquired, there could be no indirect contribution to the marriage during the first three years of the marriage.

20 I do not agree with the Husband's position on this. Section 112(10) of the WC provides that:

**112.—**(10) In this section, "matrimonial asset" means —

- (a) any asset acquired before the marriage by one party or both parties to the marriage —
  - (i) ordinarily used or enjoyed by both parties or one or more of their children while the parties are residing together for shelter or transportation or for household, education, recreational, social or aesthetic purposes; or
  - (ii) which has been substantially improved during the marriage by the other party or by both parties to the marriage; and
- (b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage,

but does not include any asset (not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the marriage by the other party or by both parties to the marriage.

As can be seen, any asset that is acquired *during* the marriage (save assets acquired by gift or inheritance) will automatically be regarded as a matrimonial asset. Therefore, while the Wife was overseas studying, the Husband continued to work and therefore any asset acquired by him will be considered a matrimonial asset. It was, therefore, incorrect for the Husband to assert that there was "no matrimonial asset" to contribute to, although admittedly, the main matrimonial asset was the [VS] Property which was acquired only after the Wife returned.

21 A more accurate way to consider the issue is to consider the extent of indirect contribution the Wife could have given to the marriage during this period of three years. Although the parties did not have any children nor did they live together during these three years, indirect contributions also include any emotional or feelings of support that the Wife could have provided while she was overseas. This is statutorily provided for in s 112(2)(g) of the WC, which includes "the giving of assistance or support by one party to the other party (whether or not of a material kind)" as a matter the court shall have regard to in the exercise of its power to order division of matrimonial assets. Therefore, I find it relevant to consider this period in determining the indirect contributions of the Wife.

22 In any case, the Husband also relies on his indirect contributions during this period of time. In his skeletal submissions, [\[note: 16\]](#) the Husband states that he had contributed to a number of purchases and expenses incurred by the Wife when she was in the United States. I also take into account the fact that during this period, it was not disputed that the Husband had made trips each year to the United States to accompany the Wife.

23 Now that I have addressed the period before cohabitation, I turn to address the indirect contributions of the parties during the latter six years of their marriage. Both the Husband and Wife in their supporting affidavits alluded to various instances where they had contributed to the household. There were numerous replies, allegations, and assertions, especially concerning how the children were taken care of. In doing so, the parties have sadly tried to downplay the amount of indirect contribution each party brought to the marriage.

24 Marriage is a partnership of efforts between two people who have decided to make a commitment to contribute jointly to build a life together. As is to be expected, parties will at times be imperfect in fulfilling their roles. This is especially so where both parties are working with career commitments and other commitments apart from the marriage. In this case, both parties were rather successful in their careers and held senior positions. Given the demands on their time, it is only natural that the arrangements made for looking after the children were different as compared to a household where only one party is working and the other party is the home-maker. I am, therefore, not impressed (in the sense of not finding helpful) by the fact that both parties had continually asserted in their affidavits that the indirect contributions of the other party to the marriage, especially in raising of children, were lacking.

25 I accept the Wife's evidence that she had some form of indirect contribution in maintaining the household. This would include aspects of the provision of food (eg, cooking meals), sharing some form of household chores with the family helper, and looking after the children. While she may have continued to juggle her career commitments with looking after the children, it is not disputed that the Wife took maternity leave to look after the children, showing attention by breast-feeding the children, as well as making the efforts subsequently to store the milk for feeds. It is also not disputed that the

Wife switched to working in private practice to give her more flexible hours to look after the children. While I accept the Husband's point that there was a domestic helper and that the children's maternal grandparents played a part in looking after them, this does not necessarily reduce the indirect contribution by the Wife.

26 On the other hand, I also accept the Husband's evidence that, even given the limitations of his time given his career, he did have a hand in looking after the children. Considering the evidence on the whole, the Husband did not strike me as a neglectful or absent father who did not spend time with his children. The Husband had detailed a number of instances, such as various visits to the doctor and his volunteering at the children's school, and these did not strike me as single isolated instances but, in general, reflected a caring and concerned father.

27 All in all, I felt that both parties had contributed more or less equally to the marriage in terms of indirect contributions. Both parties were professional working adults who cared for the family and their children, and given the constraints in time, had put in various measures to look after their children, be it in terms of relying on the children's grandparents, a domestic helper, or a part-time driver.

### ***My decision on division***

28 The general principles which guide the courts in the division of matrimonial assets are well established and need no elaborate repetition. As recognised numerous times, a broad-brush approach is taken and all forms of contributions, including those of an indirect nature, are taken into account. I also observe that there is no presumption of an equal division of the matrimonial assets. To this end, the comments of the Court of Appeal in *BCB v BCC* [2013] 2 SLR 324 ("*BCB*") at [10] are worth noting:

The broad-brush approach is particularly apposite because, in the nature of things, an approach that is rooted in the forensic search for the actual financial contributions of the parties towards the acquisition of the assets will inevitably fail to adequately value the indirect contributions made towards the other expenses that are incurred in the course of raising a family and will also be a heavily fact-centric exercise. Moreover, these facts will typically not be borne out by contemporaneous records, as underscored by the court in *Soh Chan Soon v Tan Choon Yock* [1998] SGHC 204 at [6] (cited by this court in *NK v NL*, as quoted above at [8] of this judgment). The broad-based approach also avoids what this court has described as an otherwise fruitless "mechanistic accounting procedure reflected in the form of an arid and bloodless balance sheet" that "would be contrary to the letter and spirit of the legislative scheme" underlying s 112 (see *NK v NL* at [36], an observation which was most recently referred to by this court in *AYQ v AYR* [2013] 1 SLR 476 ("*AYQ*") at [18]). Indeed, such a broad yet principled approach enables us to strike a balance between the search for a just and principled outcome in each case and the need to remain sensitive to the nuances of each fact situation we are confronted with. We pause to note - parenthetically - that this is why the Singapore courts have avoided extreme points of departure. For example, this court has held that there is no starting point, presumption or norm of an equal division of matrimonial assets, a holding that is wholly consistent with the legislative background which resulted in s 112 and its concomitant broad-brush approach (see, for example, the decision of this court in *Lock Yeng Fun v Chua Hock Chye* [2007] 3 SLR(R) 520 at [50]-[58]). Another example - to be considered in a moment - is the fact that the court will take into account both direct as well as indirect contributions by both parties to the marriage.

29 In deciding an equitable division of assets in this case, I have in mind the points discussed above pertaining to the direct and indirect contributions of parties. I also note the following cases that have come before the courts:

(a) In *AYQ v AYR* [2013] 1 SLR 476 (cited with approval by the Court of Appeal in *BCB*), parties had been married for 23 years, and there were two children of the marriage. Both parties were working during the marriage, one as an aesthetics doctor and the other as an eye surgeon. The Court of Appeal held that the division should be 40.96% to the wife and 59.03% to the husband.

(b) In *AKF v AKG* [2010] SGHC 225, the marriage lasted 13 years. Both parties were employed during the subsistence of the marriage. The wife was an auditor and the husband worked in the advertising industry, with an income level similar to the parties in the present case. There were two children of the marriage. The High Court awarded the wife 40% and the husband 60% of the combined value of the total matrimonial assets.

(c) In *Chow Hoo Siong v Lee Dawn Audrey* [2003] 4 SLR(R) 481, the marriage lasted 11 years, and there were no children of the marriage. Both parties were working, and the High Court awarded a division between the wife and husband in the ratio 35:65.

30 As can be seen, in the relatively longer marriages above, the apportionment did not exceed 40%, though I do keep in mind that each case will turn on its own peculiar set of facts and circumstances. I also take into consideration the comments of Steven Chong J in *Chan Yuen Boey v Sia Hee Soon* [2012] 3 SLR 402 at [34] that:

From my review of the cases, the proportion awarded to homemaker wives who have made modest financial contributions for marriages lasting 17 to 35 years with children ranged between 35% to 50% of the total matrimonial assets (see *ZD v ZE* [2008] SGHC 225, *Tan Cheng Guan v Tan Hwee Lee* [2011] 4 SLR 1148, *AXC v AXD* [2012] SGHC 15, *Wong Ser Wan v Ng Cheong Ling* [2006] 1 SLR(R) 416, *Yow Mee Lan v Chen Kai Buan* [2000] 2 SLR(R) 659, *Rosaline Singh v Jayabalan Samidurai* [2004] 1 SLR(R) 457 and *Lock Yeng Fun v Chua Hock Chye* [2007] 3 SLR(R) 520 ("*Lock Yeng Fun*").

31 After considering the points as mentioned above, the financial positions of the parties (including their respective incomes), the relatively shorter length of marriage, and the direct and indirect contributions of both parties, I am of the view that a 25% apportionment of the [VS] Property to the Wife is a just and equitable division of the matrimonial assets to the Wife. Taking the Wife's submitted figures for her direct contributions at their highest, this represents an approximate 12% uplift for her indirect contributions. In any case, this court is reminded that the division of matrimonial assets cannot be reduced to a simple mathematical accounting exercise.

### **Maintenance for the wife and children**

32 There is no significant dispute about the incomes of the Husband and the Wife. The Wife draws an average monthly income of \$19,162.42, [\[note: 17\]](#) while the Husband draws an average monthly income of approximately \$36,214.55. The main dispute centred on the expenses of the children, and the proportion to be borne by each party in maintaining the children.

### **Maintenance for the children**

33 Section 127(1) of the WC provides that "the court may order a parent to pay maintenance for the benefit of his child in such manner as the court thinks fit". Section 69(4) of the WC further provides a list of factors to consider in making this order.

34 The Wife claimed expenses of the children totalling a sum of \$14,024.23 (for both children) a



month. [\[note: 18\]](#) The Husband, on the other hand, submitted that \$8,387.96 was sufficient. I now elaborate on certain expenses which led to these different figures.

35 The first significant expense is attributable to a \$2,000 payment by the Wife to her mother for looking after the children. While it is not denied that the grandparents do look after the children, I am not convinced that this sum should be considered a form of "payment" to the grandparents or an expense of the children that ought to be borne by the Husband. In any case, there was little evidence supporting this arrangement.

36 The second significant difference was from a number of expenses which the parties could not agree on, with the Husband contending that they were too high. I was in agreement with the Husband (in principle, rather than in quantum) on a number of items in general: payment for [CT]'s soccer lessons should not be accounted for, the payment for the domestic helper was on the high side, and there should be some form of reduction for the driver as well. I also agree that birthday gifts and Chinese New Year *ang pows* should be individually borne by each parent. Therefore, I reduced the value of these expenses in coming to an appropriate sum of maintenance for the children.

37 Bearing these considerations in mind, I am of the view that a sum of \$9,500 (for both children) is a fair reflection of their expenses. This figure is reached after making the necessary deductions from the Wife's submitted expenses given my findings above (which is effectively the sum of \$14,024.23 less the sum of \$2,000 which is the Wife's "payment" to her mother and some further reduction in the expenses as mentioned at [36] above). Although the Husband earns more than the Wife, given my comments that marriage is really an equal partnership between the parties, I am of the view that the cost of maintenance should be equally borne by both parties. As asked for by the Wife, I am back-dating the maintenance order to October 2012 (which is the month after she filed for divorce), and the Husband is to pay the Wife a lump sum amount for the difference between the interim order and this decision of maintenance for the children. The courts have the power to back-date the date of maintenance, and often there are good reasons to do so. As stated by Woo Bih Li J in *AMW v AMZ* [2011] 3 SLR 955 at [9]:

... I do not see why a court should use the date of the decision on ancillaries as a reference point to determine when a person should start being liable for maintenance. In the absence of a claim for interim maintenance, a claim for maintenance will usually arise when or after a writ is filed for the dissolution of a marriage. Quite often, the dissolution of a marriage is dealt with first. This leads to an interim judgment. Other issues like maintenance, division of matrimonial assets, custody of and access to children, collectively referred to as "ancillaries", are dealt with later. So usually there are lapses of time from the filing and service of the writ to the date when the interim judgment is given and from the date of the interim judgment to the date when a decision is given on the ancillaries. Quite often each lapse of time is not due to the misconduct of either party, let alone the misconduct of the applicant for maintenance. Therefore, there is, generally speaking, no valid reason to use the date of the decision on the ancillaries as a reference point to commence maintenance. ...

38 While each case will turn on its on specific circumstances, given the young age of the children and the relatively higher expenses of the children, I am of the view that back-dating the maintenance is a more equitable result.

### **Maintenance for the Wife**

39 Although it is clear that the Wife earns a substantial income and can support herself presently and in the foreseeable future, I am awarding the Wife nominal maintenance of \$1 per month. This is to

preserve her right to make future applications to vary the maintenance order if required. I am only left to state that I am not entirely impressed that the Wife had asked for a nominal maintenance of \$100 instead of \$1, when it is clear from the case law that a sum of \$1 is the more appropriate sum for nominal maintenance.

## **Costs**

40 I deal now with the final point on costs. The main dispute between the parties is the incurrence of a hefty \$55,000 in private investigator's fees ("the PI Fees") by the Wife, who seeks an order that the Husband bear such costs. Costs are to follow the event and the Husband is not disputing that he is liable for the party and party costs of the uncontested divorce proceedings. However, a certain degree of reasonableness must be exercised by the parties in incurring costs, and the courts will not shy away from denying a party costs if they are incurred unreasonably.

41 Complicating this matter of the PI Fees is the Husband's allegations that the evidence showing that the Wife had indeed paid the fees is flimsy. The Wife had adduced a handwritten invoice from Covert Investigation Pte Ltd exhibited in her affidavit of assets and means. [\[note: 19\]](#) Since this was an unusually large sum for private investigator's fees, I am sympathetic to the Husband's scepticism as to whether the Wife had indeed incurred and paid for the report and services. Indeed, if the Wife had intended to claim costs for this, it would have been only reasonable to adduce better evidence supporting her claim for it, given the quantum of the bill.

42 As a result of this, the Wife through a letter to the court dated 2 October 2013 tried to admit a copy of an "official receipt" dated 8 November 2012 issued by Covert Investigation Pte Ltd to her for the payment of the sum of \$55,000. What followed was an exchange of correspondence by the solicitors of the parties to the court contesting the admission of this as further evidence.

43 I do not see a need to rely on the further "official receipt" to reasonably conclude that the PI Fees amounted to \$55,000, and therefore, the arguments relating to the admissibility of the "official receipt" was rendered moot. However, the solicitors should have included this piece of evidence in the Wife's earlier affidavits, and it was perhaps an oversight in this regard which led to the need for this series of letters concerning this "official receipt". Much costs, time, and ink could have been saved had the solicitors had the foresight to include this evidence in the Wife's earlier affidavits. Nevertheless, as mentioned, I am persuaded that the fees indeed amounted to \$55,000. This was evidenced by the voluminous and detailed report which was included in the Wife's supporting affidavits for these ancillary matters' hearings. I also saw no reason to suspect that the Wife had not have paid, or is not liable to pay for these services. However, I do note that there is some discrepancy in the Wife's initial assertion that she had paid for these services in periodic payments, and the fact that there was only a single "official receipt" which the Wife attempted to adduce. For such a large sum, it would only be reasonable to expect that individual receipts would have been issued for each periodic payment.

44 Nevertheless, it is now before me to assess the reasonableness of these costs incurred by the Wife. As Judith Prakash J held in *Goh Yong Hng v Cheong Yen Teng (Zheng Yanping) (mw) and another* [2003] 2 SLR(R) 530 at [18], this inquiry is whether the length of surveillance and the costs charged for surveillance were reasonable:

As regards quantum, the main issue was, as the judge correctly directed herself, whether the costs incurred were reasonable. The bulk of the costs related to the surveillance. Here, there were two issues, the first being whether it was reasonable to carry on surveillance for three days and the second being whether the amount charged for the three days surveillance was

reasonable.

45 In the present case, relating to the first issue as to the length of the surveillance, I note that surveillance was carried out from 22 August 2012 to 16 September 2012, which was a total of 26 days. This was reported by Covert Investigations Pte Ltd in their investigation report, C1-12-08-SV022, dated 20 September 2012 ("the PI Report"). In the PI Report, it appears that the main evidence the Wife would have relied on was that obtained on 10 September 2012, 13 September 2012, and 14 September 2012, where the Husband was captured behaving intimately with another woman. Given that the Wife relied on the Husband's improper association with two other women as the grounds for divorce, on hindsight, there was sufficient evidence on 10 September 2012 to support her petition. It was not entirely unreasonable to carry on for a few more days, but even in an exercise of prudence, the Wife had more than sufficient evidence by 13 September 2012.

46 As to the fees charged for surveillance, I note that there were approximately a total of 213 hours spent on surveillance. The table is an approximate breakdown of the hours per day:

Date and time	Hours
22 August 2012, 0700h-2100h	14
23 August 2012, 0700h-2000h	13
24 August 2012, 1100h-1100h	-
25 August 2012, 1400h-2300h	9
26 August 2012, 1100h-1200h	1
27 August 2012, 0800h-1800h	10
28 August 2012, 1100h-2100h	10
29 August 2012, 1400h-2100h	7
30 August 2012, 0800h-2100h	13
31 August 2012, 0700h-1400h	7
1 September 2012, 1300h-0000h	11
2 September 2012, 1300h-1800h	5
3 September 2012, 1700h-2100h	4
4 September 2012, 0900h-1800h	9
5 September 2012, 0900h-1700h	8
6 September 2012, 0900h-2200h	13
7 September 2012, 0900h-1500h	6
8 September 2012, 1300h-1400h	1
9 September 2012, 0900h-1000h	1
10 September 2012, 0700h-2100h	14
11 September 2012, 0700h-1800h	11

12 September 2012, 1100h–2100h	10
13 September 2012, 0800h–0000h	16
14 September 2012, 1200h–2000h	8
15 September 2012, 1300h–1800h	5
16 September 2012, 1700h–0000h	7
<b>Total:</b>	<b>213</b>

47 For 213 hours of surveillance, the Wife was charged \$41,400, which amounted to a rate of about \$195 per hour. In arguing that this was an unreasonable rate, the Husband adduced evidence showing that another firm providing similar services charged approximately \$400 per day, or \$6,000 for an “unlimited” package until evidence of infidelity was found. While it might not be fair to compare directly these prices as no evidence was adduced as to the manpower involved in the operation, I am of the view that the sum of \$41,400 was outstandingly unreasonable. Furthermore, I also note that there were a number of instances stated in the PI Report where the Husband was not located, or where surveillance carried on even though the Husband was with family. There was also a further claim for the costs of data forensic extraction from a number electronic devices owned by the Husband, which amounted to a sum of \$13,600. The Wife has led no evidence detailing the results of this data extraction.

48 Given the above considerations, I am of the view that the sum of \$55,000 claimed was not a reasonable one, and I award a sum of only \$10,000 for the costs of the PI Fees incurred by the Wife.

## Conclusion

49 In summary:

- (a) the property at [address redacted] Singapore XXX895 (*ie*, the [VS] Property) is to be sold in the open market within six months from the date of this order with the parties having joint conduct of sale;
- (b) Upon the successful sale, the proceeds shall be used to repay any outstanding housing loans and costs and expenses of the sale. The nett proceeds thereafter are to be apportioned 75% to the Husband and 25% to the Wife in full and final satisfaction of her claim for the division of the matrimonial assets;
- (c) for purposes of clarity, parties are to retain all other assets in their own names;
- (d) the Husband is to pay the Wife nominal maintenance of \$1 per month;
- (e) the Husband is to pay the Wife \$4,750 per month for the maintenance of both children; this is back-dated to begin from October 2012, and in this regard the Husband is to pay to the Wife a lump sum amount for the difference between the interim maintenance order and this maintenance order; and
- (f) the Husband shall bear costs of the PI Fees amounting to \$10,000.

50 Marriage is an equal co-operative partnership of efforts, and financial and non-financial contributions are equally recognised as both roles need to be performed equally well for the marriage to flourish. In the interest of helping the parties to move on and not to prolong this unhappy litigation, I make no further order as to costs of these ancillary matters proceedings.

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[\[note: 1\]](#) Pf Skeletal Submissions for AM Hearings at para 19.

[\[note: 2\]](#) Df Submissions for AM Hearings at para 5.

[\[note: 3\]](#) Pf Skeletal Submissions for AM Hearings at para 19, which refers to the Fact and Position Sheet (found at Tab 6 of the Pf Skeletal Submissions) at pp 8-14.

[\[note: 4\]](#) Df Submissions for AM Hearings at para 5.

[\[note: 5\]](#) Pf Skeletal Submissions for AM Hearings at Tab 6 p12 and Df 1<sup>st</sup> AOM dated 25 February 2013 at Tab F p 75.

[\[note: 6\]](#) Df Submissions for AM Hearings at para 5.

[\[note: 7\]](#) Df Submissions for AM Hearings at para 5.

[\[note: 8\]](#) Pf Skeletal Submissions for AM Hearings p 8.

[\[note: 9\]](#) Df 1<sup>st</sup> AOM dated 25 February 2013 at para 20(14).

[\[note: 10\]](#) Df 1<sup>st</sup> AOM dated 25 February 2013 at para 19.

[\[note: 11\]](#) Df 2<sup>nd</sup> Affidavit for AM Matters dated 22 March 2013 at Tab 5.

[\[note: 12\]](#) Pf Skeletal Submissions for AM hearings p 8.

[\[note: 13\]](#) Df 2<sup>nd</sup> Affidavit for AM Matters dated 22 March 2013 at para 53.

[\[note: 14\]](#) Pf Skeletal Submissions for AM Hearings p 8.

[\[note: 15\]](#) Pf Skeletal Submissions for AM Hearings p 8.

[\[note: 16\]](#) Pf Skeletal Submissions for AM Hearings at para 24(2).

[\[note: 17\]](#) Pf Skeletal Submissions for AM Hearings at para 9.

[\[note: 18\]](#) Pf Skeletal Submissions for AM Hearings at para 13.

[\[note: 19\]](#) Pf 1<sup>st</sup> AOM dated 28 January 2013 at p 41.