IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 19

Registrar's Appeal No 18 of 2024

Between

WPG

… *Appellant*

And

WPF

… *Respondent*

GROUNDS OF DECISION

[Courts and Jurisdiction — Judges — Recusal]

WPG
v
WPF

[2025] SGHCF 19

General Division of the High Court (Family Division) — Registrar's Appeal No 18 of 2024
Choo Han Teck J
28 February 2025

5 March 2025

Choo Han Teck J:

1 This was an appeal against the District Judge's ("DJ") dismissal of the appellant's application to recuse himself (*ie,* the DJ) from hearing the parties' divorce proceedings. The appellant, a 48-year-old Chinese citizen, is the defendant husband in the divorce action. He works as a chauffeur. The respondent, a 41-year-old Singapore citizen, is the plaintiff wife in the divorce action. She works as a nurse. The appellant claimed that the DJ was biased against him during the divorce trial on 9 September 2024 by refusing his multiple requests to adjourn the trial despite his medical condition. Both parties appeared in person before me.

2 The appellant claimed that he obtained a medical report dated 17 August 2024 from Dr Lim Choon Pin, a cardiologist at The Heart & Vascular Centre (Novena) Pte Ltd. The medical report diagnosed the appellant with "significant

coronary artery stenosis", as well as other medical conditions. Dr Lim recommended that the appellant was "medically unfit to attend court" from 13 August 2024 to 30 November 2024. The trial commenced on 9 September 2024, but prior to that date, the appellant told the DJ on multiple occasions (*ie*, 23 August 2024, 5 September 2024 and 6 September 2024) that he was medically unfit to attend court until 30 November 2024. Nevertheless, the DJ ordered the trial on 9 September 2024 to proceed.

3 The appellant argued that in proceeding with the trial on 9 September 2024, the DJ appeared to be influenced by the multiple adjournments sought by the appellant previously. He said that those adjournments were irrelevant in view of the medical report, and that the DJ should have erred on the side of caution seeing that there was a "high and unpredictable risk of death in the event of a cardiac arrest". Further, there was "no procedural reason" for the DJ to go against the view of Dr Lim. Regardless of the mode of the trial (be it online or in-person), the highly charged nature of a trial remained the same and could have affected the appellant's heart condition. The appellant also emphasised that the demands of efficiency (and prejudice caused to the respondent because of the delays) should not have outweighed the sanctity of a human's life. For these reasons, the appellant alleged that the DJ was biased and should have recused himself from the case. The DJ declined to recuse himself on the ground that the appellant had not made out a sufficient case of bias.

4 In the appeal before me, the respondent argued that the medical certificate dated 14 August 2024 and signed by Dr Lim, stated that the appellant was unfit to attend court from 13 August 2024 to 25 August 2024. The medical report dated 17 August 2024 was simply a "memo" rather than an actual medical certificate excusing him from court proceedings. She also pointed out that the appellant had been taking out multiple applications and appeals, such as the

present one, to delay the divorce action. The DJ did not seem to give the "memo" the same weight as a medical certificate, and ordered the trial to proceed but gave leave to the appellant to attend the proceedings via Zoom. Midway through, the appellant complained that he was unwell and an ambulance, that he had arranged to be on standby, took him to a hospital.

5 In his grounds of decision, the DJ outlined the procedural history of the case since it commenced on 4 August 2022. He observed as follows:

> "… the [appellant] was given ample latitude since September 2023 due to his medical issues, with six adjournments given over the course of his interlocutory appeal, and another six adjournments over the course of the present contested divorce hearings (two of which were prior to the 9 September 2024 hearing which is the subject matter of the recusal). It is noteworthy that despite being given respite since September 2023 to July 2024 from court proceedings, the [appellant] had chosen to put off his angioplasty procedure throughout this period, even though his own doctor had recommended that he undergo this procedure… The [appellant] then curiously fixed the angioplasty procedure on the first date of the hearing of the contested divorce hearing on 13 August 2024, with only 15 minutes' prior notice given to the court."

6 The DJ noted that the appellant had arranged for an ambulance several days before the trial on 9 September 2024, even before he faced any signs of an actual medical emergency. To accommodate the appellant's medical concerns, the court had also made special arrangements to permit the appellant to attend the hearing on Zoom from a private room in a hospital, clinic or any location to ensure that he could receive urgent medical assistance if necessary.

7 In my view, the DJ was entitled to take the procedural history of the case into account as it was relevant in exercising his discretion on whether to allow a further adjournment. The DJ was obliged to consider Dr Lim's recommendation in the medical report, but he was not bound by it. There was no evidence of the DJ's bias (actual or apparent) in forming the view that he

seemed to have taken, *ie*, that the appellant was wilfully trying to stall the proceedings. The DJ had determined that there was a "pressing need" to move the proceedings forward as it had been more than two years since the filing of the divorce writ. The DJ had assessed the situation and made reasonable accommodations, for instance, by granting multiple adjournments and shifting the mode of hearing. In any case, the present appeal was not a determination of whether the DJ had made the right decision but an examination of whether there was evidence of bias. The appellant's case was based on the allegation of bias, and by his submissions, it was clear to me that it was an allegation of actual bias. In any event, apparent bias did not seem relevant in the circumstances and I need not address it other than to see if any reasonable person would consider that the circumstances might lead one to think that the judge was in a position of bias and ought to recuse himself.

8 Impartiality is what judges can claim to be their suit of armour. Litigants may forgive a judge they think is not smart, but they will never forgive a judge they think is biased. A claim of bias, however, should not be lightly made, nor should a judge recuse himself just because such a claim is made. Judges make countless decisions in the course of a trial, and they may differ in the approach as to the conduct of a trial. Just as a litigant who has a strong case will prefer a strong judge, the litigant who has a weak case may prefer a more patient judge. Consequently, procedural decisions vary from case to case, and a judge cannot be expected to recuse himself just because he ruled against a litigant, or had ruled against the litigant on numerous occasions if that litigant had made the same unmeritorious applications repeatedly.

9 Given the history of the case, no fair-minded reasonable person with knowledge of those facts would have entertained any suspicion or apprehension that the DJ was biased: see *TOW v TOV* [2017] 3 SLR 725 at [31], citing

Re Shankar Alan s/o Anant Kulkarni [2007] 1 SLR(R) 85. It was rightly within the DJ's discretion to "[balance] the needs of justice with the demands of efficiency" and give directions for the expeditious disposal of the matter. I do not see how his decision to proceed with the trial was a demonstration of his bias. Even if the DJ was wrong to have ignored Dr Lim's medical report or "memo", it only means that the DJ exercised his discretion wrongly or made a wrong judgment. It does not mean that he was biased against the appellant. From the record, I am thus of the view that there were no merits to the appellant's appeal.

10 For the above reasons, I dismissed the appeal. I made no order as to costs as both parties appeared in person.

- Sgd -
Choo Han Teck
Judge of the High Court

Appellant/husband in-person.
Respondent/wife in-person.
