LAB's Case Digest (April-June 2024)

This digest features various High Court cases on family law and procedure, published since the January-March 2024 Case Digest, which LAB found to be of interest. Each case write-up only focuses on points which LAB found to be of interest and does not cover every issue that was considered in the case.

WXW v WXX [2024] SGHCF 24

Division of matrimonial assets — classification of a long marriage where a spouse had intermittent employment

Forum: General Division of the High Court (Family Division) ("HC")

Brief facts: The length of the marriage was 34 years and 8 months. The wife worked full-time for the entirety of the marriage. The husband was unemployed. He had left his full-time job about 9 years into the marriage. Since then, the husband had taken part in various business undertakings, which included running a home-delivery service for a year and conducting ad-hoc classes on financial markets without charge for 4 years. The HC had to consider whether for the purposes of division of matrimonial assets, the structured approach in *ANJ v ANK* [2015] 4 SLR 1043 relating to a dual-income marriage ("structured approach") should apply, or the framework in *TNL v TNK and another appeal and another matter* [2017] 1 SLR 609 ("*TNL* framework") would be more appropriate.

Key points:

(a) The HC held that the words "Single-Income" marriage must be interpreted in accordance with the facts and circumstances of each case. There must be a qualitative assessment of the roles played by each spouse in the marriage relative to the other. A spouse who had made substantial financial contributions to acquire matrimonial assets could still be regarded as a homemaker in a single-income marriage.

(b) The wife argued that the marriage was a dual-income marriage because the husband had made direct financial contributions when parties acquired their first matrimonial property. The husband was employed at that time. The wife further argued that while the husband was "unemployed", he was not a "house husband" since he took part in several business undertakings during the course of the marriage. Accordingly, she wanted the structured approach to apply. The HC rejected the wife's arguments.

(c) The HC accepted the husband's argument that the marriage was a single-income one, with the wife being the sole breadwinner. The HC held that the mere fact of a spouse having intermittent employment does not preclude the spouse from being the primary homemaker. In this case, the nature of the husband's business undertakings was consistent with his account that he had time and capacity to care for the children (this

was supported by evidence). Accordingly, the HC held that the *TNL* framework should apply.

(d) The HC, however, rejected the husband's argument that a large income disparity between parties would automatically render a marriage a single-income marriage.

(e) The HC held that there was no presumption of equal division of matrimonial assets under the *TNL* framework. The court's end goal is to reach a just and equitable outcome based on the facts of a case. Taking into account the length of the marriage, the size of the matrimonial asset pool, and the parties' respective financial and non-financial contributions, the HC ordered a ratio of 60:40 in favour of the wife.

TSANG LOLITA v PERSONAL REPRESENTATIVES OF ENG JAMES JR, DECEASED [2024] SGHC 151

Gifts – Inter vivos- whether there was intention to benefit recipient; formalities in making gift

Forum: General Division of the High Court ("HC")

Brief facts: The deceased, James Eng Jr ("Eng") died in 2018. Eng's wife predeceased Eng in 2011. The parties had a daughter ("A"). Eng was in a romantic relationship with one Lolita Tsang ("Tsang") while he was still married. Tsang was seeking S$8.5 million ("Amount") from Eng's estate, which she claimed was Eng's unfulfilled *inter vivos* gift to her. Eng had executed a deed of gift ("Deed") to transfer the Amount to Tsang. A was the representative of Eng's estate in the action, and counter-sued Tsang for S$8,195,757.58, being the balance in Tsang's bank account, which was opened by Eng in Tsang's sole name ("Bank Account"). Tsang subsequently closed the Bank Account and retained the monies for her personal use. The HC dismissed both parties' claims.

Key points:

(a) The key issue was whether the Deed was valid and enforceable. A argued that the Deed was invalid because it was neither sealed nor delivered to Tsang. Further, A argued that Eng had no intention for the Deed to be binding as Eng wanted to transfer the Amount to comply with certain bank requirements so that he could open the Bank Account in Tsang's name, and avoid the prohibitive estate duties and probate processes for an easy distribution of his liquid assets.

(b) The HC found that the Deed was valid and enforceable. Although the Deed was not sealed on the day Eng signed it, there was documentary evidence to prove that the Deed was likely sealed once the lawyers who had prepared the Deed had confirmed Eng's instructions to hand over the Deed to Tsang. The HC held that the physical manifestation of a seal is not required for a deed to be considered sealed. The key inquiry is whether Eng recognized and accepted the Deed as his and had the requisite

intention to execute it. The HC found that this was the case based on objective evidence before it, which included a copy of Eng's draft will and his email correspondence with his lawyers.

(c) The HC held that the act of delivery of a deed does not refer to an actual transfer of possession of the deed to the other party, but rather refers to any act that shows that a party intended to deliver the deed as an instrument binding on him. There is delivery even though the grantor retains the deed in his own possession. In this case, the provisions in the Deed sufficiently showed Eng's intentions to be bound by the Deed. The fact that the Deed was delivered to Tsang for the transfer of the Amount to the Bank Account also constituted delivery.

DIL v DIM [2024] SGHC 139

Recission of wife maintenance order

Forum: General Division of the High Court (Family Division) ("HC")

Brief facts: Parties were divorced in 2012 and had 2 adult children. As part of the ancillary orders, the husband was required to pay maintenance of $1,200 to the wife every month. The husband applied to rescind that order. The husband was 65 years old and had retired in 2023. The husband had also remarried and had a 6-year-old daughter from that marriage.

Key points:

(a) The HC held that the law of maintenance does not seek to create situations of life-long dependency by former wives on maintenance from their former husbands. Former wives are expected to regain some level of financial self-sufficiency.

(b) The wife was 69 years old and suffered from a slip disc. Although she could not be expected to find employment, the same could be said for the husband. On the facts of the case, the HC found that there was a change of material circumstances to justify a recission of the maintenance order — the husband was no longer able to maintain the wife and his present family since he was retired and he was no longer in a position to seek new work, whether due to his age or infirmity. The husband's CPF monies (albeit greater than the wife's) were essential to providing for his new family.

(c) The HC therefore ordered the husband to pay $600 a month as maintenance to the wife for a period of only 2 years.

WRU v WRT [2024] SGHCF 23

Relocation of children post-divorce

Forum: General Division of the High Court (Family Division) ("HC")

Brief facts: Parties were divorced in 2017. They had 2 children aged 12 and 10 respectively, who were Singapore citizens. The mother had care and control of the children. The mother's new partner was an American citizen. The mother therefore intended to relocate to the United States of America (US) with the children. The lower court dismissed the mother's relocation application. She appealed against that decision. The HC allowed the appeal.

Key points:

(a) The paramount consideration in relocation applications is the welfare of the child. This requires the balancing of several factors, which may have competing and irreconcilable considerations.

(b) Two important factors which are often diametrically opposite are (i) the reasonable wishes of the primary caregiver; and (ii) the loss of relationship between the left-behind parent and the children. There is no legal presumption in favour of allowing relocation when the primary caregiver's desire to relocate is not unreasonable or founded in bad faith. Nor is the loss of relationship between the left-behind parent and the children decisive in every case. In considering these two factors, the impact of the court's decision on the parents is *only relevant to the extent it is shown to have an impact upon the children.*

(c) Other factors that the court may consider include "the child's age, the child's attachment to each parent and other significant persons in the child's life, the child's wellbeing in his/her present country of residence, as well as the child's developmental needs at the particular stage of life, including his/her cognitive, emotional, academic and physical needs". The court can also consider the child's wishes pursuant to s125(2)(*b*) of the Women's Charter 1961 if the child is of an age to an express an independent opinion.

(d) Applying the various factors to the facts of the case, the HC found that relocation would be beneficial to the children. The HC found that it was more likely that the children would suffer greater harm if they were not allowed to relocate as compared to the harm suffered from the loss of relationship between the children and the father. The father had a poor relationship with the children, partly because the children resented the father for preventing them from relocating. The HC was therefore concerned that dismissing the relocation application would cause the children to further resent their father if they perceived that the father was the reason for the dismissal.

WXA v WXB [2024] SGHCF 22

Care and control orders — whether the husband's proposal regarding the children's care and control arrangements was, in substance, a shared care and control order

Forum: General Division of the High Court (Family Division) ("HC")

Brief facts: Parties were married for 17 years. The HC, amongst other things, had to determine the care and control of the 2 children of the marriage.

Key points:

(a) The husband wanted shared care and control, while the wife wanted sole care and control.

(b) The HC held that factors relevant to a shared care and control order included the children's needs at that stage of life, the extent to which the parents were able to co-operate within such an arrangement, and whether it was easy for the children, bearing in mind their ages and personalities, to live in two homes within one week. There is no legal principle against shared care and control, nor is there a legal presumption that this arrangement is always in the children's welfare.

(c) In this case, the husband's proposal (which amongst other things, required the wife to care for the children on *all weekdays*), in substance, did not constitute a shared cared and control arrangement. Rather, it was an arrangement where the wife had sole care and control of the children, with the husband having generous access to the children.

(d) The HC therefore ordered sole care and control to the wife, with specified access arrangements to the father.

LAB's comments: The court is likely to prioritize "substance" over "form" — the court will scrutinize parties' proposals relating to shared care and control arrangements, and see if such proposals, in substance, only seek to grant more access to a parent. If so, the court will be unlikely to make a shared care and control order.

WSY v WSX [2024] SGHCF 21

Division of matrimonial assets — whether parties' marriage was a dual-income marriage or a single income one

Forum: General Division of the High Court (Family Division) ("HC")

Brief facts: The matter involved cross appeals arising out of orders relating to the division of matrimonial assets and the maintenance orders made by the lower court. Parties were married in 2003. The marriage lasted for 19 years. Parties had 3 children to the marriage. The wife was

the primary caregiver of the children, though she was aided from time to time by domestic helpers. The husband was the sole breadwinner of the family. The lower court classified the marriage as a single-income long marriage and applied the approach in *TNL v TNK* [2017] 1 SLR 609 ("*TNL* framework") when dividing the matrimonial assets.

Key points:

(a) The wife was employed from 2003 to 2012, and she later worked in a retail shop, which was a partnership equally owned by parties and run predominantly by the wife between 2014 to 2021. Given that the wife had worked for a considerable part of the marriage, the HC held that the marriage ought to have been classified as a dual-income marriage, in which case, the structured approach in *ANJ v ANK* [2015] 4 SLR 1043 for the division of matrimonial assets would apply ("structured approach").

(b) However, the HC noted that in the present case, even if it were to apply the structured approach, the overall ratio for the division of the assets would be 50:50, which was similar to the starting point for division of assets under the *TNL* framework. The HC therefore did not overturn the lower court's apportionment of the matrimonial assets.

LAB's comments: This decision should be contrasted against the decision in *WXW v WXX* [2024] SGHCF 24 (see above), where the court held that the mere fact of a spouse having intermittent employment during a marriage, does not preclude the spouse from being the primary homemaker, and that such a marriage will be treated as a single-income marriage.

WLR AND ANOTHER v WLT AND ANOTHER AND OTHER MATTERS [2024] SGHCF 20

Family law procedure — costs orders for applications made under the Mental Capacity Act 2008

Forum: General Division of the High Court (Family Division) ("HC")

Brief facts: 3 siblings (J, W and T) had commenced applications in respect of their mother (P), who lacked mental capacity:

(1) J applied to be the joint deputy together with a professional deputy ("PD1") for P ("J's application");

(2) W applied to be the joint deputy together with J and PD1 for P ("W's application");

(3) T applied for a different PD to be appointed as a sole deputy for P ("T's application)

(collectively, "deputyship applications").

Separately, T applied to revoke a Lasting Power of Attorney P had executed in 2019 ("revocation of LPA application").

The deputyship applications and the revocation of LPA application were heard together in April 2023 and a judgment was delivered in May 2023. The present case concerned the issue of costs.

Key points:

(a) Costs should follow the event pursuant to rule 852(2) of the Family Justice Rules 2014 ("FJR").

(b) The revocation of the LPA application was granted. Counsel for T argued that the costs should be borne by the estate of P pursuant to rule 190(1) of the FJR, which provides that the costs of proceedings under the Mental Capacity Act 2008 ("MCA") shall be paid by P or charged to his estate unless the court otherwise directs. J, who had objected to the revocation of LPA application, prayed for no order as to costs.

(c) The HC found that J had executed P's LPA despite a doctor's observations in two consultations where the doctor opined that P lacked mental capacity to execute an LPA. The HC held that the revocation of LPA application could have been avoided if J had not unilaterally disregarded the doctor's opinion. Accordingly, the HC ordered that J, and not the estate, personally pay T the costs of the revocation of LPA application.

(d) As for the deputyship applications, the HC noted that none of the siblings were *entirely* successful in their respective applications. However, the HC held that the determination of "event" for the purposes of costs goes beyond the "formal labelling of the outcome of an application" to the substantive outcome in the proceedings. In this case, the HC held that the substantive outcome was that J's application and W's application were granted in part. However, T's application was entirely dismissed. Hence, J and W should be entitled to the costs of their respective deputyship applications.

(e) On the issue of who should bear the costs of the deputyship applications, the HC held that the intention of rule 190(1) of the FJR is that where proceedings are instituted under the MCA for the benefit of P, the party who acts in the best interests of P should not have to unduly shoulder the costs of such legal proceedings.

(f) The HC found that only W's deputyship application was motivated predominantly by the best interests of P. Hence, the costs of that application was to be borne by P's estate under rule 190(1) of the FJR. As for J's application and T's application, the HC found them to be motivated by J's and T's personal interests. Accordingly, in respect of J's application and T's application (as between T and J), the HC ordered T to pay costs to J. As for T's application (as between T and W), the HC ordered T to pay costs to W.

DBA v DBB [2024] SGHC(A) 12

Division of matrimonial assets — whether parties' marriage was a dual-income marriage or a single-income one; and matters concerning the repayment of CPF monies utilised by parties in the purchase of their matrimonial home and child maintenance order

Forum: Appellate Division of the High Court ("AD")

Brief facts: Parties were married in 1990. The marriage lasted for 31 years. Parties had 3 children, one whom was a minor. The lower court held that the parties were in a dual-income marriage and therefore applied the *ANJ v ANK* [2015] 4 SLR 1043 structured approach in dividing the matrimonial assets. The key issue before the AD was whether the marriage was a dual-income marriage or a single-income one.

Key points:

(a) The wife worked as an insurance agent on a full-time basis between 1991 to 1997. She had taken on contract work with a "Temp Agency" from 2001, and thereafter worked in her own business from 2003 to 2013 before transiting back to contract work (with the exception of a 2-year stint of full-time work in 2005-2006). The wife's business was a small home-based handicraft business, which allowed her to take care of the children while earning a side income. On the other hand, the husband left full-time employment in 2016 and was engaged in contract work.

(b) The AD found that the wife had taken on more flexible (but less remunerated) work in order to have time to care for the 3 children (for example, she took a year-long maternity leave after the birth of each of her children to care for them). On the facts of the case, the AD found that the wife was primarily the homemaker for the majority of the marriage.

(c) The AD considered the husband's extensive involvement in the family, such as by contributing actively to the household chores, fetching the children to and from their activities and tutoring the children. After the husband had left full-time employment in 2016, he was also performing the household chores.

(d) The AD noted that the main breadwinner's involvement as a parent to some extent, or his substantial contributions to the financial welfare of the family, do not in themselves, render that party a primary or "joint" homemaker.

(e) In long single income marriages, the courts tend towards an equal division of the matrimonial assets. However, this is not an immutable rule. In the present case, the AD held that it was just and equitable to divide the assets in the ratio of 60:40 in favour of the husband. This would not undervalue the wife's homemaking contributions, while

giving due recognition to the husband's generation of income in the marriage as well as his significant non-financial contributions at home.

LAB's comments: This decision is consistent with the decision in *WSY v WSX* [2024] SGHCF 21 (see above). In characterizing whether a marriage is a dual-income or single-income one, the court's focus of analysis is on the *primary roles* carried out by the parties during the marriage.

Other matters

Repayment of CPF monies utilised by parties in purchase of matrimonial home

(f) The AD found that the lower court had erred in ordering that the CPF monies utilised by parties in the purchase of the matrimonial home should be refunded *before* distributing the proceeds from the sale of the matrimonial home in the division ratio ordered. The lower court's decision was inconsistent with the legal principles in *CVC v CVB* [2023] SGHC(A) 28 which provide that when a matrimonial property is sold and monies from the parties' CPF accounts previously utilised to purchase that property are repaid into their respective CPF accounts as required, those sums repaid must be taken into account in the calculations of the party's share of assets he or she is to receive in the division order.

(g) The AD held that repayment of CPF monies may be made (i) *before dividing the sale proceeds*, or (ii) *after dividing the proceeds and payments are made from each party's share of the proceeds.* Whichever approach is taken, the result in substance should be that the total value of the share received by each party must reflect the final division ratios ordered.

Maintenance for child

(h) The Husband had appealed against the lower court's order requiring him to pay $1,500 as monthly maintenance for the child. The AD did not overturn this order but observed that a broad-brush approach is appropriate in both the quantification of child maintenance and the apportionment of the maintenance obligation as between the parties. The AD also held that since a child's needs and expenses may fluctuate from month to month, "… *approaching child maintenance from a "budget" perspective is sensible and practical, instead of focussing on counting which dollar is meant for which specific expense*…".

VEW v VEV [2024] SGHCF 19

Child related orders — Transfer of a child to a different school must be in the best interests of that child

Forum: General Division of the High Court (Family Division) ("HC")

Brief facts: Parties were divorced in 2019. They had one daughter aged 9 and one son aged 7. Parties were awarded joint custody of the children, with sole care and control to the wife. The wife was a teacher in an international school. Following 2 court applications, the children were enrolled in the same local primary school as each other. The wife subsequently applied for an order to move the children from the local primary school to the international school, where she taught. The lower court rejected this application. The wife appealed against this decision, which was dismissed by the HC.

Key points:

(a) The wife, amongst other things, had argued that it was in the children's best interests for them to move into the international school because she would otherwise be unable to take care of them. She wanted to be able to travel to school together with the children. If the children studied in the same international school the wife worked in, the children would be dismissed from school around the end of her workday. This would allow her to spend more meaningful time with the children. The wife also argued that she was concerned about corporal punishment at the local primary school, which was not permitted in an international school.

(b) The HC found that the son had just begun primary school in January 2024 and it would be disruptive to move him to a new school. As for the daughter, she had assimilated well in the local primary school. It was therefore not in the daughter's best interests to displace her from an environment that she was thriving in.

(c) The HC held that the fact that the local primary school exercised corporal punishment, was not a sufficient reason for the children to be transferred to an international school. The Ministry of Education has guidelines on corporal punishment and prescribes it primarily for male students who commit serious offences, and it is only meted out when other corrective actions have been exhausted. In this case, there was no evidence to suggest that the children were likely to be subject to corporal punishment.

WOS v WOT [2024] SGHC(A) 11

Division of matrimonial asset — whether spouses' separation is a relevant consideration

Forum: Appellate Division of the High Court ("AD")

Brief facts: This case concerned a 20-year marriage, with the husband (a businessman) and the wife (a homemaker) living apart for around half that time. Parties were married in June 1999 and they separated a decade later, sometime in end 2010. The divorce was filed on 4 October 2018 and the interim judgment was granted on 12 March 2019. The issue on appeal was whether and how the fact and circumstances of the spouses' separation may be relevant in the division of matrimonial assets upon divorce.

Key points:

(a) The AD held that the starting or default position is that the date of the interim judgment (IJ) is the operative date to determine the pool of matrimonial assets ("operative date"). It follows that any asset acquired before the operative date would be an asset acquired during the marriage, while any asset acquired after the operative date falls outside the definition of s112(10) of the Women's Charter.

(b) The AD stated that while the court retains the discretion to depart from this default operative date, this discretion should only be exercised where the particular circumstances or justice of the case warrant it, or where there are cogent reasons to do so. For example, the "*ordinary factual concomitants of a failed marriage*" cannot, without more, justify a deviation from the operative date in favour of the date parties separated.

(c) The AD stated that the act of separation itself does not necessarily mean that both parties had intended for the marriage to come to an end. Ultimately, the enquiry should be whether there was sufficient evidence to show that the marriage had come to an end for both spouses at a different, proposed operative date. On this note, the AD observed that if parties had entered into a Deed of Separation, the operative date for determining the parties' respective contributions ought to be the date on which the date the Deed was signed.

(d) In the present case, the husband had argued that parties had intended to be separated in end 2010, and therefore that date of separation ought to be the operative date. The AD rejected this argument because the husband had continued to contribute to the family's expenses after the date of separation, such as paying for the groceries, utilities and management fees of the matrimonial flat. The husband also continued to support the living expenses of the wife and one of the children in the United Kingdom when the wife had accompanied the child for his tertiary education.

(e) The AD rejected the wife's argument that the date of the ancillary matters hearing ("AM date") should be adopted as the operative date because she continued to care for the parties' children after the IJ was granted, and that the husband benefitted by being given the freedom to spend more time on his work and accumulate more assets than he would have if he did not have the benefit of the wife's continued care for the children.

(f) The AD held that two factors could justify the use of the AM date as the operative date: (1) The first is where the amount of the salary and bonuses received during that period was "tremendous" relative to the value of the matrimonial assets; and (2) second, where the wife's care of the children and household prior to the granting of the IJ likely contributed to the husband's ability to earn the salary and bonuses received after the IJ.

(g) In the present case, a marriage of 20 years in which parties spent 10 years living apart, could not be considered a long single-income marriage. The AD held that while separation will not by itself warrant a departure from the operative date for the identification of matrimonial assets, the circumstances of separation are relevant to determining parties' respective contributions to the marriage, and ultimately to determining the proportions of division. For example, the court may award an entire or larger share of an asset to a party who acquired it after separation, if it was just and equitable to do so.

(h) The AD held that the extent of parties' indirect contributions to the marriage will be generally reduced after separation. In the present case, although parties maintained some contact with each other and the wife continued to care for the children, parties' significant period of separation reduced the indirect contributions which the wife could have made, compared to a homemaker maintaining a shared home and caring for the family in a long marriage to which the presumption of equal division was envisaged to apply.

(i) Taking into account the relevant circumstances of the case, in particular the length of the marriage, the parties' separated circumstances, and the fact that the matrimonial pool was sizeable with the majority of it acquired after parties' separation, the AD ordered a division ratio of 70:30 in favour of the husband.

Other matter

Return of certain monies to the asset pool

(j) The AD noted that any substantial sums expended during the period where divorce proceedings are imminent must be returned to the asset pool if the other spouse has at least a putative interest and had not consented (either expressly or impliedly) to the expenditure either before it was incurred or at any subsequent time. It does not matter whether the expenditure was a deliberate attempt to dissipate the asset, or for the benefit of the children or relatives. The spouse who makes such a payment must be prepared to bear it personally and in full.

(k) However, where the liability to pay legal fees may have arisen in the period when divorce was imminent, the AD agreed that parties can pay those fees without having to return the monies used to the asset pool.

WQX v WQW AND ANOTHER APPEAL [2024] SGHCF 18[1]

Grounds for divorce — standard of proof for adultery

Forum: General Division of the High Court (Family Division) ("HC")

Brief facts: The husband and the wife filed cross-applications for divorce. The husband claimed that the wife had behaved in such a manner that he could not reasonably be expected to live with her. The wife filed a counterclaim for divorce based on the husband's unreasonable behaviour ("UB") and adultery with another woman ("Co-Respondent"). The lower court accepted the husband's claim (in part) and the Wife's counterclaim, granting a judgment to dissolve the marriage based on UB *and* adultery. The husband and the Co-Respondent appealed against the lower court's finding of adultery. They submitted, amongst other things, that (a) the evidence adduced by the wife fell short of the required standard of proof for adultery, namely beyond reasonable doubt; and (b) even on the lower burden of proof (balance of probabilities), the wife had not discharged the burden. The appeal was dismissed by the HC.

Key points:

(a) Noting that the last reported high court case that accepted proof beyond reasonable doubt for adultery was *Tan Meng Heok v Tay Mui Keow (m.w) and Another* [1992] SGHC 100, the HC explained that the rationale was protection of the identities of parties unconcerned with the adultery, and the named parties themselves, if adultery was not proved. The HC commented, *in obiter*, that it might be arguable whether in modern times (where the names of parties are redacted) these would be sufficient reasons to warrant a higher standard of proof for adultery (which is normally reserved for the proof of crime and arguably, fraud in civil cases), especially when all other grounds for divorce in s95(3) of the Women's Charter can be proved on balance of probabilities.

(b) The HC noted that there is no clearly defined line of distinction between 2 standards of proof. The standard that meets the requirement depends on the nature of the case and the quality of the evidence. The HC stated that the lower court, which did not specifically say which burden of proof was applied, was not obliged to do so. It was sufficient if the lower court had found that evidence, on the whole, justified a finding of adultery.

[1] The decision was delivered on 27 March 2024 and was not included in LAB's Case Digest (January-March) 2024 issue.

(c) In this case, the HC found that adultery had been adequately proved *beyond reasonable doubt*, based on the evidence adduced, which included: (1) a private investigator's report commissioned by the wife; (2) the testimony of the Co-Respondent's partner, who had cohabited with the Co-Respondent for more than 10 years; and (3) statistics to show when and how long the husband's car was parked at the carpark near the Co-Respondent's flat.

(d) The HC noted that there has never been a requirement that adultery has to be proved by explicit evidence of sexual congress. The courts have accepted evidence of adultery on circumstantial evidence, so long as it was properly proved and the circumstances strong enough for the court to conclude that the parties had engaged in adultery.