

**Brian Mathew Sim Yeok Soon**

**... Petitioner**

AND

**Koh Hui Ching**

**... Respondent**

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**(High Court of Brunei Darussalam)  
(Divorce Petition No. 32 of 2018)**

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Hon. Edward TS Woolley, Judicial Commissioner.  
**8<sup>th</sup> October, 2019.**

*Defended divorce – unreasonable behaviour – finding of fact – ancillary matters.*

Mr Kelvin Lim Boon Khai & Ms Navrita Kaur (M/S Ridzlan Lim) for Petitioner.  
Respondent In Person.

## **JUDGMENT**

**Woolley, J.C.:**

This is a petition for divorce brought by the Petitioner who is the husband of the Respondent on the ground of irretrievable breakdown of marriage, the Petitioner claiming unreasonable conduct on the part of the Respondent. The Respondent, who appeared at the hearing but was unrepresented, has taken no steps in these proceedings for some time and has filed no opposition to the petition, apart from an application to strike it out, which was dismissed on 25 February 2019.

The parties were married on 16 September 2000 and lived together as husband and wife at No 14, Simpang 128-21, Jalan Tungku Link, Brunei from the date of the marriage until about 20 August 2017.

There are three children of the marriage, Isabelle Anne Sim Li Ying born on 28 February 2003, Mellisa Jane Sim Li Jin born on 25 July 2005, and Gregory Sim Yong Ji born on 28 August 2009.

The petition recites a number of instances of what the Petitioner submits amounts to unreasonable behaviour, including numerous arguments with him and his family members, and disrespect of his family members. This was confirmed by the Petitioner in his affidavit of 1

October 2019 and in evidence. There were, he claims, also instances of the Respondent threatening to commit suicide.

The Respondent suggested in evidence, while not disputing problems between the parties, and agreeing that some incidents did occur, that it was caused by the Petitioner's refusal to discuss anything and his failure to communicate, and her attempt at suicide was to try to prevent him divorcing her.

Although the Respondent says she does not want a divorce, and wants to try again to make the marriage work, I am satisfied that the Petitioner has established sufficient evidence of unreasonable conduct on the part of the Respondent, and that the marriage has broken down irretrievably.

I therefore grant a decree nisi on the petition of the Petitioner.

### **Ancillary relief**

#### **Custody**

The children of the family are now aged 16, 14 and 10. They now live with their mother, the Respondent, and there is no dispute that this should continue, subject to their wishes, all of them being of an age to decide such matters for themselves.

I therefore grant joint custody, care and control of the children to both parties.

#### **Maintenance and property**

The Petitioner says that his basic monthly salary as a pilot with the rank of Captain is \$7,500.00 per month. He pays the Respondent monthly \$2,000.00 into her account plus \$1,000.00 in cash. He also allows her a credit card with a \$500.00 monthly limit. He also pays for her maid at \$500.00 per month and all utilities for the house they live in for which he accepts liability for mortgage instalments. He also pays his children's school fees and he says pays extra when needed for clothes and holidays.

The Respondent does not dispute most of this and agrees that he has been generous and a good provider. But, she says, the amount paid to her is not enough and sometimes the credit card is refused.

I have to say that I regard the Respondent's position as untenable. She receives a total of \$3,500.00 a month from the Petitioner and has to pay no outgoings in respect of the house in which she lives, no school fees or the salary of the maid. After paying this, there would be little left of the Petitioner's salary for his own use and I consider it unreasonable that he should be required to pay more. If there is a change in circumstances then either party may apply to the court for an order, but I accept the undertaking of the Petitioner that he will continue making

the payments that are being made now, with the only difference being a payment of \$500.00 to the Respondent instead of the credit card with a monthly limit and in the circumstances here, and on the Petitioner's undertaking above, I consider it unnecessary to embody these arrangements in an order of the court.

The Petitioner also requests that the matrimonial home referred to above be held in trust for the children of the marriage until the youngest reaches the age of 18 years. The Respondent does not object to this although she is of the opinion that the age should be considerably older, possibly 30 or 35.

I do not agree with this and am of the view that the Petitioner's proposal is reasonable. I therefore order that the Respondent executes any necessary documents to put this into effect and, in the event that she fails to do so, that they be executed by a Registrar of the Supreme Court on her behalf.

There were a number of other prayers in the petition which the Petitioner did not refer to so I assume were not pursued, but the parties are at liberty to apply to the court for any further or necessary orders arising from these proceedings.

#### **Costs**

There will be no order as to costs.

**HON. EDWARD TIMOTHY STARBUCK WOOLLEY**  
Judicial Commissioner