Form 17

|  |
| --- |
| **IN THE SYARIAH COURT OF THE REPUBLIC OF SINGAPORE** |
| Originating Summons No. |
| Between |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (NRIC No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) … Plaintiff |
|  |
| And |
|  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(NRIC No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) … Defendant |
|  |
| **MEMORANDUM OF DEFENCE (BY DEFENDANT HUSBAND)** |
| 1. Particulars of Defendant:
 |
| 1. Age
 | :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Citizenship
 | :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Religion
 | :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Educational level
 | :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Occupation
 | :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Current Address
 | :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. The last address at which the parties to the marriage have lived together as husband and wife:
 |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Is your wife currently pregnant? Yes / No\*
 |
| 1. Are you an undischarged bankrupt? Yes/No\*

Are there any pending bankruptcy proceedings against you? Yes/No\* |
| 1. Have you attended Marriage Counselling Programme? Yes/No\*

If yes, please provide a copy of a letter from a Marriage Counselling Programme Agency. If not, you may not include a cross-application in your Memorandum of Defence unless (choose one of the following): |
| ☐ | (i) The Court has allowed this Cross-application to be filed on \_\_\_\_\_\_\_\_\_\_\_ [to state date] in Summons No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [to state number]. Please provide a copy of the Order of Court. |
| ☐ | (ii) I am an excluded party. Please state reasons and provide supporting documents. |
| 1. (a) Date and Place of Marriage:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (b) Marriage Certificate Number (for marriage registered in Singapore): [*To enclose a copy of the original marriage certificate/ or extract of marriage certificate*](c) Marriage Certificate Number or other reference particulars (for marriage registered outside Singapore): [*To enclose a copy of the original marriage certificate which has been attested by the proper authority, together with a certified true translation of the marriage certificate in English if the language is other than English or Malay]* |
|  |
| 1. Jurisdiction [*Please select (a) or (b)*]:
 |
| 1. \*The Court has jurisdiction based on domicile [*Choose one of the following*]:
 |
| ☐  | 1. I/the Plaintiff/Both the Plaintiff and I\* am/is/are\* Singapore citizen(s).
 |
| ☐ | 1. Neither I nor the Plaintiff is a Singapore citizen. [*State reasons for which the Court has jurisdiction based on domicile*.]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. \*The Court has jurisdiction based on habitual residence [*Choose one of the following*]:
 |
| ☐ | 1. The Plaintiff has been habitually resident in Singapore for a period of 3 years immediately preceding the date of the filing of this Originating Summons.
 |
| ☐ | 1. I have been habitually resident in Singapore for a period of 3 years immediately preceding the date of the filing of this Originating Summons.
 |
|  | S*tate the relevant details in either case:*(A) *Address(es) of the place(s) of residence:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(B) *The length of residence at each place:* *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* |
| 1. Defence:
 |
| \*(a) I confirm/do not confirm\* paragraph 4(a) of the Plaintiff’s Case Statement. |
| \*(b) I agree/disagree\* with paragraph 4(b) of the Plaintiff’s Case Statement. |
| (*If disagree, to state full particulars of the facts relied on but not the evidence by which they are to be proved.*) |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Particulars of all children [*To state, in respect of each living child of the parties*]:
 |
|  |
|

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| S/N | **Name of child** | **Birth Cert/ NRIC No.** | **Date of Birth** | **Gender** |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| 4. |  |  |  |  |
| 5. |  |  |  |  |
| **Are there any statements set out in the Case Statement concerning the living children of the parties that are disputed?**(*If yes,* *give full particulars of facts*) |  |

 |
|  |
| 1. (a) Related Proceedings (in any Court other than the Syariah Court):
 |
| To state if there are or have been other proceedings in [*Singapore/elsewhere (to specify)*] with reference to the marriage, or to any children of the parties, or between the Plaintiff and the Defendant with reference to maintenance or to any property of either or both of them. |
| If there are or have been such proceedings, please complete the following section:

|  |  |  |
| --- | --- | --- |
| S/N | **Nature of proceedings:** |  |
|  | **Suit number:** |  | **Date of Decree/order/judgment:** |  |
|  | **Date of application:** |  | **Country where proceedings filed:** |  |
|  | **Details of Order applied/made:** |  |
|  | **Status of Proceedings if no Decree/order/judgment made:** |  |
|  | **Plaintiff’s/Defendant’s Bankruptcy Details:** |  |
|  | **Pending Bankruptcy Details:**  | *(State the suit number, whether creditor’s bankruptcy application or debtor’s bankruptcy application, Name of Creditor, Amount of debt claimed, Status of proceedings)* |

 |
| (b) Related proceedings (in the Syariah Court): |
|

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| S/N | **The Plaintiff and I have previous matrimonial proceedings** | **Nature of proceedings** | **Date of divorce** | **Date of rujuk/remarriage** |
|  | **First Divorce** |  |  |
|  | **Second divorce** |  |  |

 |
|  |
| 1. Relief Claimed:
 |
| 1. That the marriage be dissolved.
 |
| 1. That I pay *nafkah iddah* in the sum of $\_\_\_\_\_\_\_\_\_ per month for the period of *iddah*.
 |
| 1. That I pay *mutaah* in the sum of $\_\_\_\_\_\_\_\_\_\_ for the duration of marriage of \_\_\_\_ years \_\_\_\_\_ months.
 |
| 1. That I pay the outstanding *emas kahwin* in the sum of $\_\_\_\_\_\_\_\_\_\_ (*if any*).
 |
| 1. That I pay the outstanding marriage expenses (*hantaran belanja*) in the sum of $\_\_\_\_\_\_\_\_ (*if any*).
 |
| 1. \*\*Custody/Care and control/Access\* of the child/children\* of the parties:
 |
| That I/the Plaintiff\* be granted sole/joint custody\* of the child/children\* of the parties.  |
| That I/the Plaintiff\* be granted care and control of the child/children\* of the parties or split care and control as follows: [*to state terms of and reasons for split care* *and control*]. |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| That I/the Plaintiff\* be granted reasonable access\* to the child/children\* of the parties or access as follows [*to state terms of access*]: |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. \*\*\*Division of the matrimonial home:
2. (For Housing And Development Board Flats Only):
 |
| ☐ | That the matrimonial home be surrendered to the Housing Development Board. |
| OR |
| ☐ | That the Agreement for Lease with the HDB be terminated. |
| OR |
| ☐ | That the matrimonial home be sold in the open market. |
| OR |
| ☐ | That my share in the matrimonial home be sold/transferred\* to the Plaintiff/the Plaintiff and a third party/a third party\*. |
| OR |
| ☐ | That the Plaintiff’s share in the matrimonial home be sold/transferred\* to me/me and a third party/a third party\*. |
| OR |
| ☐ | Others (please state full details of the agreement):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. (For private properties):
 |
| State proposal:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |
| 1. Division of other matrimonial assets (including CPF monies) (please specify):
 |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Others (please specify):
 |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |
| 1. I confirm/do not confirm\* paragraph 8 of the Plaintiff’s Case Statement. I am working as a earning a monthly/annual\* income of $ . To the best of my knowledge, information and belief, the Plaintiff is working as a earning a monthly/annual\* income of $ .
 |
|  |
|

|  |  |
| --- | --- |
| Affirmed at Singapore by the abovenamed ) ) )\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )this day of 20 . | Before me,**A COMMISSIONER FOR OATHS** |

 |
| \*Delete where inapplicable |
| \*\* Where there are children in the marriage, the Defendant’s Agreement to Plaintiff’s Proposed Parenting Plan/Defendant’s Proposed Parenting Plan may be filed together with the Memorandum of Defence. |
| \*\*\* Where the matrimonial asset in respect of which relief is being sought is an HDB flat, the Defendant’s Agreement to Plaintiff’s Proposed Matrimonial Property Plan/Defendant’s Proposed Matrimonial Property Plan & Particulars of Arrangements for Housing may be filed together with the Memorandum of Defence. |
| [Note: Please refer to Syariah Court website for ‘Instructions on obtaining the Relevant CPF Statement and Additional CPF Information’] |