

# Man goes to court to get grandma out of his flat

2/6/09.

A court had ruled earlier that he is rightful owner

By K. C. VIJAYAN  
LAW CORRESPONDENT

A 25-YEAR-OLD who successfully took his paternal grandmother to court over ownership of a three-room flat in Bedok Reservoir is now suing her for contempt of court.

Mr Garry Chee had taken 87-year-old Madam Foo Eng Ngoh to court nearly a year ago.

At issue: Who owns the flat.

Mr Chee said he was the sole heir, and had inherited the home from his late father.

But Madam Foo claimed it was part of the joint matrimonial property in which she had a share, despite her not being named.

The court ruled that Mr Chee was the rightful owner. But Madam Foo dug in and refused to hand over the keys and title deed when her grandson sought to claim what was rightfully his.

Now, Mr Chee, who wants to sell the flat to realise his dream of studying in Australia, has again turned to the law: He wants a court to rule that his grandmother is in contempt of its earlier order.

Last Friday, High Court Justice Andrew Ang, recognising the seriousness of the contempt-of-court charge and the sensitivity of frayed family ties, called for an adjournment. That would give the lawyers for both sides time to look for alternative answers.

The flat had been in the sole name of the young man's father, Mr Chee Han Meng.

In 1990, he divorced his wife Alice Lin, when their son Garry was only six.

Madam Lin moved out of the flat and brought up her son elsewhere.

In the meantime, the elder Mr Chee lived in the flat with his mother, Madam Foo.

In April 2006, the elder Mr Chee died of cancer at the age of 49 and the flat passed to his son under the law.

But Madam Foo disputed this, and both parties wound up in court.

The woman claimed that the flat, which had been bought by her husband, was held by her son in trust for her benefit.

She said she was left only with the flat and about \$900 in CPF money when her husband died.

But Mr Garry Chee claimed that the flat was part of his late father's estate due to him as the only son.

His submissions through lawyer Wong Shyen Sook said he filed the case with great reluctance and sadness, but that he had come to a crossroads in his life in desperate need of funds.

He noted that the \$53,000 in insurance money left him by his father had been claimed by his aunt, on the grounds that she looked after his father during his illness.

The court ruled in Mr Chee's favour last July after the submissions from both parties.

Contacted yesterday, both sides showed they had some way to go over the matter.

One of Mr Chee's aunts, Madam Doris Chee, choked with emotion when she recalled looking after her brother and at the thought of her mother losing the flat.

"We tried settling ourselves and it did not work so we are leaving it to our lawyer Mustaffa Bakar," she said.

Madam Lin said she had a duty to her son as a mother and spoke of the three-year struggle to get the matter settled.

"If you look at this quarrel between a young man and old lady, where do you think people's sympathies will lie?

"But that will be only looking at the surface. You have to look underneath and see the details."

[vijayan@sph.com.sg](mailto:vijayan@sph.com.sg)

## 法官: 她是你祖母 囚她何太急?

**高龄祖母不按庭令交出屋契, 孙子要求判她入狱。高庭法官说, 老妇已88岁, 且留医多天, 不知道还有多少时日。组屋是他的, 何必这么急?**

郑靖豫 报道

祖孙争夺三房式组屋, 获得组屋权益的孙子不满高龄祖母不遵守庭令, 迟迟不交出屋契, 要求高庭判她入狱。可是, 法官不明白孙子为何那么着急, 劝后者放弃拘禁祖母的申请。

澳洲留学生钱向存(24岁)从小父母离异, 他的父亲在2006年去世时未立遗嘱, 他以独子资格, 根据无遗嘱继承法令独自继承父亲名下的勿洛水池路一间三房式组屋。钱向存打算出售组屋, 以筹集到澳洲深造的经费, 可是住在这间屋子里的祖母符英娥(88岁)却不把组屋的钥匙与屋契交出。

钱向存于是在前年成功向高庭申请庭令, 要祖母交出钥匙与屋契。不过, 祖母迟迟没有动静。

钱向存月前申请拘禁令(committal order), 指符英娥不守庭令, 藐视法庭, 要法官判她坐牢。

高庭法官翁安德烈昨天审理这项拘禁令申请时, 通过钱向存的律师王嫻素劝导她的当事人放弃有关申请。钱向存和符英娥都没有出庭。

翁安德烈法官说: “我想知道你的当事人是否准备撤销申请……你的当事人申请对一个88岁老妇发出拘禁令, 她不是个普通的88岁老妇, 而是他的祖母。这么急, 干什么?”

法官指出, 他不是逼钱向存放弃拘禁的申请, 但老妇年迈, 加上健康欠佳, 这件事迟早会自然解决的。此外, 法官也反问王嫻素律师: “若你的当事人要继续这项申请, 你认为申请会被批准吗?”

据符英娥的律师穆斯塔法(Mustaffa)在庭上说, 他的当事人病重, 从本月5日住院至今, 所以他要求展期审讯。

法官又对王嫻素律师说: “我不是对老妇的状况感到悲观, 可是她已88岁, 且留医多天, 我不清楚她还有多少时日。若我是你的当事人, 对祖母我会以和为贵。组屋是他的, 何必这么急? 我不认为这会拖太久, 她已经88岁了。”

王嫻素律师告诉法官, 诉方是想通过注销原来的屋契, 让当局重发屋契以解决此事, 可是老妇却不配合。对此, 穆斯塔法律师解释说, 诉方要求他的当事人分担注销屋契的费用。至今, 他还未向诉方交待老妇是否愿意承担一半的费用。法官认为, 即使是注销屋契之事也不急着进行。在结束昨天的审讯前, 法官让王嫻素律师转告钱向存他的看法, 再了解钱向存会否改变初衷。此案展期, 择日续审。(部分人名译音)