

Fatwa no. 12898

Q: I have been married to my cousin for three months. I thought that she was a virgin and paid her Mahr (mandatory gift to a bride from her groom) based on that. However, on the wedding night, it was a great shock to know that she was not a virgin. She told me that when she was thirteen years old, she fell down from the roof which caused her to lose her virginity. Her family who knew this fact well did not tell me the truth and deceived me. Out of fear of Allah, I did not falsely accuse her and agreed not to disclose this fact to anyone.

I had sexual intercourse with her because of her insistence. Now, I dislike this woman whom I loved before. Could you please answer the following questions?

1- Is the marriage contract invalid as her Waliy (a legally accountable person acting for a woman regarding marriage) did not tell the truth and deceived me?

2- If this marriage is invalid, what is the ruling on having intercourse with her? Is it regarded as Zina (premarital sexual intercourse), if so, what should I do?

3- Is it permissible for me to divorce her as I can not bear living with her or her family?

A: If the Waliy (a legally accountable person acting for a woman regarding marriage) concluded the marriage in a lawful way, the marriage is valid. The contract is not canceled by discovering that the woman is not a virgin. Furthermore, having intercourse with her is not regarded as Zina. As for the divorce, it is permissible when necessary. The Mahr and all the post-divorce entitlements should be settled by the Shar`y Court.

May Allah grant us success. May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions.

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