

Fatwa no. 1090

Q: A person had a dispute with my wife during which he lost his temper and divorced her. He had divorced her twice before during fits of temper.

His Eminence, the Chairman, sent a letter to Shaykh Sulayman ibn `Aly ibn Dukhayl, the Chief Justice of the High Court in Al-Ta'if, directing him to ask the husband, the wife, and their guardian about the previous times of Talaq (divorce pronounced by a husband), the reasons behind the third time of Talaq, and whether the husband's fit of temper was fierce and outrageous or usual. The Chief Justice summoned the couple and two witnesses to attest their personalities; the first witness held passport no. 2826/17 issued on 19/2/1975 from Jeddah and the second one held passport no. 12669/17M issued from Jeddah. The Chief Justice asked the couple what exactly had happened. The husband said that he divorced his wife once and then he took her back in marriage. He divorced her again and then took her back in marriage. Later they had a dispute during the husband's illness and he divorced her for the third time. He wanted to take her back in marriage if permissible. The wife asserted the husband's words, saying that he had divorced her twice and took her back in marriage after each time. They had a dispute the last time and he was ill and hit her then divorced her in a fit of temper. The wife expressed her willingness to remarry him.

A: Since this man divorced his wife twice and took her back in marriage after each time then he divorced her for the third time, she would not be lawful for him until she would marry another person with a sound marriage contract and consummate the marriage, and this marriage would end lawfully.

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

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