

Fatwa no. 1992

Q: I wanted to give Talaq (divorce pronounced by a husband) to one of my wives so I took her to stay in the house of her father while she was pregnant. However, I did not pronounce any word of Talaq and I have not given her any Talaq before. I authorized a brother of mine to write the Talaq paper but he did not. Afterwards, I took my wife back in marriage before the child was born i.e. before the expiry of my wife's `Iddah (woman's prescribed waiting period after divorce or widowhood).

This was witnessed by my wife's father and another man.

A: Since you did not give your wife any Talaq and you only asked your brother, as a deputy for you, to write her Talaq but he did not do so; your marriage is still effective because neither yourself nor your deputy gave her any Talaq.

However, if you divorced your concerned wife and asked your attorney to write the Talaq that you pronounced but he did not do so; such a Talaq will be regarded as a valid Talaq.

If it is a revocable divorce, the revocation you did is valid because you took your wife back in marriage while she was still pregnant and her father along with the other man witnessed it.

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

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