

**Fatwa no. 317**

**Q: A man delegated his wife's maternal uncle to divorce her, and then he cancelled it. The husband gathered her relatives and told them that her uncle is no longer entitled to divorce her. Please advise.**

**A:** It is permissible for a husband to delegate one of his wife's uncles to divorce. Therefore, if this uncle divorces the wife before her husband backtracks on his delegation, the divorce takes place. However, it is valid for him to take her back in marriage provided that this divorce is not the third and she is still in her period of `Iddah (woman's prescribed waiting period after divorce). If her `Iddah has expired and he wants to take her back in marriage, he must conclude a new marriage contract, offer a new Mahr (mandatory gift to a bride from her groom), and she must declare her consent to marry him. In case this divorce is the third, she becomes unlawful for him unless she marries another man. If the husband backtracks on the divorce delegation that was made for his wife's uncle before the uncle pronounces the divorce and the uncle knows that the delegation has been cancelled but he pushes ahead with the divorce, it shall not be counted. This is because it has not been issued by an authorized person. Based on this, the woman shall still be married to her husband.

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

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