

Fatwa no. 400

Q: A husband gave his wife Talaq-ul-Battah (emphasized divorce), which cannot be revoked, before the Judge of Al-Hawtah. Since he was forced by his paternal uncles to pronounce this Talaq (divorce pronounced by a husband), he revoked it upon his will and the will of his ex-wife. Is this revocation valid?

A: If the reality is as mentioned, Talaq-ul-Battah which the man has gave his wife is deemed as a major irrevocable divorce after which the woman - if she has consummated her marriage - is not to be lawful for her ex-husband unless she marries another man and this marriage ends lawfully. In Hashiyat-ul-Muqni`, the author wrote:

"A husband may say to his wife, with whom the marriage has been consummated, 'You are divorced and I cannot take you back in marriage.'

Imam Ahmad (may Allah be merciful to him) commented to this by saying,

'This Talaq tantamount to a major irrevocable divorce. This is my opinion and the opinion adopted by Madh-hab (School of Jurisprudence) Abu Hanifah.'"

Accordingly, the revocation is invalid.

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

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