

Fatwa no. 926

Q: I married a woman and I traveled abroad and married the cousin of my deceased wife. When I returned home, I informed my wife about my second marriage and she agreed. One day, I went home to find her mother and brother. I argued with them and asked my wife to leave the house, but she refused so I told her that she was divorced and I left. Three hours later, I returned home and found her. I told her that I had already divorced her and asked her to leave the house but she refused. I went to the police station and brought a police officer, the domicile mayor, and the landlord with me and told them the story that I had divorced her but she refused to leave the house and that I want her to leave, for fear that something bad might happen between us. Three years have passed since this event and each of us wants to return to the other for the sake of our children. Please advise us.

A: If the reality is as you mentioned, that you divorced your wife and when you found that she did not leave the house you told her that you had divorced her and repeated this in front of the police officer whom you called to evict her from the house, this is considered one pronouncement of Talaq (divorce pronounced by a husband) because, in this case, the second and third pronouncements were confirmation of the first pronouncement of Talaq.

You can return to her with a new contract and a new Mahr (mandatory gift to a bride from her groom), provided that she gives her consent to remarry you and this has not been the third pronouncement of Talaq.

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

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