Fatwa no. 9372

Q: I married a fatherless woman and her brother acted as her Waliy (a legally accountable person acting for a woman regarding marriage) for the conclusion of the marriage contract. I married her with her consent as well as with the consent of her mother. They both signed the marriage contract in the presence of the marriage registrant. I issued a marriage document number thirteen on 11/3/1405 A.H. From the Shari`ah Court of Tayma'. However, the problem was that my wife's paternal uncle was against the marriage and claimed that I did not register the contract in the court. In order to convince him, I gave him the sealed marriage document which he refused to return to me. He insisted that I should divorce my wife. In the heat of the moment, I pronounced a single Talaq (divorce pronounced by a husband). I did not consummate the marriage with my wife. After what her uncle did, I went to some people and told them about what happened.

Please inform me whether this Talaq had taken effect or not. It should be noted that I told her brother and mother about what happened and they told me to get prepared for the consummation of the marriage and to take my wife if the Mufty (Islamic scholar qualified to issue legal opinions) would declare her lawful for me. I again direct the attention to the fact that I was in a fit of temper when I pronounced Talaq and I was forced to it because of her uncle.

A: If the reality is as you mentioned, it is permissible for you to conclude a new marriage contract and offer a new Mahr (mandatory gift to a bride from her groom) in the presence of two just witnesses, provided that the bride and her Waliy give their consent. The pronouncement of Talaq which you made is considered one single Talaq.

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

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