

Divorce initiated by the wife (خلع)

When a marriage bond is terminated on the wishes of the wife it is called Khula. (خلع).

When a wife wants to separate she can pronounce divorce three times just like a husband, if this has been mutually agreed in the special terms of the marriage contract (نكاح تامه). If not, then the wife can request the husband to pronounce the divorce. If the husband doesn't agree to this then the wife can go to the court to plead her case and the court can order the annulment of the marriage if the allegations against the husband are proved right.

A woman can use the right of separation (خلع) in the following conditions:

She doesn't like her husband at all.

- (a) The Judge comes to the conclusion that the couple can't stay together.
- (b) It is felt that otherwise the couple will turn to a sinful life.

The Quran-Surah Baqra, Ayat 229

“You are not allowed to take back anything which you have given your wives, unless both of you fear that you will not be able to keep within the limits set by Allah. If you fear you cannot maintain the bounds fixed by Allah, there will be no blame on either if the woman separates herself (by forgoing some or all of her marriage gift money (مهر))”

Do not exceed the limits ordained by Allah, for those who exceed these bounds are transgressors.”



Hadees – Bukhari & Muslim: -

“It is reported by the reverend Ibne Abbas⁽²⁾ that the wife of the reverend Thabit bin Qais⁽²⁾ said to the prophet⁽¹⁾ of Allah. “Messenger⁽¹⁾ of Allah, I don’t have any complaints against my husband regarding his character or religion, but I don’t want to be guilty of infidelity regarding Islam (as he is not handsome and I don’t like him). The prophet⁽¹⁾ of Allah asked her if she was willing to return the garden she received from him as the marriage gift (مهر). On a positive reply the prophet⁽¹⁾ of Allah told the husband to get the garden back and divorce his wife. (Mishkat page #695)

Alamgiri: -

“If a woman obtains separation (خلع) from her husband without any maltreatment or due cause, she will be cursed by Allah, angels and everybody else.”

“Women who make a game out of separation (خلع) i.e. take it lightly are hypocrites (Muslims outwardly but not in their hearts)”

(1) May Allah bless with eternal peace

(2) May Allah be Pleased

