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Question

Talaaq was pronounced 3 times at one go; out of sheer anger and under a state of bitter provocation from my wife. It was pronounced on the phone.

I will like to know if my Nikaah is valid as there is now willingness from both parties to patch up & find a happy solution to this problem.

باسمه تعالى

Praise is due to Allah who guided us to the righteous path, And Durood o Salaam Upon the Holy Prophet Muhammad "peace be upon him" and his Family and Companions.

In this Situation 3 Talaaq is counted and the wife has come outside the Nikah and she is Haraam for the husband

In Holy Quraan it is mentioned:

الطلاق مرتان فامساك بمعروف او تسريح باحسان

The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.

(Surah Baqarah – Ayat No 229)

Through this Ayat, it is very clear that there is only two Talaaq e Raj'ee (Talaaq which you have chance to return). If someone gives his wife one or two Talaaq, so in this situation he has the chance to return back to his wife which we call Ruj'oo.

And in case of three Talaaq, the man will have no chance to return.

“Aw Tasreehum Bi Ihsaan” (او تسريح باحسان) this is the third Talaaq mentioned in the Ayat. Related to a Hadith that someone asked the Holy Prophet “Sallaallahu Alayhi Wasallam”, where is the third Talaaq here in this Ayat? The Holy Prophet “Sallaallahu Alayhi Wasallam” said: “Aw Tasreehum Bi Ihsaan” is the third.

Allama Qazi Muhammd Sanaullah Al Mazhari explained the Ayat as the following:

فاذا طلق ثالثا لم تحله الا بعد نكاح زوج اخر

Whenever the three Talaq have been given so the wife will not be Halal until the procedure of Halaalah is being done.

(Mazhari – Vol 1 – Page 334)

In Shami it is stated:

ذهب جمهور الصحابة والتابعين ومن بعدهم من أئمة المسلمين إلى أنه يقع ثلاثا

The verdict of the majority of Sahaabas as Taabi'een and Tab'e Taabi'een and Ayimma e Muslimeen is that whenever three Talaq have been given so the three would be applicable.

(Shami – Vol 1 – Page 76)

Hazrat Ubaada bin Saamit “radiallahu anhu” reported that his father gave his wife 1000 Talaq and asked Huzoor “Sallallahu alaihi Wasallam” said that the three Talaq have been counted and you have disobeyed.

(Sharh e Niqaaya – Vol 2 - Page 28)

After three Talaq, the women will come out presently from the Nikah, and if ever the husband wants to take her back so the procedure is HALAALAH. The woman will have to pass her “iddah” period, then after she will have to get married with another one and will have to consume the Nikah, then the husband (second) gives her Talaq, then again will have to pass to “iddah” period, then the first husband will be able to get married again.

Allah Almighty said:

فإن طلقها فلا تحل له من بعد حتى تنكح زوجا غيره فإن طلقها فلا جناح عليهما أن يتراجعا إن ظنا أن يقيما حدود الله
وتلك حدود الله يبينها لئلا يعلمون

Then, if she is divorced for the third time, then that woman will not be lawful to him, until she lives (marries) with another husband. Then, if that second (husband) divorces her, then there is no sin on them they re-unite, provided they will now observe the limits of Allah. And these are the limits of Allah, which He makes clear for those who possess knowledge.

(Baqarah V 230)

Jazaakallah

Mufti Muhammad Ishaq Qadri Razvi

Director of Dar ul Iftha

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