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Question

I have given my wife 3 talaq on a paper. In this Situation is talaq will be applicable?

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 talaq 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 talaq e Raj'ee (Talaq which you have chance to return). If someone gives his wife one talaq or two talaq, so in this situation he has chance to return to his wife which we call Ruj'oo.

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

“Aw Tasreehum Bi Ihsaan” (او تسريح باحسان) this is the third talaq mentioned in the Ayat. Related to a Hadith that someone asked the Holy Prophet “Sallaallahu Alayhi Wasallam”, where is the third talaq 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 Halaalah has been done.

(Mazhari – Vol 1 – Page 334)

In Shami it is stated:

ذهب جمهور الصحابة والتابعين ومن بعدهم من ائمة المسلمين الى انه 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 “radial ahu 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)

Jazaakallah

Mufti Muhammad Ishaq Qadri Razvi

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