

Introduction of Muslim Marriage

Part 2

Divorce in Muslim marriage

Muslim marriage is not a permanent, husband and wife both can end their marriage by dissolution of contract through divorce. There are six types of divorce in Muslims, where a man and a woman both can seek for divorce.

Talaq

It is the simplest way to end the marriage where the husband simply has to say Talaq thrice in order to discard his wife whenever he chooses to do so for any reasons good, bad or no reason.

Talaq bu Tafweez

This type of divorce is given by the wife to her husband by virtue of the power delegated to her husband at the time of marriage or even thereafter.

Kula

Here the divorce is held by request of the wife in which she has a right to buy her release from marriage from her husband. She has to return the Mahr if she dissolves the marriage through 'Kula' divorce otherwise she can keep the Mahr.

Mubaraat

Divorce is held through the mutual consent of both husband and wife where they together decide to separate from the marriage agreement.

Illah

Here the husband swears to God for not having sexual relation with his wife for 4 months and fulfilling the said condition leads to divorce which is irrevocable.

Zibar

It is a mode of divorce in which the husband intentionally compares his wife with his mother or any other female within prohibited degree to end the marriage.

Lian

Here, the wife files a suit for dissolution of marriage for the false charges of adultery on her by her husband.

Divorce through the Dissolution of Muslim Marriage Act, 1939

This act enables a Muslim wife to seek divorce through court on the ground of:

If the whereabouts of the husband are unknowns for 4 years

If the husband fails to provide the maintenance of the wife for 2 years

If the husband has been sentence of imprisonment for 7 years or more.

If the husband fails to perform martial obligations or if he is impotent from the beginning of the marriage or if the husband is a psycho.

Repudiation of marriage i.e. if the wife was married before she was 15 she has right to repudiate the marriage before she turns 18.

If the husband carries habitual assault, if he forces her to lead immoral life or disposes off her property or obstructs her practice of religion these conditions are liable to end the marriage.