

The Issue of
Three Divorce
(*Talaaq-e-Salaasah*)

Reviver of the true Sunni Path,
Khateeb-e-A'zam

**Hazrat Maulana
Muhammad Shafee Okarvi**
(Allaah have mercy on him)

Publisher:
Ziyyaa-ul-Qur'aan Publications
Lahore, Karachi, Pakistan

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Publisher:

Ziyya ul Qur'aan Publications
Karachi, Lahore Pakistan

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Name: The Issue of Three Divorce
(Talaaq e Salaasah)

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53- B, S.M.C.H.S. Karachi - 74400 Pakistan

Edition: April, 2019

Print Order: 2000

Computer Code: FQ19E

Price:

Contact us at:

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Translator's Note

Al hamdu lil Laah, the book presented to you is an endeavored translation of the book of the esteemed Khateeb e A'zam Hazrat Maulana Muhammad Shafee Okarvi (*Rahmatul Laahi Alaiehi*), “*Talaaq-e-Salaasah*.” Our honourable Hazrat, wrote this book nearly forty years ago which explicated in detail issue of the three sudden given divorce. The understanding, insight and intelligent powers of Hazrat Maulana needs no introduction for the people who are well-aware of his perpetual qualities.

Surely, divorce is a disliked thing but nowadays giving three-divorce has become very common rather it is presently a fiery issue. Since the divorce is not given according to the Sunnah, therefore; many social ills are viewed. Three divorce should be considered as three, people should not go here and there to get the verdict that it is one. Do not mix it by giving wrong details to the Jurists and the scholars. Certain points that I want to clarify here are the following;

Firstly, according to Islaamic *Shari'ah* a full divorce is considered when a person writes or says the word of divorce thrice. By one divorce it means the word of divorce is mentioned once. By two divorce it means the word has been mentioned twice. By three divorce it means the word of divorce is mentioned thrice. Three divorce is considered as one full divorce in Islaamic Law.

The Sunnah way of giving the divorce is that, a person may give his wedded wife one divorce [by saying or writing] after menstruation, before having sexual intercourse with her. This will be considered as one divorce. Then in the second month, the second may be given after the menstruation, before having sexual intercourse [this will be considered as two divorce]. Finally, in the third month, after menstruation, before having sexual intercourse he would give the third divorce [this will be considered as three divorce].

After giving the first two divorce like this, the husband and wife both get the time to rethink, reconsider, and then return or reconcile. By giving three divorce all together, a person does not get a chance to rethink and, becomes a sinner.

These days people after giving three sudden divorce, without *Halaalah*, return and do *rujoo*, so they become accountable of doing *Haraam* [forbidden act], this is exactly that, which is explained in this book. I have tried to translate it to the best of my inadequate ability. Do highlight my errors and spread the correct message of Islaam by sharing and following.

My sincerest gratitude for Hazrat Allaamah Kaukab Noorani Okarvi for allowing me this honour of translating this book. Without his genuine guidance, certainly I could have never been able to complete this book. I would like to request all the readers to make special *du'aa* for his good health and long life.

After reading and translating this book, I did feel the urge of distributing this valuable knowledge at the time of wedding to every newly-weds. Here I would also like to ask my newly-weds couples not to demand unnecessarily from each other and, guard theirs tongues especially in anger. I pray that this will be very beneficial, and it would serve to remove and clear the misconceptions about this important issue. Anyhow, do pray for the respected Hazrat Maulana Okarvi and his blessed son Hazrat Allaamah Kaukab Noorani Okarvi for guarding the righteous teachings of our legendary *Mashaa'ikh* and conveying the message with such dignity and courage.

If you find any flaws or inadequacy in this book, consider them to be mine not the writer. I would like to thank my readers and all those who helped me in anyway while translating this book, I would surely like to mention Muhammad Hamzah Sajjaad, who also performed Hajj this year, he worked hard to decipher this book. He is the elder grandson of the eldest daughter of Hazrat Khateeb-e- A'zam, who is currently studying but he has immense devotion and love for

Hazrat Khateeb-e-A'zam. He expressed his passion that he wants to do service, hence; Hazrat Khateeb-e-Millat told him to translate this book in English. This young boy to the best of his ability surely worked hard, I certainly commend his blessed efforts. May Almighty Allaah bless them all with the best rewards for their efforts. *Aameen*

Limitless Peace, Blessings and Salutations upon Our Most Beloved Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*).

Fidaa 'e Murshid,

S.Y.Z Qaadiree
Jumaadal Ukhraa 24, 1440 H
Karachi, Pakistan

Prologue

The charismatic orator, Reviver of the Sunni Path [*Mujaddid Maslak- e-Ahle Sunnat*], Lover of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) [*Aashiq-e-Rasool*] Khateeb-e-A'zam Hazrat Maulana Muhammad Shafee Okarvi Saahib (*Rahmatul Laahi Alaiehi*) has written most comprehensively researched authentic books and publications on different issues, in the light of the Holy Qur'aan and the Ahaadees [Prophetic sayings]. The value and benefit of them is very well known by their every reader. Where the aim of writing these issues is the expression of interpreting the reality of our true path [*Maslak-e-Haq*], there it is also the guidance of those people who due to not being familiar with our faith and religion become a victim of deviation of wrong verdicts and wrong propagation by "the religion selling Mullaa's. For them it is necessary that the righteous religious scholar who does not do his own interpretation in the smoke screen of the Holy Qur'aan, and the one, who does not run his political and worldly business in the name of the religion and faith, rather would be daring enough to raise the voice of Truth, and would have the fear of Almighty Allaah and the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) he would collect the correct and authentic research, so that the creation of Allaah would benefit from it.

The book in view "*Talaaq-e-Salaasah*", is the result of the literary research of the respected Hazrat Maulana Okarvi. In our society, most of the laws, and the decisions of the families, communities, and organizations are against the Holy Qur'aan and the Sunnah, but most of the people are not aware of their adversities.

The issue of Divorce is also one of the most important fundamental issue amid them because its concern is with two such people of the society who are responsible for producing the generation. If their relation will not be correct also, then its evilness will not only be on the future generation, rather on overall human civilization and the society.

It is common to speak lies for false ego, self-desires, personal needs and benefit. This is such a disease that whoever is safe from it, he is surely that human who has been called even superior than angels. Instead for only self-satisfaction, for a brief duration to speak lies regarding the issues of the *Shari'ah*, it is better to bear a little difficulty and restriction and make oneself the deserver of pleasure and satisfaction in the hereafter.

We should mould ourselves according to the *Shari'ah* and Sunnah. We should not mould *Shari'ah* and Sunnah according to our temperament. I hope by keeping my request in view, everyone will scrutinize his own actions and practices, and in every issue of life will make the *Shari'ah* and the sacred Sunnah his guide. May Almighty Allaah and His Beloved Prophet (*Salla Laahu 'Alaiehi Wa Sallam*) be our supporter and saviour. *Aameen*

Unworthy,

H. K. Noorani

Karachi, 1978



Bismil Laahir Rahmaanir Raheem

Nahmaduhu Wa Nusallee Wa Nusallimu Alaa Rasoolihil Kareem

The Issue of three Divorce [The declaration of *Talaaq* repeated three times]: A woman is bound to her husband with *Nikaah* [wedding agreement]. The lifting of this wedlock is named as divorce [*Talaaq*]. Some words are fixed for divorce which should be seen in “*Bahaar-e-Sharie’at*”, volume #8. At present, only one issue, “to give three divorce all at once” is being presented for the readers.

These days, this affliction is viral, that suddenly three divorce are given based on very petty things, on minute quarrels or are just based on doubts and suspicion, and then later regret, shamefulness and great distress is confronted. Afterwards the people run after the scholars in anxiety and humiliation and then in any way by speaking the truth or false, they try to find some condition for *rujoo* [return]. Some superficial and modern type “Mullaah’s” of these days also let them do *rujoo* [to return] by saying that by suddenly giving three divorce only a single divorce is imposed, and besides many other similar things are heard regarding this issue. For example, some women say that, divorce does not take place in anger because anger is *haraam* [forbidden]. Some also say that, this is not a delicate string which will break by only saying *Talaaq* [divorce]. Some say that, unless a woman does not accept it, the divorce does not take place etc., etc. Therefore, it seemed appropriate to briefly write this topic so that Almighty Allaah’s creation and Ummah-e-Muhammadiyah (*Sallal Laahu ‘Alaiehi Wa Sallam*) will be benefited and the people will not do hastiness in divorce [giving divorce] and will be saved from numerous bad deeds and worries. [**وَمَا تَوْفِيقِي إِلَّا بِاللَّهِ** .] [By the ability given by Almighty Allaah].

It is allowed to give Divorce, but without any reason of *Shari'ah* [Islaamic Law] it is not allowed. The Beloved Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) said that,

ما حل الله شيئاً بغض اليم من الطلاق. (ابن رواه - ابن ماجه - دارقطني)

Near Almighty Allaah, divorce is the most disliked things [acts] amongst all the permitted acts.

(*Abu Daawood*#2177, *Ibne-Maajah*#2018, *Baiehaqi*#14895, *Daar Qutni*#3986)

It is narrated from Hazrat Saubaan (*Allaah be pleased with him*) that the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) said,

إِنَّمَا أَمْرَأَةً سَأَلَتْ زَوْجَهَا الطَّلاقَ مِنْ غَيْرِ بَأْسٍ، فَرَامَ عَلَيْهَا رَأْتَهُ الْجَنَّةَ -
دارمي شریف ص ۹۵

Even the scent of Paradise [*Jannah*] is forbidden [*Haraam*] for a woman who asks her husband for divorce, without any reason.

(*Daarmi Shareef*#2316)

The enhanced and Sunnah way of giving divorce is this, that in a single *Tuhr* [duration of purification of each month], only the divorce is given once, and it should be completed in three times [three *Tuhr*]. It means, when a woman is purified each month from *Haiez* [menstruation] then before having sexual intercourse give a single divorce. Again, when the lady purifies after menses in the second month then another single divorce should be given, and similarly for the third divorce, when the woman is purified from menstruation then before intercourse give the third divorce. The wisdom in this is, the husband will get a chance to rethink over his decision again and again during this time, and if he wants to take back his decision then he will be able to do that. Therefore, Almighty Allaah says,

لَا تَرْدِي لَعْلَهُ يَحْدُثُ بَعْدَ أَنْكَ أَمْرًا (طلاق - ۱)

You do not know that perhaps Allaah may bring about a new situation after this (once or twice given divorce) by sending any fresh commandment. (*Holy Qur'aan, chapter At-Talaq, verse-1*). It means that Almighty Allaah may replace grudge with love and hatred with affection in husband's heart, and again they both may re-conciliate and unite.

It is said:

وَإِذَا طَلَقْتُمُ الْمُنْسَأَةَ فَلْيَغْنِيْ جَلْهُنَّ
فَلَا تَعْصِلُوهُنَّ أَنْ شَيْخَنَ أَرْوَاحَهُنَّ
إِذَا تَرَاضَنُوا بَيْنَهُمْ بِالْمَعْرُوفِ
(البقرة- ٢٣٢)

And when you have divorced women and they have completed their *iddat* (prescribed waiting period) do not prevent them from remarrying their husbands, after they have agreed between themselves in a proper way.

(*Holy Qur'aan, chapter Al-Baqarah, verse-232*)

وَإِذَا طَلَقْتُمُ الْمُنْسَأَةَ فَلْيَغْنِيْ جَلْهُنَّ
فَأَمْسِكُوهُنَّ بِمَعْرُوفِ أَوْ سَرِحُوهُنَّ
بِمَعْرُوفِ وَلَا تُمْسِكُوهُنَّ صِرَارًا
لِتَعْتَدُوْا وَمَنْ يَفْعُلُ ذَلِكَ فَقَدْ
ظَلَمَ نَفْسَهُ وَلَا تَخْنُدُوا أَيْتَ اللَّهُ
هُنُّوا - (البقرة- ٢٣١)

And when you have divorced women, and they have completed the prescribed period of their waiting then either retain them with honour or let them go with kindness. And do not retain with the object of hurting them in order that you may transgress. And whoever does so, wrongs only himself; and do not mock the revelations of Allaah.....

(*Holy Qur'aan, chapter Al-Baqarah, verse-231*)

The meaning of divorce in both these verses is, the divorce in which returning [*Rujoon*] is possible such kind of divorce is known as *Raj'ee Talaaq* [Revocable divorce]. In a *Raj'ee Talaaq* [divorce], return is possible within the term of [prescribed] waiting period [*Iddat*] provided both would be willing to settle their home. And if they do not agree amongst each other then, they may separate with politeness and dignity. And if the woman does not agree then after completing the waiting period [*Iddat*], she cannot be compelled to marry her first husband she can happily marry some other person. The first husband cannot force her and if anyone by ill-treating her forbade [stop] her with the intent of hurting her, then it will be considered oppression.

الطلاق مرتين فمساكيه
يُعرف أو تُريح بالحساب.
(البقرة: ٢٢٩)

Divorce [*Raj'ee*] is twice, thereafter a woman must then be retained with good or released with kindness [meaning would not return towards her and the woman will be free].

(*Holy Qur'aan, chapter Al-Baqarah, verse-229*)

How clear is the concept is this verse, that the divorce in which returning [*Raj'at*] is possible, it is until twice [said double times]? It is allowed until the once or twice divorce, that within the waiting period [*Iddat*] if the husband desires then he can keep her according to the rules or leave her with kindness. There is no right to return after the term of waiting period [*Iddat*]. Yes, if both are willing then they can do *Nikaah* [get married] again, and if the man divorce her for the third time also, then they both cannot do *Nikaah* [marry again]. Until the woman marries another man and have sexual intercourse with him, and then get divorced by him, this is called “*Halaalah*.” Therefore, it has been stated,

فَإِنْ طَلَقَهَا فَلَا تَحِلُّ لَهُ مِنْ
بَعْدِ حَشْنِكَ زَوْجًا غَيْرَهُ فَإِنْ
طَلَقَهَا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ
يَتَرَاجِعَا إِنْ ظَنَّا أَنْ
حُدُودَ اللَّهِ وَتَلِكَ حُدُودُ اللَّهِ
يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ -
(البقرة: ٢٣٠)

(After giving divorce twice) Then if she is divorced for the third time, then that woman will not be lawful for him, until she lives (marry) with another husband. Then, if that second (husband) divorces her, then there is no sin on them if they reunite, provided they think that they will now be able to keep the limits of Allaah. And these are the limits of Allaah, which He makes clear for those who possesses knowledge.

(*Holy Qur'aan, chapter Al-Baqarah, verse-230*)

Hence it is proven that after divorce given thrice, the woman does not remain *Halaal* [allowable]. Anyhow if they both have the surety and believe that they can establish the limits of Almighty Allaah with sincerity then they can reunite after *Halaalah*.

Raj'at [Return]: The *Raj'at* is this, that the woman who has been given once or twice divorce, then to keep her in the same *Nikaah* within the waiting period [*Iddat*]. The *Masnoon* [liked] way of *Raj'at* is, that a person does *Raj'at* by some word for example, I do *Raj'at* with you, or I have done *Raj'at* with my wife, or [I] take you back etc., and should make two just people witness on his *Raj'at* or he should do *Raj'at* with some action for example, do sexual intercourse with her or would hug or kiss her, then after doing this he should go to the witnesses and say in front of the witnesses that I have done *Raj'at* with my wife.

Halaalah: *Halaalah* is this, that the woman given divorce thrice, after completing waiting period [*Iddat*], does proper *Nikaah* [marries] with another person and that person would also do sexual intercourse with her. Then after the divorce given by this person or if he dies, the woman after completing waiting period, can marry her first husband.

NOTE: If the woman [*Madkhuulah*, who has not done proper intercourse] after being given divorce by the first husband immediately, she can do *Nikaah*, marry any other person, for this there is no *Iddat* [prescribed waiting period]. (*Kutub-e- Fiqh*)

Rapidly, divorce given thrice:

If a person gives his wife suddenly divorce thrice meaning he says like this, you are divorced thrice or divorced thrice. Or would say like this, you are divorced, you are divorced, you are divorced. In this situation the divorce will be held thrice, and his woman will be forbidden [*haraam*] for him forever. On this most of the respected Companions (*Allaah be pleased with them*), the four *A'immaah* [Imaam's], Hazrat Imaam-e-A'zam Abu Haneefah, Imaam Shaafii'ee, Imaam Maalik, Imaam Ahmad (*Allaah be pleased with them*) and all the earlier and the recent scholars have consensus and agreement.

***Note:** During the time Hazrat Khateeb-e-A'zam compiled this book, he did not have the volume of the book, "Fataawa Rizviyyah (New), vol-12, "in which was the chapter of "Divorce", therefore; he did not include any verdict from it though he wanted to. In the *Fataawa Rizviyyah*, vol-12, new edition it is present. If anyone wants to see it, they can see the chapter. Kaukab Noorani Okarvi

There is no doubt in this, that to announce [or to say] three divorce all at once is a very bad and severe crime. It should not be done this way, but if anyone mistakenly or foolishly goes against the way of Sunnah and gives three divorce all at the same time, then undoubtedly, he has done very bad but anyhow the divorce will be imposed. Besides, the person who gives the divorce in this way will be a sinner rather a tyrant. Therefore, it has been stated in [Holy Qur'aan chapter At Talaaq, verse-1], (And whoever goes beyond the limits of Allaah, he indeed does injustice to his own soul). Since it often happens like this, that a person after giving sudden three divorce to his wife feels much remorseful and worried and then adopts unlawful and wrong ways for *rujoo* [returning]. In this verse, it has not been stated that a person who gives sudden three divorce, this divorce will not only take place, rather it has been stated, that a person who does like this he is a tyrant. If only one divorce would have taken place by this, then how could he be a tyrant.

Ahaadees: [Prophetic sayings]

At the same time three divorce, were given in front of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) and he kept them permissible. View this,

1. Hazrat Mahmood Bin Labeed (*Allaah be pleased with him*) says,

أَخْبَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
عَنْ رَجُلٍ طَلَقَ امْرَاتَهُ ثَلَاثَ تَطْلِيقَاتٍ
جَمِيعًا فَقَامَ غَضِبًا نَّاثًا قَالَ إِلَيْهِ
بِكَاتِبِ اللَّهِ وَإِنَّا بَيْنَ أَظْهَرِكُمْ حَتَّى قَامَ
رَجُلٌ وَقَالَ يَا رَسُولَ اللَّهِ إِلَا أُقْتَلَهُ
وَنَلَئِ شَرِيفٍ بِالْطَّلاقِ الْثَلَاثِ لَمْ يَجُوَّهْ مَعْصِيَ

The Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) was informed about a person who had given three divorce all together to his wife so, the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) stood up in a state of anger and said, “Is mockery being done by the book of Almighty Allaah although I am present amongst you.” Until a person stood up and said, “Yaa Rasool Laah [(*Sallal Laahu Alaike Wa Sallam*)], may I rather not kill him?”

(*Nasaaee Shareef*, #5564)

It is proven from this sacred Hadees that if three divorce is given all together, then they do take place. If they were not held then, why did the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) got infuriated and said, “That in my presence why wrong way is adopted about the Order of Allaah’s book that a single divorce should be given in each term of purification [*Tuhr*]?” Rather he would have said, that it’s okay, by giving sudden three divorce, only one [divorce] will be imposed, so go and do *rujoo* [return]. As far as this saying of a person is concerned that, shall I not, kill him? This was only for scolding and reproaching, in reality the purpose was not of killing. Therefore, in the explanation of this Hadees, Allaamah Sindi says,

وَالْجَمْهُورُ عَلَى أَنَّهُ إِذَا جَمَعَ بَيْنَ الْثَلَاثِ يَقْعُدُ الْثَلَاثُ۔ And most of the scholars have consensus on this, that when suddenly three divorce are given, then three of them are imposed.

(*Chapter Three Divorce, Footnote of Nasaaee Shareef Egypt, vol-6, pg. 143*)

2. Hazrat Abu Salamah states that Abu Amar Bin Hafs Bin Mugheerah,

طَلَقَ امْرَأَتَهُ فَاطِمَةَ بْنَتَ قَيْسٍ
عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
ثَلَاثَ تَطْلِيقَاتٍ فِي كَلْمَةٍ وَاحِدَةٍ
فَأَبَانَهَا مِنْهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
وَلَمْ يَلْعَنْنَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
عَابَ ذَلِكَ عَلَيْهِ۔ (دَارُقطْنَى ۱۳)

In the era, of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) gave his wife Faatimah Binte Qaies three divorce in a single statement. Hence, the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) separated Faatimah from her husband and this thing did not reach us that the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) had placed any fault on him.

(*Daar Qutni, #3922*)

This is clearly proven from the above Hadees that when Abu Amar Bin Hafs gave in a single statement sudden three divorce to his wife then, the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) separated his wife from him and did not place any fault on him. Perhaps in the light of this Hadees, the view of Imaam Shaafi’ee (*Allaah have mercy on him*) is, it is not even a sin to give suddenly three divorce.

من طلاق ثلثا في مجلس واحد“
3. A chapter is created in Ibne Maajah Shareef. It means that whoever gives three divorce in a single sitting. In reference to it this same Hadees is stated. Hazrat Faatimah Binte Qaies says,

طلقني زوجي ثلثا وهو خارج
إلى اليمن فأجاز ذلك رسول الله
صلى الله عليه وسلم۔ (ابن ماجہ کتاب الطلاق)

That my husband gave me three divorce suddenly while going towards Yemen, the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) kept them permissible.

(Ibne-maajah #2024, Kitaab At Talaaq)

Therefore, Allaamah Ibne Aseer Halabi says in the explanation of this Hadees,

وهذا يمسك به من يرى جواز
ايقاع الطلاق الثالث دفعة واحدة
لعدم الانكار من النبي صلى الله عليه وسلم
الآن يحتمل ان يكون قوله طلاقها
ثلاثاً اي اوقع طلاقة يتم بها الثالث
وقد جاء ذلك في بعض الروايات
آخر ثلات تطليقات۔ (أحكام الأحكام ۲۶۶)

And from this same Hadees, the reason and the proof of the occurrence of three divorce given at once has been taken because the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) did not disallow it. His not disallowing gives the same assumption that by giving sudden three divorce, *Talaaq-e-Mughallazah* takes place. And certainly it is also confirmed in some other narrations that the divorce is imposed by giving three divorce suddenly.

(Ahkaamul Ahkaam, vol-2, pg.72)

4. Hazrat Naafe (*Allaah be pleased with him*) says that, a person asked Hazrat Abdul Laah Bin Umar (*Allaah be pleased with them*) regarding the divorce of *Haaizah* [A woman having blood discharge during *haiez*]* so, he told him the same, such as the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) had stated to him.

* For more details about *Haiez*, *Haaizah* see the glossary. Anyone who wants to read more detail they can read the book, *Bahaar-e-Sharie'at*. (Translator)

اما انت فطلقت امرأتك واحدة او اثنتين فان رسول الله صل الله عليه وسلم قد امرني بهذا و اما انت فطلقت ثلاثة فقد حرمت عليك حتى تنكح زوجا غيرك وقد عصيتك ربك فيما امرك به من الطلاق . (رواه البخاري ^ص مسلم ^ص شریعت ^ص ^ص ^ص ^ص ^ص ^ص)

If you give a sudden one or two divorce to your woman, then certainly the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) ordered me for *Raj'at* [to return to the same lady if desired]. Moreover, if you have suddenly pronounced three divorce then certainly your woman is forbidden [*Haraam*] for you until she does not marry any other husband. But certainly, by giving sudden three divorce you have disobeyed your Rabb [Almighty Allaah] regarding the orders of divorce that He has given to you.

(*Bukhaari Shareef*#5264, *Muslim Shareef* #1471, *Daar Qutni*#3969)

It is obvious, in this Hadees by three divorce it means the same clear three sudden divorce which are given at the same instance. If they would have been according to *Sunnah* [Prophetic Tradition] in three *Tuhr* [menstruation period, monthly purification of a woman] then how could it be the disobedience of Almighty Allaah? The Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) declared this woman, the one who was given three divorce suddenly, forbidden forever until *Halaalah*, but to give sudden three divorce had been declared the disobedience of Almighty Allaah.

5. The father of Hazrat Ubaadah Bin Saamit gave sudden thousand divorce to his wife so his children came in the sacred presence of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) and requested,

يَا رَسُولَ اللَّهِ إِنَّ ابْنَاهَا طَلَقَ أَمْنَا
الْفَأْهَلَ لَهُ مِنْ مَخْرُجٍ؟ فَقَالَ إِنَّ
ابْنَكُمْ لَمْ يَتَّقِ اللهُ فَيَجْعَلُ لَهُ مِنْ أَمْرِهِ
مَخْرُجًا! بَاتَتْ مِنْهُ بِلَاثَ عَلَى

O Prophet of Allaah [*Yaa Rasoolal Laah* (*Sallal Laahu Alaiika Wa Sallam*)], certainly our father has given suddenly one thousand divorce to our mother so, is there any way for him to seek out of it? He (*Sallal Laahu 'Alaiehi Wa Sallam*) said, your father did

غاین السنۃ و تسعمائة و سبعة و
تسعون اثماً في عنقه۔
(دارقطنی مطبوعہ دینیہ ۲۳۴)

not fear Almighty Allaah so, what situation would Allaah create for him to seek out from the Order. His wife is separated [divorced] from him by only three divorce against the Sunnah way, and the sin of remaining nine hundred and ninety-seven divorce remains on his neck.

(Daar Qutni# 3946, Durre Mansuur, vol-2, pg.233)

It is obvious that the father of Ubaadah Bin Saamit had not given these thousand-divorce, according to sunnah in thousand months, otherwise eighty-three [83] years and four [4] months would have been spent on it but the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) kept it allowed and sustained however declared them against the sunnah.

6. Hazrat Abdul Laah Bin Umar (*Allaah be pleased with them*) says that, I requested the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) that,

لو اني طلقتها ثلاثة كان يحل لي
ان ارجعها ؟ قال لا ! كانت تبيـن
منك و تكون معصيةـ
(دارقطنی مطبوعہ ۲۳۴)

If I, divorce my wife suddenly three times then, will she be *Halaal* [allowed] for me. If I do *rujoo* [return] with her? The Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) said, No, she will be separated from you and doing like this [giving suddenly triple divorce] is a sin.

(Daar Qutni#3974)

If these three-divorce were, according to Sunnah, then after that this question would have not even arisen, is this woman *Halaal* [allowed] and of doing *rujoo* [returning] towards her. And this issue is so clear and highlighted that all the Companions knew it. Also, a scholarly companion like Hazrat Abdul Laah Bin Umar (*Allaah be pleased with them*) would have never questioned about it, and then the Holy

Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) would have also not declared the three divorce given according to Sunnah a sin. Therefore, we must accept that from these three divorce it means the same divorce which are given suddenly. Its support is cleared by this, that Hazrat Naafe (*Allaah be pleased with him*) says,

كَانَ أَبْنَعْمَرْ يَقُولُ مِنْ طَلَقَ امْرَأَةَ
ثَلَاثَةَ فَقَدْ بَانَتْ مِنْ امْرَأَةَ وَعَصَى رَبَّهُ
عَالَىٰ وَخَالَفَ السُّنَّةَ۔ (دَارَقُنْيٰ ص٢٣)

7. That Ibne Umar (*Allaah be pleased with them*) says that, the one who will gives sudden three divorce to his wife then certainly his wife will be separated from him, and the one who gave suddenly three divorce he has disobeyed his Rabb [Creator] and has opposed the Sunnah.

(*Daar Qutni #3975*)

8. Saiyyidinaa Hazrat Imaam Hasan Bin Alee Bin Abee Taalib (*Allaah be pleased with them*) says that,

سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
يَقُولُ إِيمَارِ جَلْ طَلَقَ امْرَأَةَ ثَلَاثَةَ حِنْدَ
كُلَّ طَهْرٍ تَطْلِيقَةٌ أَوْ عِنْدَ رَأْسِ
كُلِّ شَهْرٍ تَطْلِيقَةٌ أَوْ طَلَقَهَا ثَلَاثَةَ
جَمِيعَ الْمُتَحَلِّمَاتِ حَتَّىٰ تَنْكُحْ زَوْجَ غَيْرِهِ۔
(دَارَقُنْيٰ ص٢٣)

I have heard from the Prophet of Allaah (*Sallal Laahu 'Alaiehi Wa Sallam*) that he said, the person who gives three divorce to his wife in each *Tuhr* [purification] one at a time or would give in the beginning of each month one at a time or would give all together three divorce, his wife will not be *Halaal* [allowed] until she does not marry some other husband.

(*Daar Qutni#3973*)

The verdicts /Fataawaal/ of the glorious Companions of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*)

9. Hazrat Zaiad Bin Wahhaab says that, a person in Madinah Munawwarah gave his wife one thousand sudden divorce,

فَلَقِيَهُ عَمْرُ فَقَالَ اطْلُقْهَا أَلْفًا ؛ قَالَ
إِنَّمَا كَنْتُ أَعْبُدُ فَعْلَاهُ بِالدَّرَةِ وَ
قَالَ إِنَّمَا يَكْفِيَكَ مِنْ ذَلِكَ ثَلَاثَةٌ .
(كتنز العمال ص ١٣١)

So, Hazrat Umar (*Allaah be pleased with him*) met him and asked, have you given your wife one thousand divorce? He replied that, I had only joked. He (*Allaah be pleased with him*) hit him with a whip and said, from these three is enough for you. Meaning that by three [actual] divorce is imposed.

(Kanzul Ummaal#27906, Al Musanaf#11340)

From this Hadees, it has been proven that even divorce given jokingly then also it is imposed and this verdict [*Fatwa*] of Hazrat Umar (*Allaah be pleased with him*) is according to the saying of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*). Therefore, the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) stated, **ثَلَاثَ جَدَهُنْ جَدُوْهُنْ جَدُّ النِّكَاحِ وَالْطَّلَاقِ وَالرَّجْعَةِ**. Three things are the ones whose seriousness is also serious and whose ridicule is also serious, *Nikaah* [wedding], *Talaaq* [divorce] and *Rujoo* [returning].

(Tirmizee#1184, Abu Daawood#2194, Mishkaat#3284)

It means that, if it is said seriously with intention, then also it will be considered correct and right and if it is said jokingly and light-heartedly then also it will be considered correct and right. For example, at the time of *Nikaah*, if a girl is asked, should your *Nikaah* [marriage] be done with so and so person? She says yes, do it. While after *Nikaah* she says that, she said it just like that or said it jokingly. Or at the time of *Nikaah*, if the groom is asked, do you accept the daughter of so and so? He says, I do accept. And later he would say, I had accepted it jokingly then no one will believe him. Similarly, is the matter of divorce and the case of *Rujoo* [returning] after *Talaq-e-Raj'ee* [the divorce in which return is possible]. If this order and saying was not present, then the rules of *Shari'ah* [Islaamic Law] would have merely become useless and a joke.

10. Hazrat Habeeb Bin Abbee Saabit says that, a person came to Hazrat Alee (*Allaah be pleased with him*) and requested,

انى طلقت امرأة الفا، قال على
يحرمها عليك ثلاثة وسائهن
قسمهن بين نسائك - (روطني ص ٢٣٥ بستة ٢٢٥)

That I have given sudden thousand divorce to my wife, Hazrat Alee (*Allaah be pleased with him*) said that, the three divorce have made her forbidden for you and distribute the remaining to your other wives, means they are absurd.

(Baiehaqee#14961, Daar Qutni#3946)

11. Imaam Maalik (*Allaah be pleased with him*) says that,

ان على بن ابي طالب كان يقول
في الرجل يقول لا مرتبة انت على
حرام انت ثلاثة تطليقات -
(موطأ امام مالك ص ٢٣٥)

Certainly, Hazrat Alee Bin Abee Taalib (*Allaah be pleased with him*) would say about that person who says to his wife that, you are *haraam* [forbidden] for me, this is three divorce.

(Muwattaa Imaam Maalik #2027)

12. Hazrat Sa'eed Bin Jubaier and Mujaahid (*Allaah be pleased with them*) says that, Hazrat Abdul Laah Bin Abbaas (*Allaah be pleased with them*) was,

سئل عن رجل طلق امراته
عدد النجوم فقال اخطأ السنة
وحرمت عليه امرأته - (روطني ص ٢٣٥)

Asked about the person who gave his wife divorce equal to the number of stars. So, he said that, he did against the sunnah and his wife is forbidden for him.

(Daar Qutni#3948)

13. Hazrat Sa'eed Bin Jubaier (*Allaah be pleased with him*) says that a person came to Hazrat Ibne Abbaas (*Allaah be pleased with him*) and requested,

انى طلقت امرأة الفا، قال
اما ثلاثة فتحرم عليك امرأتك
وبقيتها وزر اخذت ايات

That undoubtedly, I have given sudden thousand divorce to my wife. He said, that three divorce have made your wife forbidden for you and the remaining are a burden on you. You

الله هنوا - دارقطنی میں بحقی میں

have ridiculed the verses of Almighty Allaah.

(Daar Qutni#3928, Baiehaqi#14976, Al Musanaf#11353)

14. Hazrat Muhammad Bin Iyaas Bin Bukaier (*Allaah be pleased with him*) says that, a person of village gave his wife three divorce before going to her. Then this thought came to him that he should marry her again, so he went to ask the verdict [on this issue], I also came along with him.

فَسُئِلَ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ وَأَبْهَرِيَةَ
عَنْ ذَلِكَ فَقَالَا لَا نَرِزِيَّ اَنْ تَنْكِحَهَا
حَتَّى تَنْكِحْ زَوْجَغَيْرِكَ قَالَ فَإِنَّمَا
طَلَاقِي إِيَّاهَا فِي اَحَدَةٍ ؟ قَالَ ابْنُ
عَبَّاسٍ اَنِّي اَرْسَلْتُ مِنْ يَدِكَ مَا
كَانَ لَكَ مِنْ فَضْلٍ .

(موطأ امام مالك ص ٣٣١ ابو داود ص ٣٣١)

Thus, he asked Hazrat Abdul Laah Bin Abbaas and Hazrat Abu Huraierah regarding it, so they both said that, our verdict [Fatwaaj] is this that you cannot marry her until that lady does not marry any other husband. He said that, I have given her three divorce in a single moment? Hazrat Ibne Abbaas said, certainly, you at once left something which was [suppose] to remain with you.

(Muwattaa Imaam Maalik#2108, Abu Daawood#2198, Baiehaqi#14965)

Meaning, three divorces were in your hand you should have given with your will, one by one according to sunnah. When you have given them all at once so what can happen now. After writing the same Hadees, the guided student of Imaam e A'zam, Saiyyidinaa Imaam Muhammad Shaiebaani (*Allaah be pleased with him*) says,

وَبِهَذَا نَأْخُذُ وَهُوَ قَوْلُ أَبْحَنِيَّةِ
وَالْعَامَةِ مِنْ فَقَهَائِنَا لَانَهُ طَلَقَهَا
ثَلَاثًا جَمِيعًا فَوْقَعَنَ عَلَيْهَا جَمِيعًا مَعًا
(موطأ امام محمد)

On this is our act, and this is the saying of Imaam Abu Haneefah, and the common Jurists of the Hanafi, School of Thought that as he has given sudden three divorce so they [the three] happened at once.

(Muwattaa Imaam Muhammad)

15. Hazrat Mujaddid (*Allaah be pleased with him*) says that I was sitting with Hazrat Abdul Laah Bin Abbaas (*Allaah be pleased with them*) and a person came to him and requested that, he has given his wife three sudden divorce in a state of extreme anger.

فَسَكَتْ حَتَّىٰ ظَنِنْتُ أَنَّهُ رَادَهَا
إِلَيْهِ ثُمَّ قَالَ يَنْطَلِقُ أَحَدُكُمْ فَيُرَكِّبُ
الْجَوْهَرَ ثُمَّ يَقُولُ يَا ابْنَ عَبَّاسٍ يَا
ابْنَ عَبَّاسٍ وَإِنَّ اللَّهَ قَالَ (وَمِنْ
يَقِنَ اللَّهِ بِمَا يَعْلَمُ) وَإِنَّكَ لَمْ
تَقْتُلُ اللَّهَ فَلَمْ أَجِدْ لَكَ مَخْرَجًا عَصِيمَتْ
رِبَكَ وَبَانَتْ مِنْكَ امْرَأْتُكَ وَإِنَّ
الَّهُ قَالَ (يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتَ
النِّسَاءَ فَطَلَقُوهُنَّ فِي قَبْلِ عِدَتِهِنَّ
(ابُو دَاوُدْ شَرِيفٌ حَدَّىٰ ٣٣٣ وَأَطْفَلِي حَدَّىٰ ٣٣٣ مِنْ شُورَضٌ ٣٣٣)
فَتْحُ الْبَارِي شَرْحُ بَخَارِي حَدَّىٰ ٣٦٦)

Thus, he remained silent until I thought that he will return his wife to him. Then He (*Allaah be pleased with them*) said, when anyone amid you, driven by foolishness, does any such act, then he comes and says, O Ibne Abbaas, O Ibne Abbaas. And Almighty Allaah has said, (*Holy Qur'aan, chapter At-Talaaq, verse # 2*) (And the one who fears Almighty Allaah, Allaah creates some path [easy situation] for him). And certainly, you did not fear Allaah, so I do not find any path for relief. You have disobeyed your Rabb and your wife is separated from you meaning divorce is enforced on her. Although it is the saying of Almighty Allaah that, (*Holy Qur'aan, chapter At-Talaaq, verse # 1*) O Prophet, when you people give divorce to your ladies [wives] so divorce them before their *Iddat* [purification waiting period] [in the state of *Tuhr*] meaning according to sunnah.

(*Abu Daawood#2197, Daar Qutni#4034,
Durre-e-Mansuur, vol-6, pg.230, Fathul
Baari Summary of Bukhaari, vol-9, pg.316*)

Meaning, if you would have divorced according to sunnah, one divorce after every *Tuhr* [purification] then you would have gotten the chance to rethink again and again and Almighty Allaah might have created some path for you. Meaning would have changed your

heart [feeling], but when you did not fear Almighty Allaah and did not obey His orders and have awarded sudden three divorce in a state of anger and rage, so now what can I do. If giving sudden three divorce in state of anger and rage would have resulted in a single divorce and *rujoo* [return] could have been done after it, then why did Hazrat Ibne Abbaas (*Allaah be pleased with him*) did not let them do *rujoo* [return]. He is saying that فلما جد لك خرجا I do not find any way for you to escape. Do not know, from where did the Non-Conformists [*Ghaier Muqallideen*, those who do not accept the beliefs of the four Imaam] the ones who refuse to follow the Four A'immaah] of the fourteen century [14] have found a way.

16. A man came to Hazrat Abdul Laah Bin Mas'ood (*Allaah be pleased with him*) and requested,

أَنِّي طَلَقْتُ امْرَأَتِي ثَمَنَى تَطْلِيقَاتٍ
فَقَالَ إِنْ مَسْعُودٌ فَمَاذَا قِيلَ لِكَ؟
قَالَ قِيلَ لِي أَنَّهَا فَقَدْ بَاتَ مُنْفَأَةً
فَقَالَ إِنْ مَسْعُودٌ صَدَقَوَا -
(موطأ امام مالك ص ٦٢)

That I have given eight divorce to my wife, Hazrat Ibne Mas'ood [*Allaah be pleased with him*] said, what reply is given to you by the scholars regarding this issue? He replied that I have received this answer that she is separated from me. He (*Allaah be pleased with him*) said, that scholars have said the truth. A consensus has been proven by this.

(*Miwattaa Imaam Maalik*#2022)

17. Hazrat Alqamah says, a person came to Hazrat Ibne Mas'ood (*Allaah be pleased with him*) and requested,

أَنِّي طَلَقْتُ امْرَأَتِي تَسْعَا وَتَسْعِينَ
فَقَالَ لَهُ إِنْ مَسْعُودٌ ثَلَاثَ تَبَيِّنَهَا
وَسَائِرُهُ عَدْوَانٌ -
رَعْبَدَ الرِّزْاقَ - مَظْهَرِي مُنْتَهَى

That I have given ninety-nine [99] divorce to my wife, Hazrat Ibne Mas'ood said, she was separated by only three divorce the remaining are included in abuse and tyranny [excessive violence].

(*Abdur Razzaaq*, #11343, *Baiehaqi*#14948,
Mazhari, vol-1, pg. 302)

18. Hazrat Qaies Bin Abee Haazim (*Allaah be pleased with him*) says,

سُئُلَ رَجُلٌ عَنِ الْمُغَيْرَةِ بْنِ شَبَّابٍ
وَأَنَا شَاهِدٌ عَنْ رَجُلٍ طَلَقَ امْرَأَةً
مَائَةً قَالَ ثَلَاثٌ تَخْرُمُ وَسَبْعُونَ
سَعْوَنَ فَضْلٌ - (بِيْهَقِيْ مُلْكٌ ۲۳۳)

That a person asked Hazrat Mugheerah Bin Shu'bah question regarding that person who had given sudden hundred [100] divorce to his wife and I was present at the time of the question. Hazrat Mugheerah replied that she is forbidden by three divorce and the remaining ninety-seven [97] are useless [worthless].

(Baiehaqi#14970)

19. When the *Ameer ul Mu'mineen* [Leader of the Believers] Hazrat Alee (*Allaah has blessed his face*) got martyred and the people took allegiance on the hand of Hazrat Imaam Hasan (*Allaah be pleased with him*) then his wife Hazrat Aaishah Binte Khaleefah Khas'amiyyah congratulated him on becoming the *Ameer ul Mu'mineen*. Hazrat Imaam Hasan (*Allaah be pleased with him*) said, becoming the *Ameer ul Mu'mineen* is the calamity of Hazrat Alee's (*Allaah be pleased with him*) martyrdom, and you are expressing happiness and are congratulating, اذْهَبْ فَانْتَ طَالِقٌ ثَلَاثَةٌ (Go, you are given three divorce). Hazrat Aaishah replied, I said it with good intention and left self-beautification and prettification and sat in *Iddat* [waiting period]. Hazrat Imaam Hasan (*Allaah be pleased with him*) sent her ten [10] thousand dirhams as profit and favour and the remaining as the amount of *Mahr* [dowry, a marriage portion or gift settled for the wife before the marriage]. When she received it then she said, مَتَاعٌ قَلِيلٌ مِّنْ حَبِّبٍ مَفَارِقٍ how worthless is this money as compared to the separation and the parting with the beloved. Then he (*Allaah be pleased with him*) came to know that she cries a lot in his separation and parting, therefore, he also started crying and said,

لَوْلَا أَنِّي سَمِعْتُ جَدِّي أَوْحَدَنِي
أَبِي أَنَّهُ سَمِعْ جَدِّي يَقُولُ أَيْمَانًا

If I had not heard from my glorious grandfather [The Holy Prophet (*Salla Laahu 'Alaiehi Wa Sallam*)] or said, my honourable father stated it to me.

رجل طلق امراته ثلاث مسمة
او ثلاثاً عند الاقراء لم تحل له حتى
تنك زوجاً غيره لراجعتها
(دارقطني من ٣٣٦ - بيسقي ٣٣٢)

Certainly, he had heard it from my glorious grandfather that he said, whichever person gives his wife three separate or sudden divorce then his wife will not be *Halaal* [allowed] for him, until she does not marry any other husband, otherwise I would have surely done *rujoo* [would have returned].

(Daar Qutni#3972, Baiehaqee#14971)

Pay attention to this Hadees that Hazrat Imaam Hasan (*Allaah be pleased with him*) is saying, if it was not the sacred statement of my *Naanaa Jaan* [Paternal Grandfather] (*Sallal Laahu 'Alaiehi Wa Sallam*) that by giving sudden three divorce, the woman is forbidden forever without *Halaalah*, if it was not like this then I would have surely returned.

20. Imaam Maalik (*Allaah be pleased with him*) says that undoubtedly, I have heard from Ibne Shahaab Zuhri,

يقول في الرجل يقول لأمرته
برئت مني وبرئت منك أنها
ثلاث تطليقات. (موطأ امام مالك ٣٣٢)

He would say about that person who said to his wife, you are separated from me and I am separated from you that certainly is three divorce.

(Muwattaa Imaam Maalik#2030)

21. Hazrat Aaiz Bin Habeeb says that I asked Hazrat Imaam Ja'far Saadiq (*Allaah be pleased with him*),

عن رجل طلق امراته ثلاث متفاهم
بانت منه ولا تحل له حتى تنك زوجاً غيره، فقلت له افتى الناس
بهذا؟ قال نعم.
(دارقطني من ٣٣٥ - بيسقي ٣٣٥)

About the person who awards his wife sudden three divorce. He replied, his wife is separated from him and she will not be *halaal* [allowed] for him until she does not marry any other husband. I have said to him; will you give verdict on this. He said, yes!

(Daar Qutni#4024, Baiehaqee#14988)

If in this narration, by three divorce it meant the divorce according to Sunnah, which is given in every *Tuhr* [three menstrual intervals], so by this the forbidding of woman is an absolute issue that is known by every person. What was the need of asking this with such amazement that will you give the verdict of this? The Hazrat Imaam Ja'far (*Allaah be pleased with him*) replied, yes. Hence it is proven that the person asking meant the three divorce which are given all at the same time.

22. Hazrat Abdur Rahman Bin Auf (*Allaah be pleased with him*)

طلق امراته تماضر بنت الا صبغ
الكلبية وهي ام ابى سلمة ثلاث
تطليقات فى كلمة واحدة فلم
يبلغنا ان احدا من اصحاب عاب
ذلك - (دارقطنى ص ٣٢)

Gave his wife Tumaazir Binte Al Asbagh Al Kalbiyah who was the mother of Abu Salamah, three divorce in a single sentence, and we were not told this thing [we got no information about it] that amid his companions anyone of them had found it indecent.

(Daar Qutni#3921)

23. Hazrat Imraan Bin Haseen (*Allaah be pleased with him*) was sitting in the Masjid when a person asked him,

فقال رجل طلق امراته ثلاثا
وهو في مجلس قال ام اث بربه
وحرمت عليه امراته
(بیہقی شریف ص ٣٣٦)

That a person has given his wife three divorce in a single meeting. He replied that person is sinful of his Rabb [Creator] and his wife is forbidden on him.

(Baiehaqi Shareef#14949)

24. Shaibee says that *Ameer-ul Mu'mineen* Hazrat Alee (*Allaah be pleased with him*) says that any person who says to his wife,

الخلية والبرية والبنة والبائن
والحرام اذا نوى فهو بمنزلة الثالث
(كتنز العمال ص ١٦٢)

Vacant the place, go away, get separate, you are separate, you are forbidden, when the intention will be of three divorce then actually this is equivalent to three divorce.

(Kanzul Ummaal#27934)

25. Hazrat Imaam Hasan (*Allaah be pleased with him*) says, *Ameer-ul Mu'mineen* Hazrat Alee (*Allaah be pleased with him*) said that whoever says to his wife,

الخلية والبرية والبنة والبائن
والحرام ثلاثة لا تحل لهم حتى تنزع
نوجا. (دائرۃ النور ص ٣٣)

Vacant the place, go away, get separate, you are separated, you are *haraam* [forbidden], then three divorce are enforced, and the woman will not be *halaal* [allowed] [for this person] until she does not marry any other husband.

(Daar Qutni#3976)

26. Hazrat Saalim Bin Abdul Laah narrates from his father that he said,

في الخلية والبرية والبنة انه
كان يجعلها ثلاثة ثلاثة - (عبد الرزاق)

In these words, vacant the place, go away, get separated, certainly three divorce will be imposed.

(Abdur Razzaaq#11184)

27. Hazrat Naafe (*Allaah be pleased with him*) says, certainly Hazrat Abdul Laah Bin Umar (*Allaah be pleased with them*) use to say,

في الخلية والبرية انه ثلاثة
تطليقات كل واحد منها -
(موطأ امام مالك ص ١٤)

By these words, vacant the place, go away, certainly three divorce will be imposed.

(Muwatta Imaam Maalik#2028)

Saiyyidinaa Imaam Muhammad intellectual student of Imaam-e-A'zam Abu Haneefah (*Allaah be pleased with them*) after writing this same Hadees says;

اذا نوى الرجل بالخلية والبرية ثلث تطليقات
فهي ثلث... وهو قول ابي حنيفة والعامه من فقهائنا
(Muwatta Imaam Muhammad)

In words, empty the place, go away, if anyone says this with the intention and aim of three divorce then they will [surely] be three divorce. This is the same saying of Imaam Abu Haneefah and the common Jurists of the Hanafi school of thought.

28. A person from Iraq wrote to *Ameer ul Mu'mineen* Hazrat Umar e Faarooq (*Allaah be pleased with him*) that, I have said this to my wife, **حبلك على غاربك**, your rope is on your neck. He wrote to the Governor of Iraq, order this person to meet me in Makkah at the time of Hajj. Therefore, Hazrat Umar was circulating [doing *Tawaaf*] the *Baiet ul Laah* [Holy Ka'bah] so that same person from Iraq met him and said, Salaam. He asked, who are you? He replied, that I am the same person from Iraq, whom you ordered to meet you. He said to him,

اسألك برب هذه البيتة
ما أردت بقولك حبلك على
غاربك ؟ فقال له الرجل لو
استخلفتني في غير هذا المكان
ما صدقتك أردت بذلك
الفارق فقال عمر بن الخطاب
هو ما أردت . (مؤطرا امام مالك م ٢٣)

I ask you by giving you the oath of the Creator of this sacred Ka'bah that you said this to your wife with what intention and aim that your rope is on your neck. That man replied, if you would have taken oath in any other place other than the sacred *Baiet ul Laah* [*Allaah's House*], I would have not spoken the truth to you. I said to the wife with the intention of separating her. Hazrat Umar (*Allaah be pleased with him*) said, it has happened, which you intended, meaning the divorce is imposed and she is separated from you.

(Muwatta Imaam Maalik#2026)

Shaiekh Ul Islaam Allaamah Imaam Badrud Deen Aieni, (*Allaah be pleased with him*) the interpreter of the Saheeh Bukhaari says,

وَمَذَهَبُ جَمَاهِيرِ الْعُلَمَاءِ مِنَ
الْتَّابِعِينَ وَمَنْ بَعْدَهُمْ مِنْهُمْ
الْأَوْزَاعِيُّ وَالْخَنْفِيُّ وَالثَّوْرَى وَ
أَبُو حِينَفَةَ وَاصْحَابَهُ وَمَالِكُ وَ
اصْحَابَهُ وَالْشَّافِعِيُّ وَاصْحَابَهُ وَأَبْدَى
وَاصْحَابَهُ وَاسْتَقْنُ وَأَبْو ثَوْرَدَ وَأَبْو عَيْدَ
وَأَخْرَجُونَ كَثِيرُونَ عَلَى أَنَّ مِنْ طَلاقِ
أَصْرَارَتِ ثَلَاثَةَ وَقْعَنَ وَلَكِنَّهُ يَأْتِي ثَرَّ وَقَالُوا
مِنْ خَالِفَتِ فِيهِ فَهُوَ شَادٌ مُخَالِفٌ
لِأَهْلِ السَّنَةِ - (عِدَّةُ الْقَارِئِيُّ شَرْحُ بَنْجَارِيِّ مَبْرُرٍ)

And most of the legendary scholars of the *Taabi'een*, and the ones who were after them, amid them Imaam Auzaa'ee, Imaam Nakh'ee, Imaam Sauree, Imaam Abu Haneefah and his companions, Imaam Maalik and his companions, Imaam Shaafi'ee and his companions, Imaam Ahmad and his companions, Imaam Ishaaq, Abu Saur, Abu Ubaied and many other scholars (*Allaah be pleased with them*) have the same article of believe that the one who gives sudden three divorce then those three will actually be imposed but that person will be sinful. And those ones who oppose it are very few and are in opposition to Ahle Sunnat.

(*Umdatul Qaari Sharah Saheeh Bukhaari*,
vol-20, pg. 233)

Shaiekh Ul Islaam Imaam Navavi (*Allaah be pleased with him*) the interpreter of Saheeh Muslim Shareef says,

وَقَدْ اخْتَلَفَ الْعُلَمَاءُ فِي مَنْ قَالَ
لَا مَرْتَدَةَ أَنْتَ طَالِقٌ ثَلَاثَةَ فَمَالِ الشَّافِعِيُّ
وَمَالِكُ وَأَبُو حِينَفَةَ وَأَحْمَدُ وَجَمَاهِيرُ
الْعُلَمَاءِ مِنَ السَّلْفِ وَالخَلْفِ يَقُولُ
الثَّلَاثُ وَقَالُ طَاءُ وَسْ وَبَعْضُ

And certainly, a contradiction has been done by the scholars, regarding a person, who says to his wife that you are divorced thrice [suddenly], so [he should listen], that Imaam Shaafi'ee, Imaam Maalik, Imaam Abu Haneefah, Imaam Ahmad and collectively the earlier and the later scholars (*Allaah be pleased with them*) says that surely

اَهْلُ الظَّاهِرِ لَا يَقُعُ بِذَلِكَ الْاَعْدَادِ . (نَوْيٰ شَرْحُ مُلْمِكَتِيَّتٍ ص: ٣٨)

three divorce will be imposed. While Taaos and some shallow people have said only one will be imposed.

(*Navavi Sharah Muslim Shareef*, vol-1, pg. 478)

Allaamah As Sindee writes in the footnotes of Nasaaee Shareef, **وَالْجَمِيعُ عَلَى أَنَّهُ إِذَا جَمِعَ بَيْنَ الْأَشْدَاتِ يَقُعُ الْأَلْثَلُ** (*Footnote Nasaaee Shareef*, vol-6, pg.143) And, collectively the legendary Scholars agree on this, when you say sudden three divorce are given then the three of them are imposed.

Baiehaqee of his Era, Allaamah Qaazi Sanaa ul Laah Panipatti (*Allaah have mercy on him*) says,

وَعَلَى كُلِّ الْتَّأْوِيلَيْنِ يَظْهَرُ مِنْ
جَمِيعِ الْطَّلَقَتَيْنِ أَوْ ثَلَاثَ تَطْلِيقَاتِ
بِلِفْظِ وَاحِدٍ أَوْ بِالْفَاظِ مُخْلِفَةٍ
فِي طَهْرٍ وَاحِدَةٍ حَرَامٌ بِدُعْتِ
مُؤْمِنٍ خَلَافًا لِلشَّافِعِيِّ فَإِنْ يُقَوَّلُ
لَا يَبْأَسُ بِهِ - لِكُنْهِمْ اجْمَعُوا عَلَى
أَنَّمَنْ قَالَ لِأَمْرِتِهِ أَنْتَ طَالِقٌ
ثَلَاثًا يَقُعُ ثَلَاثًا بِالْإِجْمَعِ (مَذْهَبِيَّتٌ)

By these two explanations it proves that certainly the awarding of two or three divorce that might be with a single word or by different words, in a single *Tuhr* it is forbidden, innovation and a reason of sin. Imaam Shaafi'ee is against it. He says there is no harm in this but the consensus and agreement of everyone is on this, whosoever says to his wife that you are divorced thrice then with consensus three will be imposed.

(*Mazhari*, vol-1, pg. 300)

Imaam-e-Rabbaani Saiyyidee Imaam Abdul Wahhaab Shu'raani (*Allaah be pleased with him*) while discussing the issue of divorce, concludes this result,

وهذا كله يدل على اجماعهم على
صحة وقوع اللثلاث بالكلمة الواحدة -
(كشف الغم ١٢٨)

Also, all this discussion gives the proof of this, that there is a consensus of the legendary scholars (respected Companions) (*Allaah be pleased with them*) on the authenticity of imposing, three divorce by a single sentence.

(*Kashful-Ghummah, vol-2, pg.128*)

Allaamah Ahmad Bin Muhammad As-Saawee (*Allaah have mercy on him*) the interpreter of *Tafseer Saawee Shareef*, فَإِنْ طَلَقَهَا فَلَا تَحْلُلْ لَهُ أَيْمَانُهَا فَلَا تَحْلُلْ لَهُ آتِيَةً

(*Holy Qur'aan, chapter Al Baqarah, verse# 230*) says,

وَالْمَعْنَى فَإِنْ شَبَتْ طَلاقُهَا
ثَلَاثًا فِي مَرْأَةٍ أَوْ مُرَاتَتْ فَلَا تَحْلُلْ
لَهُ أَيْمَانُهَا كَمَا إِذَا قَالَ لَهَا أَنْتَ
طَالِقٌ ثَلَاثًا أَوْ الْبَيْتَةِ وَهَذَا
هُوَ الْمُجْمَعُ عَلَيْهِ وَإِمَامُ الْقُولِ
بِأَنَّ الطَّلاقَ الْثَلَاثَ فِي مَرْأَةٍ
وَاحِدَةٍ لَا يَقُعُ إِلَّا طَلاقَةٌ فَلَمْ
يُعْرَفْ إِلَّا لَابْنِ تَيْمَيَّةِ مِنَ الْخَابِلَةِ
وَقَدْ رَدَ عَلَيْهِ أُمَّةُ مَذْهَبِهِ حَتَّى
قَالَ الْعُلَمَاءُ أَنَّهُ الصَّنَاعَ الْمُضَلِّلُ
وَنَسِبَتْهَا لِإِمَامِ أَشَبِّ مِنْ
أُمَّةِ الْمَالِكِيَّةِ بِاطْلَالَةٍ
(صادِرٌ عَلَى الْجَلَالِيِّينَ مُتَّ)

And the meaning of this verse is, if three divorces are proven, either sudden [all at once] or separately then the woman [wife] will not remain *Halaal* [allowed], like someone says to his woman, you are divorced thrice, then all three will be imposed. This is an issue on which there is consensus of everyone, and this saying, that by giving three divorce, at once, only a single divorce is imposed, this is not known by anyone except Ibne Taiemiyyah Hanmbalee. Also, certainly this saying of Ibne Taiemiyyah has also been rejected by the Leaders of his own article of belief. To such extend, that the respected Scholars have even said, Ibne Taiemiyyah is misguided himself and is the one who misguides others. Beside it is wrong to divert this issue towards Imaam Ash hab Maalikee.

(*Saawi Alal Jalaalaien, vol-1, pg.100*)

Istiftaa [Acquiring religious opinion]

Bismil Laahir Rahman Nir Raheem...All of us the Muslim circle, the residents of the cantonment area of Bangalore [India], respectfully with great humility request Aali Janaab Khaier-o-Barakat Ma'aab, Jaamiul Kamaalaat, Waqiful Ahaadees Wal Aayaat, Allaamah-e-Nabeel, Muhaddis-e-Jaleel, Imaamul Muslimeen, Miqdaamul Mu'mineen, Saahibud Daleelul Qawee, Saalikut Tareequl Mustawee, Qaami'ul I'tisaaf, Muhibbul Insaaf, Maulana Wa Maulvi ul Ahnaaf, Hazrat Abul Hasanaat Al Haaj, Al Maulvi, Al Haafiz, Al Muftee, Al Waaiz, Ash Shaiekh Muhammad Abdul Haiey Al Lukhnawi Daama Bil Faiezis Suwari Wal Ma'navi that everyone has decided, our decision stands on your verdict [Fatwaa]. The Scholars of here, have agreed on your writing. Which is this, that a person [Zaiied], said to his wife at a time, thrice, in a single instance, you are divorced, you are divorced, you are divorced. But he said these words in anger, without the intention of imposing three divorce, or without understanding the meaning and rule, thus in this condition, will the three divorce take place or not? Here two groups are formed [on this issue]. One group says, that according to the evident orders of the Ahaadees, it will not be imposed, and the other group says, that according to the research of the Jurists and narrators of Ahaadees it will be imposed. Hence now you must tell, is there a contradiction of opinion in this matter amongst the four doctrines of belief, or do the four Exponents of Islaamic Law [Hanafee, Shaafi'ee, Maalikee, Hanmbalee] agree on its imposition. And what is the certification on this, by the Hadees. And which Hadees is the proof that it will not be imposed. And then what is the flaw in this Hadees. And which Hadees was in its opposition, that which the Ahle Mazhab people [Scholars of four doctrine] have left out. According to the Fiqh [Jurisprudence] and Hadees, write the evidences of all the narrators of hadees of both the sides with arguments and critics [to extract the exact meaning]. And please write the order, in which it would be the basis of verdict [Fatwaa], so that it could be published as it is, and you will be rewarded for this. (View the reply)

Huwal Musawwib [Only Allaah knows the Best]: A person who gives three divorce, the aim after the first, the last two would not be to emphasize, therefore in this condition according to the collective religious companions, *Taabi'een* [their followers], the four *A'immah*, most of the Expounders of Islaamic Law, and the narrators of *Bukhaari* and the collective narrators, three divorce will be imposed. Although, while doing it against the way of *Shari'ah* sin will be compulsory.

It is written in *Muwattaa* of Imaam Maalik:

ان رجلا قال لابن عباس اني طلقت امرأة مائة تطليقة فما ذلتى على فقال
له ابن عباس طلقت منك بثلاث وسبعين وتسعون تأخذ بها ايات الله هنوا.

And it is further written in *Muwattaa* (#2021)

ان رجلا جاء الى ابن مسعود ف قال اني طلقت امرأة ثمان تطليقات فقال
ابن مسعود فما ذلتى قيل لك قال قيل لي انه اقد بانت مني فقال ابن مسعود صدقوا آه

And it is written in *Sunan Abu Daawood* (#2022)

طلق رجل امراته ثلاثة قبل ان يدخل بها ثم بدارله ان ينكحها فباء يستغنى
عبد الله بن عباس و ابا هريرة في ذلك فقال لا تزني ان تنكحها الا ان تنزع
زوجا غيرك قال فانما طلاق ايها واحدة فقال ابن عباس انك ارسلت
ما كان لك من فضل

(#2198) And in *Al Musannaf*, Abdur Razzaaq narrated from Ubaadah Bin As Saamit

ان اباه طلق امرأة ألف تطليقة فانطلق عبادة قال عنه رسول الله
بانت بثلاث في معصية الله و بقي تسع مائة و سبعة و تسعون عدوا ان اظل
ان شاء عذبه و ان شاء غفرله (#11339)

And similar order has been narrated by Wakee from Hazrat Usmaan and Alee (*Allaah be pleased with them*). And Hazrat Umar (*Allaah be pleased with him*) administrated it and gave the order of imposing three divorce on it. Even though they may be in one instance, it is narrated in Saheeh Muslim etc.

Moreover, these are the sayings, according to the evident meaning of the Qur'aan. And the remaining Hadees which are narrated in Saheeh Muslim etc.

كان الطلاق على عهد رسول الله وابي بكر وستين من خلافة عمر طلاق الثلاث
واحدة فقال عمر انت الناس قد استعجلوا في امر كان لهم فيه اناة فلو امضيناها
عليهم فامض عليهم - (#1472-15).

Thus, its interpretation by most of the narrators of Hadees and the Jurists is this, that in the early period, if you say the word of divorce thrice [after saying first *Talaaq*, the two words of *Talaaq* after them] then by this it means its confirmation [of the earlier words]. Due to this reason, it was only one divorce, not this that, by three words, divorce was meant thrice. And then it would only be [considered] one.

كذا ذكره النروى وابن الهمام وغيرهما والله اعلم

Like it has been mentioned by Navavi and Ibnu Humaam and beside them others, Allaah Knows the best.

حرر الراجح عفوا رب القوى ابوالحسنات محمد عبد الحكيم تجاوز الله عن ذنبه
الجليل والحنفى (بموجب فتاوى ٢٢٣)

Abul Hasanaat Muhammad Abdul Haiey Al Lukhnawi

(*Majmuu 'atul Fataawaa*, vol-2, pg.286)

The verdict [Fatwaa] of Muftee Ashraf Alee Saahib Thanvi

Question: What do the religious Scholars and the learned Jurists say regarding this issue that if a person gives three divorce to his wife in a single instance and then keeps her, so can he keep her or not? And what is the opinion of most of the Jurists, please you give its answer from the Qur'aan, Ahaadees and *Fiqh* and get countless everlasting blessings from Almighty Allaah.

Answer:

اجواب : في التفسير المظہری تحت قوله الطلاق مرتان لکھم
اجمعوا على انه من قال لا مرأته انت طلاق ثلثا يقع ثلثا بالاجماع
وقالت الامامیه ان طلاق ثلاثة دفعه واحدة لا يقع اصلا و قال
بعض الحنابلة يقع طلاقة واحدة ومن الناس من قال ان في قوله انت
طلاق ثلاثة يقع في المدخول بها ثلاثة وفي غير المدخول بها واحدة والجعه
لنا السنة والاجماع اما السنة فحدثنا

In Tafseer Mazhari, in reference to the saying of Almighty Allaah أَنَطْلَاقَ مَرْتَنْ it is stated that, on this is the agreement and consensus of everyone that the person who said to his wife, you are divorced thrice with consensus three divorce will be enforced. The Imaamiyah [Shi'ite's] say that, if anyone gives three divorce in a single instance then in reality not even one will be enforced. Moreover, it is the saying of some Hanmbalee's [i.e. Ibne Taiemiyyah] only one will be enforced. And it is the saying of some scholars that by saying to a woman you are divorced thrice; three divorce will be enforced on *Madkholah* woman [wife with whom sexual intercourse was done]. And with *ghaier Madkholah* [the woman with whom sexual intercourse was not done] only one will be enforced. And for us it is proof and evidence, Sunnah and consensus.

And says that Sunnah is Hadees (later by quoting two three Ahaadees which have already been quoted earlier in this book says), it is known by these Ahaadees and other narrative text of the doctrines that the article of belief of most of the religious Jurists is that three [three divorce given at the same instance] will be imposed by the proof of these Ahaadees *Wal Laah A'lam*. [Almighty Allaah knows better].

(Imdaadul Fataawaa, vol-2, pg.59)

The second verdict [Fatwaa] of Thanvi Saahib

Question: What do the religious scholars and the Jurists of Islaamic Law say regarding this issue that, Zaied [a person] wrote to [his wife] Hindah three divorce in anger and sent her. Since two to four days his wife Hindah was living in her father's house, at a distance of six [6] Koss i.e. around twelve [12] miles. But the day on which the person took the letter to Hindah, she came back to her husband's meaning Zaied's house. She did not receive the letter and neither did the husband told Hindah about the letter writing or the divorce. After eight days Hindah's sister namely Maryam brought the letter and asked Zaied, did you send any letter? Zaied said, I surely did send the letter, but the intention was not of divorce. Give the letter back to me I will tear it. That letter was absurd, and it is nothing. Hindah should not fight, and argue, she may live happily in the house. Maryam did not listen to Zaied and gathered a few men and read the letter to Hindah. Hindah said, I do not know [do not accept] about the letter and the writing. Zaied is present, neither he gives divorce in front of me and nor did he mention about the letter, as usual I live in my husband's house. The summary is Zaied wrote three divorce to his wife in state of anger, but did not intent of divorcing nor was the intention of divorce, but he changed his intention before the letter reached the wife so is the divorce imposed in this circumstance or not? If it did impose then which divorce was imposed, *Raj'ee, Baain* or *Mughallazah*. Explain and be rewarded.

بنوا توجروا

Answer:

The divorce is imposed by writing in the letter or by getting it written

even if the intention is done or not or after doing the intention would turn away from the intention. And whether that letter reached the wife or not. *In Shaamiyah, vol-2, pg.702*

فِي الشَّامِيَّةِ الْجُلْدُ الثَّالِثُ مَنْ وَانْ كَانَتْ مَرْسُومَةً يَقْعُدُ الطَّلاقُ فَوْيَ اَوْلَمْ يُنْوِي
وَقِيَهَا لِوَقَالَ لِلْكَاتِبِ اَكْتَبْ طَلاقَ اَمْرَأَتِي كَانَ اَقْرَارَ بِالْطَّلاقِ وَانْ لَمْ يَكْتُبْ اَخْ

This order is for that time when the subject of the letter is, I divorce you or have given you divorce, and if the subject of the letter was something else then the questioner should show it so that it is replied. Besides, since three divorce are given therefore it will be *Mughallazah. Wal Laahu A'lam* [Allaah knows the best].

(Imdaad ul Fataawaa, vol-2, pg.60)

The third verdict [Fatwaa] of Thanvi Saahib

Question:

What do the religious Scholars say in this issue. I have said these words in a state of anger that, I give divorce, divorce, divorce. Also, I have not said any other words or sentence which I have said above and neither I have taken the name of my wife and nor have I indicated towards her and neither was she present at that place and nor did she have any fault. These words were uttered only due to quarrel and dispute with her paternal aunt [Taaee]. When my anger subsided, I immediately brought my wife back. Amid these two people one is my maternal uncle [Maamoon] and another was an outsider and some ladies.

Answer: Since in the heart the intention was of giving divorce to your own wife therefore, three divorce will take place. Like it is stated in *Raddul Muhtaar, vol-2, pg.705*.

(Imdaadul Fataawaa, vol-2, pg.73)

The verdict [Fatwaa] of Gangohi Saahib

Question: What do the religious scholar say regarding this issue, that

the three-divorce given at a single instance, [by them] will only one will take place or not?

Answer:

In this case three divorce will take place, there is no other solution beside *Halaalah* [if you have to bring your wife back] for it. And *Wal Laahu A'alam*. [Allaah knows the best]. Bondsman Rasheed Ahmad Gangohi.

(Fataawaa-e-Rasheediyah, vol-2, pg.75)

Those people, who declared that the three-divorce given at the same instance is considered as one, and let the couple do *rujoo* [return], their evidences and Answers

Proof #1: Hazrat Abdul Laah Bin Abbaas (*Allaah be pleased with him*) said that Abd-e-Yazeed Abu Rukaanah divorced his wife Umm Rukaanah. The Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) ordered them to *rujoo* [return]. He said, **أَنِ طَلَقْتَهَا ثَلَاثَةٍ يَا رَسُولَ اللَّهِ** O Prophet of Allaah [*Yaa Rasoolal Laah (Sallal Laahu Alaieka Wa Sallam)*] I have divorced her thrice.

قالَ قَدْ عِلْتَ رَاجِعَهَا وَتَلَرْ يَا يَهَا النَّبِيُّ إِذَا طَلَقْتَهُنَّ لَعْدَهُنَّ

He said, indeed I know, you do *rujoo* [return] with her and He (*Sallal Laahu Alaiehi Wa Sallam*) read this Qur'aanic verse **يَا يَهَا النَّبِيُّ إِذَا طَلَقْتَهُنَّ**

(Abu Daawood#2196, Baiehagee#14986).

If by giving sudden three divorce, it will be occurred as thrice, then *rujoo* [return] is not possible after three. Therefore, why did the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) let them do *rujoo* [return]? Therefore, it is proven that by giving sudden divorce thrice only a single divorce is imposed.

Answers: Sadly, even after giving this weak evidence they have done deceit. The honesty was this, that along with it the remaining part was also quoted. Which is the narration of the son and the grandson of the person giving the divorce by this the issue would have been cleared. Here we will present that remaining portion. View this.

قال ابو داود وحدیث نافع ابن
ع拜یر وعبدالله بن علی بن
یزید بن رکانہ عن ابیه عن
جده اے رکانہ طلق امرأة
فردہا الیہ النبی ﷺ علیہ السلام
صح لان ولد الرجل واهله
اعلم بہ ان رکانہ انما طلق
امرأة البتة فجعلها النبی ﷺ علیہ السلام
واحدة۔ (ابو داود شریف ص ۲۲۳)

After narrating the above mentioned Hadees Imaam Abu Daawood says, he narrated from Naafe Bin Ujaier and Abdul Laah Bin Alee Bin Yazeed Bin Rukaanah which they quoted from their father and grandfather that Rukaanah divorced his wife so the Holy Prophet (Sallal Laahu Alaiehi Wa Sallam) returned his wife towards him. It is very true because the son and the family members of the person giving the divorce knew him the best (so this is their quote). There is nothing else except this, that undoubtedly Rukaanah gave his wife *Talaaq-e-Battah* so the Holy Prophet (Sallal Laahu Alaiehi Wa Sallam) declared it as a single divorce (and let them return).

(Abu Daawood# 2196)

See the Saheeh narration in its favour:

Tirmizee Shareef: Chapter باب ماجاء في الرجل طلقه امرأة البتة Regarding that person who gives *Talaaq-e-Battah*, to his wife. In this chapter the same hadees is quoted. View it,

عن عبدالله بن یزید بن رکانہ عن
ابیه عن جده قال ایت النبی
صلی اللہ علیہ وسلم فقلت یا رسول
اللہ انی طلقت امرأتی البتة فقل
ما اردت بها قلت واحدة قال

Abdul Laah Bin Yazeed Bin Rukaanah narrates from his father and grandfather that I requested the Holy Prophet (Sallal Laahu Alaiehi Wa Sallam), O Prophet of Allaah, [Yaa Rasoolal Laah (Sallal Laahu Alaieka Wa Sallam)], I have given my wife *Talaaq-e-Battah*. He (Sallal Laahu Alaiehi Wa Sallam) said, what had you intended

وَاللَّهُ قَلْتَ وَاللَّهُ قَالَ فَهُوَ
 مَا أَرَدْتَ هَذَا حَدِيثٌ لَا نَعْرِفُهُ إِلَّا
 مِنْ هَذَا الْوَجْهِ وَقَدْ أَخْتَلَفَ أَهْلُ
 الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
 وَغَيْرُهُمْ فِي طَلاقِ الْبَتَّةِ فَرَوْيٌ
 عَنْ عَمَّ بنِ الْخَطَّابِ أَنَّهُ جَعَلَ
 الْبَتَّةَ وَاحِدَةً وَرُوِيَ عَنْ عَلَى
 أَنَّهُ جَعَلَهَا ثَلَاثَةً وَقَالَ بَعْضُ أَهْلِ
 الْعِلْمِ فِيهِ نِيَةُ الرَّجُلِ أَنْ نَوْيَ
 وَاحِدَةً فَوَاحِدَهُ وَإِنْ نَوْيَ
 ثَلَاثَةً فَثَلَاثَةً - (تَرْمِيَ شَرِيفٌ)

with it? I said one divorce. He (*Sallal Laahu Alaiehi Wa Sallam*) asked, Oath by Allaah! I said, Oath by Allaah. The Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) said, so it is that which you intended. Imaam Tirmizee says, this hadees is reorganized by us for the same reason. And undoubtedly contradiction has been done by the learned Companions of the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*), and beside them other scholars in *Talaaq-e-Battah*. So, it is narrated by Hazrat Umar-e-Faarood (*Allaah be pleased with him*) that he had declared *Talaaq-e-Battah* as one [single] divorce. And it is narrated from Hazrat Alee (*Allaah be pleased with him*) that he declared it as equal to three divorce. Moreover, some Learned ones have said, its decision is upon the intention of the person. If intention is done for one divorce, then one will be imposed, and if intended for three then three will be imposed.

(*Tirmizee Shareef*#1177)

Similarly, in Ibne Maajah Shareef the same hadees is quoted under the chapter of “*Baab Talaaq Al Battah*”, and also in Daarmi Shareef under the chapter “*Baab Fit Talaaq Al Battah*” the same hadees is quoted. And hear the decisive words in *Talaaq-e-Battah* of Shaiekh ul Islaam Imaam Navavi (*Allaah be pleased with him*) the interpreter of Muslim Shareef. He says,

فهذا دليل على انه لوارد
 الثلاث لوعن والاف لم يكن
 لخليفه معنى واما الرواية التي
 رواها الخالفون ان ركانة طلاق
 ثلاثا فجعلها واحدة فرواية
 ضعيفة عن قوم مجهولين وانما
 الصحيح منها ما قدمناه انه طلقها
 البتة ولفظ البتة محتمل للواحدة
 وللثلاث ولعل صاحب هذه
 الرواية الضعيفة اعتقد ان
 لفظ البتة يقتضي الثلاث فرواه
 بالمعنى الذي فهمه وغلط في
 ذلك - روى على مسلم شريف ص ٢٥٣

Thus, this is an evidence on this that if Rukaanah had intended for three divorce then three of them would have had happened. And if this was not the reality the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) would have not taken the oath from him regarding his intention. Also, the narration which the opponents have narrated that Rukaanah had given three divorce, which the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) declared as once, this is a weak narration. Moreover, it is narrated from the ignorant people that, there is nothing else besides this, that the categorically correct narration is the one which we have stated before that Rukaanah had given *Talaaq-e-Battah*. The word *Battah* is suspected, for once and as well as for three and it might be possible that the belief of the narrator of this weak narration might be that the word *Battah*'s requirement is for three divorce. Thus, he narrated only meaning wise which he misunderstood.

*(Navavi summary of Muslim Shareef, vol-1,
 pg. 478)*

Al hamdu lil Laah it has become very clear that the narrations provided by the opponents are weak and wrong and they are narrated from unknown people. The correct narration is the one which we have presented that Rukaanah gave *Talaaq-e-Battah*, and in *Talaaq-e-Battah*, it is supposed to be either once or thrice. Thus, the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) asked him to take Oath by Allaah and got it testified that his intention was for once. If the intention would have been for three then thrice would have been imposed. The meaning of “*Batt*” is to break-off meaning that this divorce breaks

off the . If the person giving the divorce intends for once or twice or does not intend at all, then according to Hazrat Imaam Abu Haneefah (*Allaah be pleased with him*) *Talaaq-e-Baain* will take place. And in this there is a need of a new *Nikaah* [marriage]. And according to Hazrat Imaam Shaafii'ee (*Allaah be pleased with him*) *Talaaq-e-Raj'ee* takes place, in this there is no need for redoing the *Nikaah*. And if the person giving the divorce intends for three, then according to both the Imaam's [Imaam Abu Haneefah and Imaam Shaafii'ee] it will be imposed as three, and the woman will not remain *Halaal* [will be forbidden].

Proof 2: Hazrat Abdul Laah Bin Abbaas (*Allaah be pleased with him*) narrates,

كَانَ الطَّلاقُ عَلَى عَهْدِ رَسُولِ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَابْنِ بَكْرٍ سَوْتَنِينَ
مِنْ خَلَافَةِ عَمَرٍ طَلَاقُ الْثَلَاثَ وَاحِدَهُ
(صَيْحَةُ مُلْمِ شَرِيفٍ كِتَابُ الطَّلاقِ مِنْ ۝۝۝)

That in the era of the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) and Abu Bakr Siddeeq and until the first two years in the caliphate era of Hazrat Umar three divorce was considered as one.

(*Saheeh Muslim Shareef*#1472-15, *Kitaab At Talaaq*)

In *Saheeh Muslim Shareef* one more Hadees is present after this Hadees that,

إِنَّ ابْنَ الصَّبَاءَ قَالَ لِابْنِ عَبَّاسٍ
أَقْلَمْ أَنَا كَانَتِ الْثَلَاثَ تُجْعَلُ وَاحِدَةً
عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَ
ابْنِ بَكْرٍ وَثَلَاثَةً مِنْ إِمَامَةِ عَمَرٍ فَقَالَ
ابْنُ عَبَّاسٍ نَعَمْ . (صَيْحَةُ مُلْمِ شَرِيفٍ مِنْ ۝۝۝)

Certainly, Abu Abus Sahbaa said to Hazrat Ibne Abbaas, do you know that in the era of Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) and the era of Abu Bakr Siddeeq (*Allaah be pleased with him*) until first three year in the era of Umar-e-Faarooq [*Allaah be pleased with him*], three divorce were considered as one? Hazrat Ibne Abbaas replied, Yes!

(*Muslim Shareef*#1472-16)

Answer#1 Firstly, this is not the saying of the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) that if sudden three divorce are given then consider them as one, rather this is the narration of Hazrat Ibne Abbaas (*Allaah be pleased with him*). And we have already provided the narrations of the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*), the four Caliphs and most respected Companions (*Allaah be pleased with them*) as you have read in the previous pages. Moreover, we have also quoted the authentic narrations of Hazrat Ibne Abbaas [*Allaah be pleased with them*], he has declared that consider three sudden divorce given at an instance as three. And when the action of the narrator of the Hadees goes against his own narration then by this, it surely proves that this hadees is rejected in the knowledge of that narrator. Otherwise, how could he have done against it. Therefore, Shaiekhul Islaam Allaamah Imaam Badr-ud deen Aienee the interpreter of the Saheeh Bukhaari Shareef says, **قد روی احادیث عت بن عباس تشهید بانتساخ** Certainly the Ahaadees narrated from Hazrat Ibne Abbaas, they testify the cancellation of this Hadees.

(*Umdatul Qaari, Interpretation of Bukhaari, vol-20, pg.233*)

وأجاب الطحاوي عن حديث ابن عباس بما ملخصه انه منسوخ
Furthermore, the conclusion of the reply given by Imaam Tahaavee regarding Ibne Abbaas's hadees is, this Hadees is cancelled. And his evidence is, that when *Ameer- ul Mu'mineen* Hazrat Umar-e-Faarooq (*Allaah be pleased with him*) in his caliphate legislated this law that those suddenly given three divorce will be surely considered three divorce. Also, not raising the voice by even a single companion against it and then the following of everyone on it, this is the biggest evidence of cancellation. Therefore, Allaamah Aienee says,

وَخَاطَبَ عَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ بِكَذِلِكَ
النَّاسُ الَّذِينَ قَدْ عَلِمُوا مَا تَقْدِمُ مِنْ
ذَلِكَ فِي زَمَانِ النَّبِيِّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ
وَسَلَّمَ فَلَمْ يَنْكِرْ عَلَيْهِ مِنْهُمْ مِنْ كَوْا لَوْ

And, at the time of this issue, in front of Hazrat Umar (*Allaah be pleased with him*) those people were present who knew well what had happened earlier regarding this issue in the era of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*). So, amid them none of the

يُدْفَعُ دَافِعُهُ فَكَانَ ذَلِكَ أَكْبَرُ الْجُنُبِ
فِي نَسْخَةٍ مَا تَقْدِمُ مِنْ ذَلِكَ.
(عِنْدَ الْقَارِي ٣٣٣)

deniers denied it, and neither anyone contradicted it with any evidence (even though those companions were not the ones who would stay quiet in the issues of *Shari'ah*). Hence, this became the biggest evidence and proof for its cancellation.

(*Umdatul Qaari*, vol-20, pg.233)

And the same Imaam further states:

فَإِنْ قُلْتَ مَا وَجَدْتَ هَذَا النَّسْخَةَ وَ
عَمِرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ لَا يَنْسَخُ وَكَيْفَ يَكُونُ
النَّسْخَةُ بَعْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ قُلْتَ
لَمَّا خَاطَبَ عَمِرَ الصَّحَابَةَ بِذَلِكَ فَلَمْ
يَقُعْ اِنْكَارٌ صَارَ جَمِيعًا.
(عِنْدَ الْقَارِي ٣٣٣)

If you ask, what is the reason for the cancellation of this Hadees, even though Hazrat Umar cannot cancel it and how could anything be cancelled after the Holy Prophet (*Sallal Laahu Alaihi Wa Sallam*)? So, I say, when Hazrat Umar presented this issue in front of the companions, due to not being denied by any companion, all the companions had consensus on it. [It means it became an unanimously agreed issue of the companions].

(*Umdatul Qaari*, vol-20, pg.233)

Shaiekh ul Islaam Imaam Navavi the interpreter of the sacred *Saheeh Muslim* says,

رَفَانْ قِيلَ، فَقَدْ يَجْعَلُ الصَّحَابَةَ عَلَى
النَّسْخَةِ فَيَقْبِلُ ذَلِكَ مِنْهُمْ (قَلَّا)، إِنَّمَا
يَقْبِلُ ذَلِكَ لَأَنَّهُ يَسْتَدِلُّ بِجَمِيعِهِمْ
عَلَى نَاسِخٍ وَمَا اِنْهُمْ يَنْسَخُونَ مِنْ

Thus, if this is said that certainly the consensus of companions on which hadees, it will be accepted from them. (We say) Certainly, only that will be accepted, because surely their consensus is the proof for the cancellation of the Hadees. Also,

لقاء افسوه فمعاذ الله لانه اجلع
 على الخطاء وهم معصومون من ذلك.
 (نحوی علی سلم ۲۷)

this (thought) that the respected companions on their own, without any strong evidence use to cancel any Hadees then *Ma'aazal Laah* [Allaah protect us] because they were innocent from this that their consensus would be on a mistake.

(*Navavi Summary Muslim* vol-1, pg.478)

Shaiekh ul Islaam Imaam Navavi the interpreter of the Saheeh Muslim Shareef says, that Allaamah Al Maazaree said, certainly that ignorant person who is unaware of the real situation has doubted this issue that later *Ameer-ul Mu'mineen* Hazrat Umar (*Allaah be pleased with him*) cancelled it (with his own opinion) then,

هذا خط فاحش لآن
 عمر رضي الله عنه لا ينسخ ولو
 نسخ وحاشاه لبادرت الصحابة
 الى انكاره وان اراد هذا
 القائل انه نسخ في زمن
 النبي صلى الله عليه وسلم
 فذلك غير ممتنع - (نحوی ۲۷)

This is very wrong and shameful assumption because Hazrat Umar (*Allaah be pleased with him*) (by his own opinion) could never cancel it, and if he would have cancelled (like this), though his personality is free and clear from such accusations. Then the respected companions would have also preceded its denial. And if the person who declares this Hadees as cancelled, means this that it was cancelled in the era of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) so this is possible.

(*Navavi*, vol-1, pg.478)

Baiehaqee of his Era, Allaamah Qaazi Sanaa Ul Laah Panipatti (*Allaah have mercy on him*) says,

وما ذكر من حديث ابن عباس
 فيه دلالة على ان الحديث منسخ

And the Hadees of Ibne Abbaas which is discussed, in it is the proof of this act, that this Hadees is cancelled.

فَإِنْ أَمْضَأْتَ عِمْرَ الْمُتَّلِّثَ بِمُحْضِهِ
 مِنَ الصَّحَّابَةِ وَتَقْرِيرِ الْأَمْرِ عَلَى
 ذَلِكَ يَدْلِي عَلَى ثَوْبَتِ النَّاسِ
 عَنْهُمْ وَإِنْ كَانَ قَدْ خَفِيَ ذَلِكَ
 قَبْلَهُ فِي خَلْفَةِ أَبِي بَكْرٍ وَقَدْ صَحَّ
 فَتْوَى أَبْنَى عَبَّاسٍ عَلَى خَلْفَ مَارْوَهٍ
 (تَفْسِيرُ مَطْهَرٍ ص ٣٢٣)

Because Hazrat Umar's establishing and ordering of three divorce [given together] in front of many companions and the implementation on this order, near the companions is an evidence of its cancellation. Although this issue remained hidden in the caliphate of Hazrat Abu Bakr before Hazrat Umar. Also, this narration which is done by Ibne Abbaas, against it his own verdict [Fatwaa] is correctly proven.

(Tafseer-e-Mazhari, vol-1, pg. 302)

Answer#2: Suppose, if this Hadees is not considered as cancelled then this Hadees is for *Ghaier Madkholah* meaning regarding a woman who has been divorced before sexual intercourse. View the following,

Hazrat Abus Sahbaa asked Hazrat Ibne Abbaas (*Allaah be pleased with him*) that, you do not know that when a person before going to his wife [i.e. before sexual intercourse] gives three divorce to his wife then since the era of Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*), Hazrat Abu Bakr and the early period of Hazrat Umar, these three divorce were considered as one divorce?

قَالَ أَبْنَى عَبَّاسٌ بَلِيْ كَانَ الرَّجُلُ
 إِذَا أَطْلَقَ امْرَأَةً تَلَانَّا قَبْلَ أَنْ
 يَدْخُلَ بَهَا جَعْلُوهَا وَاحِدَةً عَلَى عَهْدِ
 رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَ
 أَبِي بَكْرٍ وَصَدَرَ مِنْ اِمْرَأَةِ عَمِّنْ
 (ابْرَادُ دُشْرِيفٍ ص ٣٣٣)

Hazrat Ibne Abbaas said, Yes, when any person before going to his wife gives three divorce to his wife then in the era of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*), Hazrat Abu Bakr and the beginning era of Hazrat Umar (*Allaah be pleased with them*) these three divorce were considered as one divorce.

(Abu Daawood Shareef#2199)

This Hadees has explained and interpreted the Hadees of Muslim Shareef that when a *Ghaier Madkholah* woman is given three divorce like this that you are divorced, you are divorced, you are divorced so in this case one divorce was considered. Since just by saying for the first time this woman is released from the *Nikaah*. When she does not even remain a wife, then on whom would be the other two divorce be imposed. That is why, there is no compulsion for *Iddat* [waiting period] on *ghaier Madkholah* and this order and issue still prevails even today. Yes, if three divorce are given this way that you are divorced thrice then the three of them will be imposed [take place] because in this condition the three of them were given in the presence of and then that woman would not be *Halaal* [allowed] without *Halaalah*. Also, in the prior situation she will be allowed without *Halaalah*, again can be done with her.

Therefore, Shaiekh ul Islaam Allaamah Imaam Badr ud Deen Aineeq says in the interpretation of the Saheeh Bukhaari Shareef,

فليجاب قوم عن حديث ابن عباس
المتقدم انه في غير المدخول بها.
(عدة القاري شرح بخاري ج ٢ ص ٢٣)

A group of the Scholars replied regarding the Hadees of Ibne Abbaas, which has been described, that this Hadees is about the *ghaier Madkholah* woman.

(*Umdatul Qaari Interpretation of Bukhaari*,
vol-20, Pg.234)

Baiehaqee of his era Allaamah Qaazi Sanaa ul Laah Panipatti says,

و من الناس من قال ان في قوله
انت طالق ثلاثة يقع في المدخول
بها ثلاثة في غير المدخول بها
واحدة - (تفییر مظہری ج ٣)

And some Scholars say that, “You are divorced”, three times. The *Madkholah* woman will be imposed three divorce and the *ghaier Madkholah* woman will be imposed a single divorce.

(*Tafseer-e-Mazhari*, vol-1, pg.301)

The verdict [*Fatwaa*] of Janaab Saiyyid Abul A'laa Maudoodi [Founder of Jamaa'at-e-Islaami]

Question: In the era of the Holy Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) after giving three divorce at a single instance, they were counted as one and it was considered as *Talaaq-e-Raj'ee*. Hazrat Umar [*(Allaah be pleased with him)*] in his era declared it as *Talaaq-e-Mughallazah* by considering them as three and even today in the light of *Fiqh* the Ummah is following it.

(Dr. Abdul Wadud (Munkir-e-Hadees)

Answer: The correct position in this case is this, that even in the era of the Prophet [*(Sallal Laahu 'Alaiehi Wa Sallam)*] three divorce were considered as only three, and in several cases the Prophet [*(Sallal Laahu 'Alaiehi Wa Sallam)*] while considering them as three and gave the decision but the person who used to do each time separate pronunciation of the divorce, if this reason was given from his side that his intention was for giving one divorce and the rest of the two times he merely used this word for emphasizing. His excuse was accepted by the Prophet [*(Sallal Laahu 'Alaiehi Wa Sallam)*]. What Hazrat Umar [*(Allaah be pleased with him)*] did in his era it is only this, that when the people after giving three divorce a lot started giving the excuse of the intention of one divorce, then he said that now this matter of divorce is becoming a game therefore, we will not accept this excuse and we will impose three divorce as three. This was accepted with consensus by all the Companions [*(Allaah be pleased with them)*]. Also, later the followers [*Taabi'een*], the Leaders of the Narrators also agreed on it. No one among them said that Hazrat Umar [*(Allaah be pleased with him)*] has made any amendment in the law of the Prophetic Era. Since accepting the excuse of intention is not a law, but it depends upon the judgement of the Judge [*Qaazi*] that the person who is expressing his intention he is speaking the truth. In the era of the Prophet [*(Sallal Laahu 'Alaiehi Wa Sallam)*] such kind of excuse was done by one or two known people of the Madinah hence the Prophet [*(Sallal Laahu 'Alaiehi Wa Sallam)*] while considering them honest people accepted their statement. In the era of Hazrat Umar [*(Allaah be pleased with him)*] in such far reached territories of the kingdom, which was

spreading from Iran to Egypt, and from Yemen to Syria, the excuse of each person could not definitely be worthy of acceptance in the courts, especially since many people started claiming the intention of a single divorce after giving three divorce.

(Mansab-e-Risaalat, pg.183)

Al hamdu lil Laah, it is proven by these true evidences that if three divorce are given at the same time, all together, then three will be imposed. This proven from the Holy Qur'aan, the Ahaadees of the Prophet, the respected Companions, the sacred *Ahle Baiet* [the blessed progeny of the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*)], the Four *A'immah*, the Narrators of Ahaadees, the Interpreters of Holy Qur'aan, the Expounders of Islaamic Law, and by the consensus of the Scholars of Ummah that by giving three divorce together, definitely and surely three of them will take place. Hence, in the matter of divorce people should be very cautious, they should not be hasty, they should give one or two and in this also they should give a gap. They should not do against the *Shari'ah*. Also, if in anger and in furiousness they do give three then they should not go to those non-Conformists [*Ghaier Muqallideen*] and modern type Mullaa's and Muftee's, who by giving wrong verdicts [*Fataawa*] to the person who have given three divorce to his divorced wife, the one who becomes absolutely *haraam* [forbidden] for him, she is again returned to this person who has given the divorce, and they provide a forever chance of committing a forbidden act and do a great tyranny on the people giving the divorce and the divorced wives. Do remember, the Divine vengeance [responsibility arising from wrong or sin, bad consequences] of such forbidden [*haraam*] act, these Non-Conformists and modern type Mullaa's become the cause of which. The same Divine vengeance is equally on those who are doing the act, beside the burden of the existing illegitimate progeny that is produced by the act of these cohabits, and then the continuous burden of all the generation after generation is also on these Jurists because after canceling a validated Hadees, and also by wrong interpretation of the other Ahaadees they have opened the door of illicit relationships for the *Ummah* and they all will be held responsible for it.

Sadly, in the past also, the governments have made such laws, with the views of such modern and regime Mullaa's, in the family laws that if three divorce are given together, they will be considered as one. The Government by making laws, in such delicate and important issues, absolutely against the *Shari'ah* and *Sunnah* and by its implementation, they have also become equally responsible for the Divine vengeance. Although, just as the government was informed again and again, therefore it was required that the government should have corrected the law regarding this matter. However alas, even till now, this could not be materialized, while on the other hand, the non-Conformists are continuously giving several verdicts [*Fataawaa*] on this issue, due to which the chain of illicit relationship is spreading in the *Ummah*, and the insolents are increasing. Some people in this issue, do continue with lies because they find out that after three divorce there is no concession left except *Halaalah*. So, they speak lies in front of the Scholars. The scholar only give verdict on the inquired situation. If they will not be informed the correct and the real situation, rather it will be kept hidden then the person hiding the real situation will be liable for the Divine vengeance. Also, then he will be fully responsible for this illicit and sinful act. The laws of *Shari'ah* are absolute and are established firmly in their place. If we will interfere in them and will be disobedient to them then we will be involved in various kinds of miseries and we will destroy ourselves in the world and we will be afflicted with the wrath of Almighty Allaah.

Every such person who with pure heart possess true believe in Almighty Allaah and His Prophet (*Sallal Laahu 'Alaiehi Wa Sallam*) he should be committed to the *Shari'ah* and *Sunnah* and should spend his life according to it.

May Almighty Allaah keep us save from the evils of disbelieves and wrong actions and give us the ability to follow, according to the *Shari'ah* and the *Sunnah* of the Holy Prophet (*Sallal Laahu Alaiehi Wa Sallam*) *Aameen*

آئین سحر مرتبہ سید المرسلین وصلی اللہ علی جمیلہ سیدنا محمد وآلہ واصحابہ اجمعین۔

Bondsman Muhammad Shafee Al Khateeb Al Okarvi

Ghufira Lahu,
Karachi. 1978

Glossary

- 1) **Talaaq:** Divorce, is the lifting of wedlock. Four kinds of divorces according to Jurisprudence;
 - a) **Talaaq Raj'ee:** A Revocable Divorce. The husband can revoke this divorce during the period of *Iddat* [duration of prescribed purification].
 - b) **Talaaq-e-Baa'in:** Irrevocable/Final Divorce. In this divorce the husband must make new *Nikaah* to the woman with her agreement.
 - c) **Talaaq-e-Mughallazah:** Permanently Irrevocable or final irreversible Divorce. After this divorce the wife is absolutely *haraam* [forbidden] for the husband.
 - d) **Talaaq Al-Battah:** Absolutely, Irreconcilable Divorce.

The three-divorce given all together are also called;

- a) **Talaaq-e-Biddat**
- b) **Talaaq-e-Ghaier Masnoon**

- 2) **Iddat:** This is the prescribed period of purification according to *Shari'ah*.
 - a) **Iddat-e-Talaaq:** *Iddat* for a woman with elderly age whose menstruation has stopped, is three months.
Iddat for a minor girl whose menstruation has not set in yet, is also three months.
Iddat for a pregnant woman is till the time of the delivery of the child, though it may be a for one day or full-time pregnancy till delivery.
Duration for *Iddat* after the death of husband
The duration is one hundred and thirty days after the death of husband for all women.
- 3) **Haiez:** Menstruation or menses, when a girl reaches the age of puberty, blood flows naturally from the vagina [private part]. This bleeding which is not due to any illness or child birth it is called *Haiez*. The colour of blood flow during these days maybe black, red, greenish, yellowish, murky and sand coloured. The

considered minimum age of *Haiez* is nine [9] years and the maximum age is fifty-five [55] or more years. The time of *Haiez* is between three [3] days and three [3] nights, to ten [10] days and ten [10] night. If the discharge occurs for more than ten [10] days then it is *Istihaazah*.

- 4) ***Istihaazah***: If irregular bleeding occurs due to some illness then it is called *Istihaazah*. In the condition of *Istihaazah*, *Namaaz* and fast is not forgiven. For detail of *Istihaazah*, read *Bahaar-e-Sharie'at* or *Fataawaa Rizviyyah*.
- 5) ***Haaiyah***: a woman who has menses, *maahwaari*, *Haiez* etc, in which a woman discharges blood and other material from the lining of the uterus at interval of about one lunar month from the time of puberty until the menopause, except during the pregnancy.
- 6) ***Nifaas***: When the blood flows after the childbirth then it is called *Nifaas*. There is not minimum duration for *Nifaas*, however the maximum duration is forty [40] days and night. If the discharge stops anytime after the delivery then the *Nifaas* is finished, do not wait for forty [40] days. As the baby comes out more than half way the time of *Nifaas* is counted. The rule is also the same in a Caesarean delivery [c-section].
- 7) ***Ghaier Muqallideen***: Non-Conformists, the ones who refuse to follow the Four *A'immah*.
- 8) ***Tuhr***: The duration of purification of each month.
- 9) ***Madkholah***: A woman with whom her husband had sexual intercourse.
- 10) ***Ghaier Madkholah***: A woman with whom her husband did not have sexual intercourse.
- 11) ***Haraam***: Forbidden

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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

خطیب پاکستان حضرت محمد و کاوی کی اصاعت

اُنور چوہنے کا مسئلہ

لغتِ حبیب

ذکرِ حبیب

مسلمان خاتون

درک توحید

ذکر حسین (دوجست)

اخلاق و اعمالِ عجیب

برکاتِ میلاد

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انوارِ رسالت (حصہ اول)

شامِ کربلا

نحوِ الہیت ادا

تعارف علماء دین بین

سفینہ نوح (دوجست)

ضیامِ قرآن پسلی کیتشر
گنج بخش روڈ
اردو بازار لاہور