

Dissolution of religious marriage contract ...

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Concerning the dissolution of a religious marriage contract because of the husband's procrastination

Question: A Muslim brother has concluded the religious marriage contract with me, and from that time he did neither ask about me nor contact me; even more, I don't know anything about him. And when I contacted his family, they replied that they do not interfere in his affairs, knowing that they were informed about this marriage. Given this fact, two years and half have gone by since we got married in such away; I have been in suspense since all that period. Yet when I informed him that I cannot stay in such a situation, he kept silent and did not do anything until now. So, what shall I do? May Allaah reward you.

Answer: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

The woman has the right to compel him (her future husband) via her parents to determine an appointed time to accomplish their marriage and consummate it, and to lodge her in a suitable house in a way that he should not be away from her, according to the conditions that were stipulated (between them) in the contract. Nonetheless, if he refuses or oversteps the appointed time (of the marriage), then she has the right to breach the contract and give him back what he has given in a dissolution assembly held by her parents whether or not he is present, and whether he sends someone to represent him or not. All this, provided that the contract concluded was a religious contract; but if it is a civil contract, then she has to present her case to the judge so that he dissolves the contract between them.

The perfect knowledge belongs to Allaah عَزَّ وَجَلَّ; and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

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