128827 - He divorced her once but the official recorded it as three divorces

the question

I divorced my wife, and my intention was one divorce (talaaq). When I received the papers, I discovered that they had written it down as a third divorce, even though I had not done any divorce before that. What is the Islamic ruling on this? What should I do? Can I make a complaint about the official because he is the one who made the mistake? Because it is possible that I may take my wife back, but with these papers I cannot take her back, because the papers show that there is no way to take her back unless she marries another man, then if he divorces her I can tale her back, but Allaah knows that this was the first time I divorced her. I hope that you can advise me. Thank you.

Detailed answer

Praise be to Allah.

If you divorced your wife with one divorce, such as saying you are divorced (taaliq or mutallaqah), or I divorce you by talaaq, or my wife is divorced by talaaq, then she is divorced with one talaaq, and you may take her back so long as she is still in ‘iddah.

You have to go back to the official and the shar’i court to find out the reason why the official recorded it as three divorces, and correct this mistake, because your staying with your wife will not be proper when there is a document that indicates the threefold divorce, because that may result in negative consequences that have to do with proving the lineage of children later on, and with inheritance and other things, because with this document you will be regarded as a stranger or non-mahram to your wife with whom it is not permissible for you to stay, and she will have the right to marry someone else, and you will not inherit from her and she will not inherit from you, because of the apparent end of the marriage.

With regard to the official who recorded it as an irrevocable divorce, this may be correct if you

divorced your wife in return for some payment, such as money that she gave to you or her waiving her right to the latter part of the dowry and so on. This would be khula', which means that you do not have the right to take her back, but you have the right to make a new marriage contract with her, and in that case it is essential to refer to the official.

And Allaah knows best.