177327 - Is it permissible for a man to put a house in his ex-wife’s name?

the question

My father divorced my mother irrevocably, and they cannot get back together. He subjected my mother to all kinds of injustice, humiliation, bad treatment and stinginess. He even betrayed her physically with more than one woman.
The point is that all of this mistreatment made my mother mentally ill and she could no longer bear to live with that. Now he has two houses, one in which my mother and her children live and the other in which he lives. The two houses are built of bricks and concrete without reinforcement, and the roofs are made of wood. The house in which we live with our mother was not built for us by him; rather it was built for us by some well-wishers five years after he left us and ran away, but he is threatening to sell it. Is it permissible for us, in order to protect our rights and our mother’s rights, to ask him to register this house in which we live, in return for our mother giving up to him things that she is entitled to, namely her mahr and the delayed portion of it, and the maintenance he is obliged to give her for the rest of her life, giving up all of that in return for him registering this house in which we live in our name?.

Detailed answer

Praise be to Allah.

It is permissible for your father to put the house asked about in your mother’s name and to make that a pure gift or to do it in return for what she has of the mahr and the delayed portion, if applicable.

However some things must be borne in mind:

-1-

That your mother is no longer regarded as his wife, so if your father has another wife, he is not obliged to treat them equally, because she is no longer his wife. If he does not have another wife,

then there is nothing to prevent him from giving a house or anything else to his ex-wife.

-2-

If he wants to put the house in your name, that is in the name of his children, if he does not have any children from another wife, then there is nothing wrong with him putting it in your name, because a man may give his children whatever he wants. If he does have other children, then he has to treat them fairly in terms of giving, so if he gives something to one of them, he has to give the others something similar. See the answer to questions no. 22169 and 89720

-3-

If your father does not own any part of the house, either the land or the structure, and it was built for you by well-wishers, then it is your property and your father has nothing to do with it.

If the land belonged to your father, then the same applies as stated above: it is permissible for him to register it in his ex-wife's name or in his children's names, if he does not have other children, or if he has other children and he treats all the children fairly in terms of giving.

We should point out that it is not permissible to accuse your father of zina and that this is regarded as slander, so long as you have not produced four witnesses to that, because Allah, may He be exalted, says (interpretation of the meaning):

"And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever, they indeed are the Fasiqoon (liars, rebellious, disobedient to Allah).

Except those who repent thereafter and do righteous deeds, (for such) verily, Allah is Oft-Forgiving, Most Merciful."

[an-Noor 24:4-5].

Moreover, the father has the right to be treated with kindness and respect, and to have ties upheld with him, even if he is an evildoer or wrongdoer.

We ask Allah to set straight the affairs of all the Muslims.

And Allah knows best.