117780 - Do You Have to Give Mahr Back After Divorce?

the question

I got married to a relative of mine and we stayed together for a short period of time. Problems started between us because she did not respect me and did not accept my religious and social advice. Then I had to travel for work, and I finished all the needed procedures for her visa to follow me. But she refused to come to me and is insisting on divorce. I tried many times to reconcile her and our relatives interfered but it all was in vain.
My question:
-Is it her right to take the delayed part of the dowry? Knowing that it is her who is insisting on divorce?
-What are my rights over her as a husband and after separating?
-Is it permissible for me to ask for the gold I bought and gave her in our engagement party?
-Is it permissible for me to ask them to give the cost of the visa back? It cost me more than US$ 3000.

Summary of answer

A wife may be required to return the Mahr to her husband if she seeks Khul` and no fault is attributed to him. However, the specifics of this requirement can be influenced by issues surrounding the case, like family dynamics, and the individual circumstances.

Detailed answer

Praise be to Allah.

Rights and Duties in an Islamic Marriage Contract

Once the marriage contract has been done, then each spouse has rights and duties with regard to

the other. One of these duties is that the wife must obey her husband and go to join him, and she should allow him to be intimate with her. He is obliged to provide her with accommodation and spend on her, and there are other duties which have been discussed in the answer to question no. 10680.

When Can a Woman Ask for Divorce?

It is not permissible for a woman to ask for a divorce except when there is a reason which makes it permissible for her to do so, because of the report narrated by Abu Dawud (2226), At-Tirmidhi (1187) and Ibn Majah (2055) from Thawban (may Allah be pleased with him) who said: The Messenger of Allah (peace and blessings of Allah be upon him) said: “Any woman who asks her husband for a divorce when it is not absolutely necessary, the fragrance of Paradise will be forbidden to her.” (Classed as authentic by Al-Albani in Sahih Abu Dawud)

“When it is absolutely necessary” means when there is some hardship and reason for resorting to asking for a divorce.

Options for Resolving Marital Disputes

If you do not want to divorce your wife and there is no shortcoming on your part that calls for divorce, then you may refuse to give her a divorce and tell your wife to seek Khul` and give up the deferred portion of the Mahr, or the gold, or all the gold and other things that you gave her.

Considerations of Family Ties in Marital Disputes

But you should pay attention to the ties of kinship that exist between you, and not burden her family with more than they can afford. If you limit it to taking back the gold and withholding the deferred portion of the Mahr, that is good.

We ask Allah to recompense you with good and to help you to find a righteous wife who will be a delight to you.

And Allah knows best.