12179 - Can the qaadi (judge) annul a marriage without the husband being present?

the question

Is muslim qazi permitted to invoke the proceedings of khula on the unilateral initiation of woman living away from her husband in the absence of her husband?

Detailed answer

Praise be to Allah.

Yes, that is permissible, because the qaadi (judge) has the authority to separate husband and wife and thus end the marriage if it is impossible for them to maintain a stable marriage and if the wife is being harmed by her husband’s neglect, whether it be sexual, economic or social. The qaadi should study each case on its own merits and look into the circumstances surrounding each case. The husband’s absence has no effect on the validity of the annulment.