185828 - The qaadi (judge) granted his wife an annulment of the marriage by khula‘ in his absence without his knowledge

the question

My wife separated from me by khula‘ without my knowledge, and she sent me a message to that effect to the wrong address, and she did not tell me anything until after the court had granted her khula‘. What is my legal position and what is hers? What should I do?

Detailed answer

Praise be to Allah.

Firstly:

Khula‘ is granted in return for financial compensation, such as if the wife returns the mahr to the husband, or she gives up the deferred portion of the mahr. The basic principle is that khula‘ should be granted by the husband, but the judge may force the husband to issue a talaaq (divorce) or khula‘, if he finds evidence that calls for that, such as if the wife is being harmed, in which case khula‘ or talaaq may be granted through the court, in which case the husband has no recourse but to refer to the court and try to convince the judge to change his mind, or he can ask for an official fatwa to be issued by the appropriate body in his country to declare the khula‘ null and void, which he may then present to the court.

Secondly:

It is permissible for the judge, in the event that it is proven that the wife is being harmed and the husband is absent, to separate them formally. Please see the answer to question no. 12179.

Thirdly:

What you have mentioned about the notice from the court being delivered to the wrong address is regarded as deceit and trickery on the part of the wife, so you should appeal the ruling at the

earliest opportunity.

And Allah knows best.