

Haq Mahr and Khul'a

Question:

What is Haq Mehar?

What is khula and who is entitled to haq mehar after khula?

Answer:

بسم الله الرحمن الرحيم

السلام عليكم ورحمة الله وبركاته,

Mahr is mandatory for a groom to pay her wife at the time of marriage as this is her right.

Allah Almighty says:

وَأَتُوا النِّسَاءَ صَدُقَتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيًّا

Give women their dower in good cheer. Then, if they forego some of it, of their own will, you may have it as pleasant and joyful.

(Surah Nisaa Verse 4)

If a husband dies without paying his wife Mahr, it is considered unpaid debt and will be removed from the inheritance.

(Fatawa Darul Uloom Deoband p. 336v.8)

According to the Hanafi Fiqh, Mahr must be a minimum of 10 dirhams; there is no maximum amount of Mahr. Although to stipulate a very high Mahr is not preferred.

According to Shariah's teachings, a woman cannot get out of marriage or divorce her husband, but divorce and termination of marriage are her husband's exclusive rights.

If a reconciliation cannot be brought between the husband and the wife after all possible reconciliation measures have been taken and the husband refuses to divorce, the wife will give some money or her Mahr to the husband to conclude a Khul'a agreement.

Allah Almighty says in the Quran:

وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ


It is not lawful for you to take back anything from what you have given them unless both apprehend that they would not be able to maintain the limits set by Allah.

(Surah Baqarah Verse 229)

The Jurists have written that if the husband oppresses his wife and mistreats her, and there was no fault on her path, then she is forced to make Khul'a he should not take anything from her in compensation. If the woman is at fault and the negligence belongs to her, the couple may reach a friendly reconciliation with respect to Khula, where she returns her Mahr or any other agreed amount to him.

And Allah is the All-Knowing.

Wassalam U Alaikum,



MASJID AL-SAHABAH

اهل السنة والجماعة