

107018 - He divorced his wife, and her 'iddah has finished, can he remarry her without returning to the court?

the question

I have divorced my wife and her 'iddah has finished, but we did not register the divorce in the court. According to the law she still is my wife. I live in another country that is far from my home country.

The question is:

I want to remarry her with a new contract, new dowry and to keep the first contract as valid as it is in the court. As the conditions of a marriage contract to be valid are witnesses and dowry, not registration in the court. Please enlighten me, may Allah reward you!.

Detailed answer

Praise be to Allah.

If a man divorces his wife for the first or second time (talaaq) and her 'iddah has ended, he may take her back with a new contract that fulfils the conditions and pillars of marriage, namely the woman's consent, the wali (guardian) and two witnesses, along with the mahr (dowry).

Recording the marriage or divorce in court is not a condition of it being valid, but it protects the rights of the wife and the husband and the children, hence it should be done.

We do not see any reason not to do the marriage now and to let the previous document stand, because it will serve the purpose.

And Allah knows best.