

Darul Ifta Caribbean

دار الإفتاء كاريبيان

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Question:

If someone said that if I smoked count **30 days** then if someone marries me within that time she will receive 3 times Talaq (as I did not specify someone and gave Talaq before nikaah) ... I smoked within this 30 days so that I broke the condition. I want to marry now, so what will be the solution???

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Most Gracious, the Most Merciful

Answer:

Assalamu alaikum wa Rahmatullahi wa Barakaatuhu

Our advice is that the best marriage is the one done with the least complications. The Messenger of Allah (s.a.w) tells us that, 'The Nikaah with the greatest barakaah is the one done with the least complications.'¹

Taking into consideration that your granting of Three (Talaq) is with the condition that you smoke within a period of less than Thirty (30) days then you get married within the same time frame, the most appropriate solution would be to arrange your Nikkah for a time after Thirty(30) days have passed.

¹ Ahmad and Haakim on the condition of Muslim.

Due to you **not** being engaged in a marriage contract at the time of your statement, the conditional Talaq will **not** take effect on your marriage whenever the marriage may occur.²

If however you were involved in a marriage at the time of your statement then the three (3) Talaq would have taken effect even if you did not state the name of your wife.

Only Allah knows best

Written by Mufti Naieem Mohammad

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² Radd ul Muhtar pg 337 to 340, vol3, darul fikr publishers 2005 edition
Badaai us Sanaai' pg 126, vol3 maktabatur rasheedah 1990 edition