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Potential Issues in Divorce Cases before the UK Courts for Muslim Marriages Solemnised in Pakistan: A Case Study

Ahmad Ghouri*
Samee Ozair Khan**

Abstract

This article analyses, in light of Islamic law and Pakistani law, several issues arising at the unfortunate event of divorce between Pakistani and UK nationals in cases where the marriage is solemnised in Pakistan, but the couple is residing in the UK. The article is based on a case study that involved several issues related to a certificate of Islamic divorce issued by a UK based arbitration council and a divorce deed signed in Pakistan. Other important issues such as the requirements of a valid divorce in both Islamic law and Pakistani law are also addressed. This study is primarily based on the facts of a single case where the UK Family Court sought an expert opinion based on specific facts at issue between two litigants. However, the discussions, analysis and expert opinions rendered in this article provide useful guidance for other similar cases involving British-Pakistani marriage or divorce between Muslim spouses.

Key Words: British-Pakistani Marriages, *Talāq*, Islamic Law, Pakistani Family Law and Practice

Introduction:

This case study is based on an expert opinion rendered to an English Family Court on a contentious divorce proceeding. In compliance with the Court's orders, the litigants jointly instructed Dr Ahmad Ghouri (hereinafter referred to as the 'expert') to provide an expert report, both in the eyes of Islamic and Pakistani law, on various issues raised by the disputing parties related to the validity of a divorce. The litigants, referred to in this article as Mr B and Mrs G, got married in Pakistan in October 2003. The marriage (*nikāḥ*) was solemnised in accordance with Islamic injunctions and registered under the Muslim Family Laws Ordinance,

* Senior Lecturer in Commercial Law, University of Sussex, United Kingdom.

** Associate Professor, University Law College, University of the Punjab, Lahore, Pakistan.

1961.¹ A Marriage Registration Certificate (*Nikāḥ Nāmā*) was issued dated 22 October 2003. The Divorce Petition was brought by Mr B before an English Family Court where the presiding judge permitted the disputing parties to jointly instruct an expert seeking opinion on the questions related to dissolution, under both Islamic law and Pakistani law, of marriage solemnised in October 2003 in Pakistan.

Mr B presented a Certificate of Legal Dissolution of Marriage under Islamic law dated 16 July 2014 issued by the Shar'ī Council of the Islamic Research Institute of Great Britain (herein after referred to as the 'Certificate of Islamic Divorce' or 'Certificate'). Mr B also presented a Divorce Deed dated 16 March 2019 (herein after referred to as the 'Divorce Deed'). The Divorce Deed is written as a unilateral document, which primarily stated that Mr B had earlier divorced Mrs G on 16 July 2014, and further declared the pronouncement of three irrevocable divorces in presence of witnesses. Additionally, Mr B has also presented an Affidavit dated 16 March 2019. The Affidavit is primarily a declaration on oath by Mr B that he did not own any moveable or immovable property in Pakistan. Furthermore, Mr B presented copies of his flight itinerary and passport in order to prove that he was physically present in Pakistan on the date and time when the Divorce Deed was executed.

On the other hand, Mrs G has presented an opinion dated 3 December 2018 by Dr Muftī Abdul Jalīl Sajid, Chairman Muslim Marriage Guidance Council UK, which claims that the Certificate of Islamic Divorce is un-Islamic and invalid. In addition to the above documents, disputing parties were requested to provide a copy of the Marriage Registration Certificate (*Nikāḥ Nāmā*). The disputing parties are Sunni Muslims and have requested expert opinion primarily related to the validity, under both Islamic law and Pakistani law, of the Certificate of Islamic Divorce and the Divorce Deed. Mrs G has contested the validity of both Certificate of Islamic Divorce and the Divorce Deed on a number of grounds. The disputing parties have made detailed arguments and counter arguments respectively alleging or challenging the validity of these two documents. There are some additional related points, relating to both questions of fact and law, on which the disputing parties have sought expert opinion.

Mr Samee Ozair Khan assisted Dr Aḥmad Ghouri in the conversion of his expert report presented to the UK Family Court into this article for publication as a case study. All facts are real, however, the identity of litigants has not been disclosed for legal reasons and they are fictitiously referred to as Mr B and Mrs G. All documents discussed above were

perused in light of the disputing parties' arguments and counter arguments and in accordance with the Islamic law of the Sunni school and Pakistani law, and the detailed expert opinion rendered on several legal issues raised by the disputing parties are discussed below.

1. Certificate of Islamic Divorce

The first three points raised by disputing parties relating to the validity of Certificate of Islamic Divorce, which are reproduced here for convenience:

- a. Whether there are any deficiencies in the Certificate of Islamic Divorce.
- b. Whether there are any deficiencies in the process used to secure the Certificate of Islamic Divorce.
- c. Whether any deficiencies, such as a wrongly spelt name of a spouse, in respect of the Certificate of Islamic Divorce are sufficient to render any Dissolution of Marriage invalid under Islamic law.

Mrs G alleges that the Certificate is invalid under Islamic law because:

- a. Mr B has not made three divorce declarations on a monthly interval.
- b. No conciliation effort has been made through mediation and dialogue prior to divorce.
- c. Mrs G was not contacted by the Shar'ī Council before issuance of the Certificate.

Mrs G further alleges that the Certificate of Islamic Divorce is invalid because her name was incorrectly spelt, and the Certificate has not been signed by the *Qādhī*.

In response, Mr B claims that the Certificate of Islamic Divorce is valid because:

- a. It was applied for under the Islamic Shar'ī Council in the UK who are qualified to carry out Islamic divorces.
- b. The Shar'ī Council followed all the correct divorce procedures.
- c. There are other methods of carrying out Islamic divorce which include pronouncing a divorce before two witnesses.
- d. As the Shar'ī Council's Certificate is valid, Mr B cannot apply for another Shar'ī Council in the UK for an Islamic divorce.

Mr B further alleges that the Shar'ī Council has advised him that he will need to register a Divorce Deed at the British Embassy before it will be recognised as a valid divorce in Pakistan.

The Certificate of Islamic Divorce has been authorised by an Administrator of the Shar’ī Council of the Islamic Research Institute of GB in Dewsbury (hereinafter referred to as the ‘Dewsbury Shar’ī Council’). The Dewsbury Shar’ī Council, according to its website,² is an “establishment of Shar’ī Councils presided by Islamically qualified *Qādhīs* to consider the fate of unhappy marriages in which the couple can’t agree an Islamic divorce, and to declare them annulled if necessary, after careful consideration in the light of Islamic *Sharī’ah*”. A *Qādhī* is an expert in Islamic law qualified to resolve disputes.

The website further states:

“In the event of the rights of the woman being abused, she is being subjected to both physical and psychological abuse, domestic life becomes unbearable, and in the words of the *Qur’ān*, ‘her life hangs in the balance’ (i.e. she is neither able to continue as a wife happily, nor is she able to break away and remarry), then a *Qādhī* (Islamic Judge), can decide according to the *Sharī’ah* upon separation. However, in Non-Muslim countries, the judgement of a Non-Muslim judge is often not binding according to Islamic *Sharī’ah* law and the woman still requires the judgement of a *Qādhī* to declare her marriage annulled, clearing the way for her to legally remarry and continue with her life.”

In Islamic law, as Dr Muftī Abdul Jalīl Sajid has also clarified in his opinion dated 3 December 2018, husband can end or dissolve an Islamic marriage by exercising his right to divorce (*Ṭalāq*) by simple pronouncement of divorce. Wife can also end an Islamic marriage under her right called *khul’*, which – as compared with husband’s right to pronounce *Ṭalāq* – requires judgement of a *Qādhī* declaring her marriage as dissolved. As husband does not need a *Qādhī*’s judgement to exercise his right to pronounce divorce, the ‘Divorce Procedure’ stated on the Dewsbury Shar’ī Council’s website has focussed only on wife as an applicant.³

In Islamic law, husband can exercise his right of *Ṭalāq* by pronouncement of divorce. The expert did not agree with the opinion of Dr Muftī Abdul Jalīl Sajid that husband needs to pronounce divorce in writing. However, the pronouncement of divorce by husband must be notified to wife and a written notification is the most appropriate form in contemporary times. It is an established practice in Pakistan that husband executes a Divorce Deed (which I will discuss later in this report) and, in accordance with Section 7 of the Muslim Family Laws Ordinance, 1961,⁴ sends its copies to wife and to Chairman of the Union Council where wife

ordinarily resides or where the marriage is registered. As Islamic law does not prescribe any specific form in which a divorce must be pronounced, it is perfectly fine for a *Qādhī* or an Administrator of Shar'ī Council in the UK to witness divorce pronounced by husband. However, *Qādhī* or Administrator could only sign the Certificate in the capacity of a witness as husband does not need to be 'authorised' for the pronouncement of divorce. The expert assumed Mrs G was not contacted by the Shar'ī Council before the Certificate of Islamic Divorce was issued because no judgement was required for the pronouncement of divorce by Mr B. The Certificate is duly stamped, but *Qādhī* has not signed it. Presumably, Shar'ī Council in the UK follows the opinion that divorce pronouncement does not need witnesses, which is a long-standing opinion in the *Sunni* school and an established principle in Pakistani law.⁵ Most importantly, however, the Certificate is signed by the husband and, as he has a unilateral right to pronounce divorce in Islamic law without a *Qādhī's* judgement, his signature alone sufficiently prove that he has pronounced the divorce. This makes the Certificate of Divorce a valid evidence in Islamic law that Mr B has pronounced *Ṭalāq* but not in the sense that *Ṭalāq* has automatically become final and effective. A pronouncement of *Ṭalāq* needs to meet certain conditions before *Ṭalāq* becomes final in Islamic law.

In Islamic law, *Ṭalāq* is required to be pronounced during the time of *tahūr* (when wife is not menstruating) but this condition does not apply if husband and wife have already separated.⁶ There are three possible ways in which husband can complete the process of *Ṭalāq* after its first pronouncement in order to make it final:

1. *Ṭalāq aḥsan*: Husband can make one *Ṭalāq* pronouncement and wait for the completion of 'iddah (three menstrual cycles or three months) by wife. If husband and wife do not reconcile (*rujū'*) before the end of 'iddah period, the divorce becomes irrevocable (*bā'in*) and final. If they reconcile before the completion of 'iddah, there is no need to reperform *nikāḥ* (solemnisation of marriage). An important aspect of *Ṭalāq aḥsan* is that husband and wife can still reconcile anytime after the completion of 'iddah by performing fresh *nikāḥ* with mutual consent. However, if reconciliation fails by the end of 'iddah, both husband and wife are free to remarry with other persons because *Ṭalāq* has become final. This is the most preferable way (*aḥsan*) of pronouncing and finalisation of *Ṭalāq* as

it keeps the doors of reconciliation open to the maximum length of time possible.

2. *Ṭalāq ḥasan*: The second less preferred way (*ḥasan*) is that husband makes three divorce pronouncements with intervals of at least one menstrual cycle between each *Ṭalāq* pronouncement. Husband can complete the process by first pronouncement made in *ṭahūr* followed by second divorce pronouncement made in next *ṭahūr* and third divorce pronouncement made in the following *ṭahūr*. *Ṭalāq* will become final and irrevocable on third *Ṭalāq* pronouncement. The basic difference between *Ṭalāq aḥsan* and *Ṭalāq ḥasan* is that after the completion of *Ṭalāq ḥasan* the couple cannot reperform *nikāḥ* to reconcile unless wife willingly remarry to another man who willingly divorces her (a practice known as *ḥalālā*). The practice of *ḥalālā* with the predetermined intention to bring the divorced couple together again is highly controversial.
3. *Ṭalāq bid'ah*: There is also a practice of making three divorce pronouncements at once without any intervals (also known as triple *Ṭalāq*). As the underlying reason ('*illah*) requiring intervals – which is the case with *Ṭalāq aḥsan* and *ḥasan* – is that husband does not act in haste and will have time to reconsider and reconcile, the practice of triple *Ṭalāq* is known as *bid'ah* (unprincipled innovation) and most scholars consider it as invalid. However, if husband makes three divorce pronouncements at once, it will be counted as one valid pronouncement of divorce.

If wife is pregnant, the interval between divorce pronouncements lasts till the end of pregnancy. The Islamic law rule with regards to reconciliation is that husband and wife can reconcile anytime during the first and second divorce pronouncement and within the '*iddah* period without any legal formalities such as the solemnisation of fresh *nikāḥ*. If they have sexual intercourse between first and second pronouncement and before '*iddah* period ends, the divorce is automatically revoked. However, if they want to reconcile after the second divorce pronouncement or the end of '*iddah*, they will need to reperform *nikāḥ*. They cannot legally reconcile by fresh *nikāḥ* after third divorce pronouncement unless there is an intervening marriage as explained above while discussing the practice of *ḥalālā*. Both husband and wife are equally responsible to make efforts for reconciliation. There are no rules or defined procedure for conciliation

in Islamic law. The Muslim Family Laws Ordinance, 1961 prescribes rules for conciliation through an arbitration council to be constituted by the Chairman of Union Council where wife ordinarily resides. As Mrs G ordinarily resides in the UK, the Muslim Family Law Rules with regards to conciliation and arbitration do not apply in the present case.

Mrs G's objection with regards to wrongly spelt name on the Certificate of Islamic Divorce fails to convince me that she is not the intended addressee of this Certificate. As the Certificate is a valid evidence in Islamic law of pronouncement of divorce by Mr B, provided that all other particulars of Mrs G are correct in the Certificate, it should be sufficient if Mr B himself confirms that he meant to address Mrs G.

2. Divorce Deed

The objections raised by Mrs G that deal with the Divorce Deed are reproduced below, followed by the expert opinion on each point:

A. Whether there are any deficiencies in the Divorce Deed

Expert Opinion: The Divorce Deed is signed by Mr B and attested by an Oath Commissioner in accordance with the normal practice in Pakistan. It is primarily considered as a notice of pronouncement of divorce (*Talāq*). It is a mandatory requirement under Section 7(1) of the Muslim Family Laws Ordinance, 1961 that husband gives a written notice to wife of his pronouncement of divorce. According to Section 7(1), the pronouncement of divorce by husband can be "in any form whatsoever", but the notice of pronouncement must be sent by husband to wife in writing. In fact, Section 7(2) provides that husband is liable to simple imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both in case he contravenes the requirements of Section 7(1). Importantly, Section 7 does not require a notice of pronouncement of divorce to be witnessed. Although Section 7 provides additional procedures for the divorce to become final and effective in Pakistan, they are not applicable to disputing parties in this case because Mrs G resides in the UK. Additionally, Pakistani Courts have established a clear principle that competent Courts of the jurisdiction where wife and children, if there are any, ordinarily resides have jurisdiction to entertain divorce and other matters related to marriages solemnised in Pakistan.⁷

B. Who can witness a Divorce Deed in Pakistan? Can a relative witness a Divorce Deed in Pakistan?

Expert Opinion: In Pakistani law, a Divorce Deed can be witnessed by relatives of husband. In fact, Pakistani Courts have considered husband's relatives as more suitable witnesses to a Divorce Deed because divorce is

considered a personal matter which husband is likely to share with his close blood-relations or friends.⁸

C. Whether the Divorce Deed is valid and recognised document in Pakistan?

Expert Opinion: A Divorce Deed, such as the one presented by Mr B, is a valid and recognised document in Pakistan. Importantly, however, it is only a notice of pronouncement of divorce by husband. It is not a certificate of divorce or evidence by itself that divorce has become final or effective. For a divorce to become final and effective in Pakistan, husband needs to follow further procedure prescribed by Section 7 of the Muslim Family Laws Ordinance, 1961. However, the procedure prescribed by Section 7 does not apply to the present case because Mrs G ordinarily resides outside of Pakistan.

D. Whether or not Divorce Deeds are registered in Urdu only or whether English is used in official court documents in Pakistan. Whether there are any deficiencies in the process used to secure the Divorce Deed.

Expert Opinion: A Divorce Deed can be either in English or Urdu as both these languages are used in court proceedings and to execute legal documents in Pakistan. The expert did not find any deficiencies in the process used to secure the Divorce Deed. It is executed on a Stamped Paper which was purchased on 16 March 2019, i.e., the same day when the Divorce Deed was executed. It bears the stamps of Shaykh Ādil Mas'ūd who, as the stamps read, is an Advocate and an Oath Commissioner. Notably, there are two round shaped stamps used by the Oath Commissioner, one bearing number 431 and the other bearing number 443. These numbers are supposed to represent the record of entries made on the Register of Oaths required by law to be maintained by each Oath Commissioner. The expert assumed the 443 was affixed because there is an overwriting on the date written on 431. The expert did not think that affixing two stamps and making a new entry on the register by themselves make the document invalid. The real value of this document is that it is a written notice of pronouncement of divorce given by husband to wife. If husband can confirm before the Court that he has executed this Divorce Deed, it meets the threshold of proof as a notice of pronouncement of divorce.

E. Whether any deficiencies which the expert have identified in respect of the Divorce Deed are sufficient to render any Dissolution of the Marriage invalid under Islamic law?

Expert Opinion: The Divorce Deed has no deficiencies with regards to its validity in Pakistani law as a pronouncement of divorce by Mr B. Marriages solemnised in Pakistan under Muslim Family Laws Ordinance, 1961 are recognised as marriages conducted under Islamic law. The Divorce Deed is also a sufficient evidence in Islamic law of pronouncement of divorce by Mr B.

F. If the Divorce Deed is valid in Pakistan, is this legally recognised in the UK and is Mr B now free to remarry.

Expert Opinion: The Divorce Deed is a valid evidence of pronouncement of divorce in Pakistan and should likewise be recognised in the UK especially when it is presented to a Court in the UK by the husband himself. Judgements made by the UK Courts are admissible in Pakistan. It is a recognised practice in Pakistan that competent Courts in the UK have jurisdiction on divorce and other matters related to marriages solemnised in Pakistan if wife ordinarily resides in the UK.⁹ Mr B can get a copy of this Court's judgement, get it attested by the Pakistan High Commission in the UK, and send the same to the Union Council in Pakistan where marriage was registered in order to have it dissolved in Pakistan.

Mrs G has also alleged that the Divorce Deed is invalid and/or insufficient to dissolve their Islamic marriage for the following reasons:

A. An advocate cannot perfect the Divorce Deed and/or grant a divorce themselves. They are simply instructed on behalf of Mr B as any advocate (solicitor, barrister or paralegal) in the UK would be.

Expert Opinion: In fact, the Divorce Deed presented by Mr B is not perfected by an advocate, it is attested by a Commissioner of Oaths who is also an advocate. It is true that an advocate cannot grant divorce or issue certificate of divorce in Pakistan, but the divorce (*Talāq*) process begins with a notice of pronouncement by husband to wife and a Divorce Deed is meant to be a written notice, which husband is required by Pakistani law to send to wife and to Chairman of the Union Council where wife resides. There are further procedures in order for divorce to become final and effective in Pakistan, which do not apply to this case because Mrs G resides in the UK.

B. A divorce must be given three times at the interval of one month rather than making all three declarations at one time.

Expert Opinion: The detailed procedure required for a valid divorce (*Talāq*) is explained above.

- C. No money in respect of a dowry has ever been paid to Mrs G and so this is outright incorrect.

Expert Opinion: The expert was unable to respond to questions of fact, however, Section 13 of the Marriage Registration Certificate (*Nikāḥ Nāmā*) confirms that the amount of dower agreed upon at the time of *Nikāḥ* (the solemnisation of marriage) between Mrs G and Mr B was Rs 5000/- and the same amount was paid at the time of *Nikāḥ*. The Marriage Registration Certificate is signed by Mrs G. There is a degree of uncertainty with regards to Section 14 of the Marriage Registration Certificate, which should clarify if all of the agreed dower amount has been paid or some of it remains unpaid. The original Urdu version only mentions the amount of Rs 5000/- without clarifying if it has been paid or remains unpaid. However, reading both Sections 13 and 14 of the Marriage Registration Certificate together, it can be concluded that the dower amount was agreed as Rs 5000/- and the same has been paid at the time of *Nikāḥ*.

- D. The witnesses are related to Mr B. The one is Mr B's brother in-law and another is Mr B's nephew. The witnesses would need to be independent in order to effectively witness any document. Mr B states that one witness is his brother's son and the other is the brother of his friend who resides in Pakistan.

Expert Opinion: As clarified above, there is no legal impediment in Pakistan to have a Divorce Deed witnessed by a related person. Divorce is considered a private and family matter in Pakistan and it is a normal practice to have Divorce Deeds and indeed Marriage Registration Certificates (*Nikāḥ Nāmā*) witnessed by members of family.

- E. Urdu is used for all legal matters in Pakistan and so English documents cannot be official or effective.

Expert Opinion: Both Urdu and English are used in court proceedings and for legal documentation in Pakistan. Documents written in English are equally effective and valid in Pakistan.

- F. The Divorce Deed states that it is on the basis of Mrs G being disobedient and she denies that this is the case.

Expert Opinion: Both in Pakistani law and in Islamic law, husband is not required to show a valid or specific reason to exercise his right to pronounce divorce (*Talāq*). Nor is wife required to have a reason for the exercise of her right of *khul'* as explained above. Simple breakdown of relationship between husband and wife is a valid reason to pronounce divorce by husband in Islamic law and Pakistani law. On these bases, it is

immaterial if Mrs G was disobedient or not. In any case, it appears that Mr B is referring to Mrs G being disobedient as if reconciliation had become impossible after so much time has lapsed since he first pronounced a single divorce on 16 July 2014 through the Certificate of Islamic Divorce.

G. Mrs G is far from convinced that the document (Divorce Deed) is authentic or that Mr B was truly present in Pakistan for the signature or that the witnesses were truly present.

Expert Opinion: These are essentially questions of fact. Mr B has presented evidence supporting his claim that he was in Pakistan on the relevant date and time. The Court can assess these questions on the bases of evidence presented by Mr B.

3. Procedure for Islamic Divorce

The detailed procedure of divorce (*Ṭalāq*) has been explained above including the difference between *Ṭalāq* and *khul'*. Here the expert disagreed with the opinion of Dr Muftī Abdul Jalīl Sajid, which stated that Islamic law, at least as it is practised in Pakistan, requires divorce to be in writing and witnessed by two adult male witnesses. Addressing this issue in the light of Islamic law, the Karachi High Court in a recent case has held unequivocally that divorce pronounced by husband is neither required to be in writing nor required to be witnessed.¹⁰ However, the practice varies in Muslim majority countries as well as in various Shar'ī councils operating in the UK. Although Pakistani law does not require divorce pronouncement in writing, husband is required to send a written notice of such pronouncement to wife. It is a common practice in Pakistan to execute a Divorce Deed similar to the one executed by Mr B.

4. Presence of Wife at the Time of Pronouncement of Divorce

In response to Instruction 10 on page 4 of the Joint Letter of Instruction, the question is misdirected and/or irrelevant to the present case. In Islamic law, only wife is required to 'obtain' divorce by exercising her right to *khul'* whereas husband can pronounce divorce by exercising his right to *Ṭalāq*. This has been explained above. Pronouncement is supposed to be made by husband to wife, but she is not required to be physically present at the time of pronouncement. In the present case, Mr B has pronounced divorce at least twice in writing through the Certificate of Islamic Divorce and the Divorce Deed, both of which were communicated to Mrs G at some point before and during the present proceedings at this Court.

5. Recognition of Certificate of Islamic Divorce in Pakistan

Responding to Mr B's claim that the Certificate of Islamic Divorce will be recognised in Pakistan after it is registered with the British Embassy in

Pakistan, the expert stated that he was not aware of this practice. In any case, it is immaterial for the present case whether the Certificate of Islamic Divorce is recognised in Pakistan. It is a valid evidence of pronouncement of divorce in Islamic law, and this Court can make judgement on this basis. Subsequent to this Court's judgement, Mr B can follow further procedures prescribed by Pakistani law to get his marriage with Mrs G dissolved in Pakistan and obtain a certificate of divorce.

6. Conclusion

Position in Islamic law: In light of the above explanations, the Certificate of Islamic Divorce is a piece of valid evidence in Islamic law of divorce by Mr B on 16 July 2014 to end his *nikāḥ* with Mrs G by *Ṭalāq*. As the *'iddah* period has ended, the divorce has become final and irrevocable.

The Divorce Deed of 16 March 2019 is also a valid evidence in Islamic law and amounts at least to one divorce pronouncement by Mr B subsequent to his first pronouncement on 16 July 2014. However, in Islamic law, Mr B has in fact made altogether three divorce pronouncements that have been notified to Mrs G:

1. First divorce pronouncement on 16 July 2014 through the Certificate of Islamic Divorce.
2. As Islamic law does not prescribe any specific form for pronouncement of divorce, filing of the divorce proceedings before this Court by Mr B – of which Mrs G has received notification and become a party – amounts to second divorce pronouncement in Islamic law.
3. The Divorce Deed of 16 March 2019 amounts to third and final divorce pronouncement.

There are significant intervals between these three divorce pronouncements during which the disputing parties could have reconciled, if there was a mutual desire for reconciliation. Therefore, the disputing parties have already irrevocably divorced in Islamic law.

Position in Pakistani law: Mr B has executed a valid Divorce Deed, which is a valid notice of pronouncement of divorce by husband to wife required by Pakistani law. Mrs G has received the Divorce Deed through proceedings in this Court. As Mrs G is resident in the UK, Mr B will need a certificate of divorce or decree passed by a Court in the UK to get his marriage in Pakistan dissolved by filing a copy of such certificate or decree, which is attested by the Pakistani High Commission in the UK, to the Chairman of the Union Council where the marriage was registered.

Mrs G can likewise get a certificate of divorce from Union Council in Pakistan by following the same procedure.

References

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- 1 Muslim Family Laws Ordinance (No VIII of 1961).
 - 2 See, <http://www.shareecouncil.org/index.php/about-us>.
 - 3 See, <http://www.shareecouncil.org/index.php/divorce-procedure>.
 - 4 Muslim Family Laws Ordinance (No VIII of 1961).
 - 5 *Mst Almas Mughal v. Abdul Sattar*, 2016 Civil Law Case Notes 119.
 - 6 John L. Esposito with Natana J. DeLong-Bas, *Women in Muslim Family Law* (2nd ed, Syracuse University Press 2001) 30–31.
 - 7 This principle was affirmed by many cases decided by Pakistani Courts and more recently by the Lahore High Court in *Mst Sana Asim Hafeez v Administrator/Chairman Arbitration and Conciliation Court*, 2016 Monthly Law Digest 1061.
 - 8 *Mst Almas Mughal v. Abdul Sattar*, 2016 Civil Law Case Notes 119.
 - 9 *Mst Sana Asim Hafeez v Administrator/Chairman Arbitration and Conciliation Court*, 2016 Monthly Law Digest 1061.
 - 10 *Mst Almas Mughal v. Abdul Sattar*, 2016 Civil Law Case Notes 119.