

Question 1627) - The couple entered into a Khul'. Each had rights remaining against the other, or at least one had a claim against the other. What is the status of these rights?

A: According to Imaam Abu Hanifah RAH. the Khul' cancels all rights related to the marriage. As for rights not related to the marriage e.g" one took a loan from the other and then they had Khul', then fulfilment remains Wajib. According to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. the Khul' does not cancel any rights except what they stipulate. There is another scenario for forfeiting of rights called Mubara-ah or mutual absolving. According to Imaam Abu Hanifah RAH. and Imaam Abu Yusuf RAH. the right of each with regards marriage is forgiven. According to Imaam Muhammed RAH. Mubara-ah and Khul' are the same, the rights do not fall away except that which they stipulate.

~ al-Quduri ~