Divorce under Pakistani Law

Talaq, Section 7 MFLO, Iddat and Dissolution by the Court under the DMMA 1939 (1961–2026)

Adv. Syed Zeshan Hashmi, Advocate High Court, The Arbitrator & Law Associates, Peshawar

Abstract

This paper examines 92 reported judgments on divorce — 43 of the Supreme Court of Pakistan (including its Shariat Appellate Bench) and 49 of the Peshawar High Court, decided between 1961 and 2026 — collected on the Pakistan Law Site. It covers talaq and the notice-and-ninety-days scheme of section 7 MFLO, triple talaq, ruju and halala, delegated divorce, proof of divorce, iddat and its consequences, the second marriage, and dissolution by the court on the grounds of the Dissolution of Muslim Marriages Act, 1939; khula is cross-referred to our separate paper. The main finding is that, for civil purposes, a talaq takes effect only after written notice to the Union Council and ninety days, a rule the Supreme Court held in 2025 to be consistent with Islamic injunctions, so that a husband who dies within the period leaves a widow. On the wife's side, cruelty is read broadly, evidence is weighed on probabilities, and the second-marriage ground in section 2(ii-a) DMMA has been confirmed by the Supreme Court; but a weakly pleaded suit can still end in khula and cost her the dower.

Keywords: divorce; talaq; section 7 MFLO; Union Council notice; triple talaq; talaq-e-tafweez; iddat; halala; Dissolution of Muslim Marriages Act 1939; cruelty; section 2(ii-a); second marriage; Peshawar High Court; Supreme Court of Pakistan.

1. Introduction

A Muslim marriage in Pakistan ends in one of three ways: talaq by the husband (or by the wife under a delegated right), dissolution by the Family Court on a ground in the Dissolution of Muslim Marriages Act, 1939 (DMMA), or khula. This paper deals with the first two. Khula is covered in our separate research paper and appears here only where it meets talaq or the DMMA grounds, for example when a cruelty suit fails and the court falls back on khula.

The practical questions are these. When does a talaq actually take effect, and what happens if the husband never sends notice to the Union Council? Does a triple talaq end the marriage at once? Who must prove a divorce, and how? What are the consequences for iddat, maintenance and inheritance? On what grounds can a wife obtain dissolution, and what must she prove? The answers are drawn from the reported judgments of the Supreme Court of Pakistan (including its Shariat Appellate Bench) and the Peshawar High Court.

2. Sources and Method

All research was done on the Pakistan Law Site only. Keyword searches (talaq, divorce, divorce notice, Union Council divorce, section 7 Muslim Family Laws, triple talaq, talaq-e-tafweez, delegated right of divorce, pronouncement of divorce, oral divorce, divorce certificate, iddat, halala, Arbitration Council, second marriage without permission, dissolution of marriage, Dissolution of Muslim Marriages Act, cruelty, failure to maintain, impotency, puberty, repudiation and others) were run over all years. Results were filtered to the Supreme Court and the Peshawar High Court and screened for an actual holding on divorce or dissolution. For 90 of the 92 judgments kept, the reported text was opened on the site to take the bench, case number and date and to check the headnote against the operative part; where they differed, the operative part was followed. The two judgments marked with a dagger (†) are stated from their headnotes only.

3. The Law in Phases

3.1 The framework

Two bodies of law run side by side. Muslim personal law gives the husband the right of talaq and allows him to delegate it to the wife; section 7 of the Muslim Family Laws Ordinance, 1961 (MFLO) regulates how that right is exercised. Separately, the DMMA lists the grounds on which a wife may ask the court to dissolve the marriage. The Supreme Court has long held that, in doing so, the court acts in the place of the Qazi and may dissolve a marriage against the husband's will (Mst. Khurshid Bibi v. Muhammad Amin, PLD 1967 SC 97). The Family Courts Act, 1964 supplies the procedure for both.

3.2 Talaq and section 7 MFLO

Section 7 requires a husband who pronounces talaq to give written notice to the Chairman of the Union Council, with a copy to the wife; the talaq takes effect only after ninety days from the notice, during which an Arbitration Council attempts reconciliation.

- **No notice, no effective talaq.** The Supreme Court has repeatedly held that a divorce without notice to the Chairman is not yet effective (Abdul Mannan v. Safuran Nessa, 1970 SCMR 845), and that a husband who fails to give notice is deemed to have revoked the talaq (Ghulam Nabi v. Farrukh Latif, 1986 SCMR 1350). An oral allegation of talaq with no notice to the Chairman or copy to the wife is of no effect (Mst. Farah Naz v. Judge Family Court, Sahiwal, PLD 2006 SC 457; Manzoor Ahmad v. Nargis Mirza, PLD 2004 SC 132).
- **Death within ninety days.** If the husband dies before the ninety days run out, the talaq never took effect and the wife inherits as his widow (Mushtaq Ahmed v. Sat Bharai, 1994 SCMR 1720).
- **The cooling-off period is Islamic, not merely procedural.** In Aziz Ahmad v. Mst. Musarat (PLD 2025 SC 469), the Supreme Court held that the waiting period in section 7(3) is in harmony with the Quranic command of reflection and reconciliation. Three pronouncements in one sitting, followed by the husband's death within the period, did not end the marriage; the wife remained his lawful widow. This affirmed the Peshawar High Court in Mst. Musarat v. Aziz Ahmad (PLD 2023 Peshawar 88), which had also found the talaq-nama doubtful.
- **The opposing line.** The Shariat Appellate Bench of the Supreme Court has said that notice to the Chairman is not required by the injunctions of Islam, so a woman who remarried after iddat on a Shariah-valid talaq without notice did not commit zina (Allah Dad v. Mukhtar, 1992 SCMR 1273; Mst. Zahida Shaheen v. State, 1994 SCMR 2098). Both were criminal cases under the Hudood law. A five-member bench has also said that, in a consensual written divorce, notice is a formality that may be given later, particularly where the penal clause of section 7(2) is invoked (Kaniz Fatima v. Wali Muhammad, PLD 1993 SC 901). This tension is discussed in Part 4.

3.3 Triple talaq, ruju and halala

The MFLO abolished the practical effect of the disapproved form of instant triple talaq: every pronouncement is routed through section 7, so it is revocable within ninety days (PLD 2025 SC 469). Where a court dissolves the marriage, the separation is not a triple talaq; the Peshawar High Court allowed the same spouses to remarry by fresh nikah without an intervening marriage (Fazli-e-Subhan v. Mst. Sabereen, PLD 2003 Peshawar 169). After khula, too, the wife may remarry the same man without halala (Ibrahim Khan v. Mst. Saima Khan, PLD 2024 SC 645).

Where the parties follow the Shia (Jafria) school, talaq must be pronounced before two just witnesses; a talaq pronounced before two witnesses and the husband, who signed the deed, was valid (Mst. Asmat Nigar v. Sayed Ibrar Hussain Shah, 2004 YLR 111 Peshawar). Associating two righteous witnesses with talaq and ruju was likewise treated as a condition where a husband who alleged revocation without witnesses and never told the wife during iddat could not upset her later marriage, and his suit was dismissed with costs (Shoaib v. Sadia

Altaf, PLD 2015 Peshawar 34).

3.4 Delegated divorce (talaq-e-tafweez)

Where the nikahnama (clause 18) delegates the right of divorce to the wife without conditions, she exercises it through the same section 7 machinery. It is talaq, not khula, so she keeps her dower (Sajid Hussain Tanoli v. Nadia Khattak, 2013 CLC 1625 Peshawar). Because the talaq is operative only after ninety days, a wife may withdraw her own notice within that period (Muhammad Hassan Sultan v. Chairman Union Council, Cantonment, 2026 SCMR 1759).

3.5 Proving a divorce

- **Burden.** Once the marriage is admitted, the person who asserts a divorce must prove it (Mulakh Bano v. Gohar Bano, 1976 SCMR 314; Mst. Nosheen Bibi v. Ziaullah, 2017 YLR 1514 Peshawar).
- **Certificates are not enough on their own.** A Union Council certificate did not prove divorce without independent evidence that the divorce was sent to the wife and the Council notified (Muhammad Boota v. ADJ, 2002 SCMR 1275).
- **Inheritance disputes.** Heirs who try to exclude a widow by setting up a divorce must prove it; NADRA records showing her as wife defeated an unproved divorce (Sartaj v. Mst. Waheeda Gul, 2022 YLR 181 Peshawar). Where the divorce deed is proved by documents, the former wife is excluded (Mst. Khursheed v. Lal Hussain, 2014 CLC 531 Peshawar).
- **Divorce on the deathbed.** A wife divorced during the husband's last illness inherits if he dies before her iddat ends, and a child conceived during the marriage is legitimate (Nazar Muhammad v. Shahzada Begum, PLD 1974 SC 22).
- **Old divorces.** A talaq certificate and Arbitration Council orders could not be attacked as void decades later (Dr. Ashfaq Ahmad Khan v. Mst. Samina Khan, 2008 SCMR 466).

3.6 Iddat and its consequences

- **Maintenance.** The husband must maintain the divorced wife until the end of iddat (Abdul Majid v. Humaira Bibi, 1989 SCMR 1416), and she may claim for the period the marriage subsisted as well (Muhammad Najeeb v. Talat Shahnaz, 1989 SCMR 119†). Iddat maintenance is also due after khula, from the date of the decree (Mst. Nadia Bibi v. Asad Khan, 2023 CLC 2055 Peshawar). The husband must disclose his earnings (Muhammad Asim v. Mst. Samro Begum, PLD 2018 SC 819). Maintenance itself runs from the nikah, whether or not the marriage was consummated (Ambreen Akram v. Asad Ullah Khan, 2026 SCMR 1).
- **When iddat begins.** The Supreme Court identified, but did not decide, whether iddat runs from the pronouncement or from the date the talaq becomes effective under section 7 (Muhammad Iqbal v. Nasrin Ashraf, 1988 SCMR 1287). Where a husband denies a divorce that the court later finds proved, the Peshawar High Court held that iddat runs from the divorce, not the decree (Fazal Khaliq v. Mst. Iram Naz, 2018 CLC 906).
- **No iddat before consummation.** Where rukhsati never took place, the wife dissolved by khula need not observe iddat (Ajmal Khan v. Mst. Falak Negar Bibi, PLD 2019 Peshawar 218).

3.7 The second marriage

A husband who marries again without the Arbitration Council's permission faces three consequences:

- **Criminal.** He may be prosecuted under section 6(5)(b) MFLO; the Supreme Court upheld a conviction (Ishtiaq Ahmad v. State, PLD 2017 SC 187). The second wife, too, may complain as an aggrieved party (Faheemuddin v. Sabeeha Begum, PLD 1991 SC 1074). The Peshawar High Court set aside an acquittal on a first wife's complaint and remanded the appeal (Mst. Mujahida v. Alamgir, 2026 CLC 863).

- **Financial.** The entire dower becomes payable at once (Dr. Seema Hanif Khan v. Waqas Khan, PLD 2026 SC 91).
- **A ground for dissolution.** Section 2(ii-a) DMMA lets the wife seek dissolution. The Peshawar High Court once held that this clause had been omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Syed Rashid Ali Shah v. Mst. Haleema Bibi, PLD 2014 Peshawar 226). A later Peshawar bench disagreed (Yasir Manzoor Amin v. Dr. Mehreen Iqbal, 2025 MLD 479), and the Supreme Court settled the point on appeal from Peshawar: repeal of the amending section did not undo the insertion, and section 2(ii-a) remains a valid ground (Dr. Faryal Maqsood v. Khurram Shehzad Durrani, PLD 2025 SC 262). Earlier Peshawar decrees on this ground are consistent (Nadir Khan v. Zeenat Bibi, 1990 CLC 293; Arshad Habib v. Mst. Ghazala Akbar, 2014 MLD 988; Chanzeb v. Mst. Yasmeen Bibi, 2015 MLD 1140).

3.8 Dissolution by the court on DMMA grounds

Cruelty (section 2(viii)). Cruelty is not limited to beating. The Supreme Court has explained that it covers physical and mental cruelty and that the court must weigh the wife's evidence on the balance of probabilities without insisting on documents (Mst. Tayyeba Ambareen v. Shafqat Ali Kiyani, 2023 SCMR 246; Dr. Seema Hanif Khan, supra). The Peshawar High Court has found cruelty in false charges of immorality (Khurshid Ahmad v. Attiya Nigar, 1990 CLC 297), baseless allegations about the wife's character (Muhammad Naeem Khan v. Mst. Nazilat-ur-Rehman, 2021 YLR 1862), forced abortion and maltreatment (Aminullah v. Mst. Robina Pervaiz, 2018 YLR 642), a beating that ruptured the wife's eardrum (Haseeb Ahmad v. Mst. Wajiha Wakeel, 2018 YLR 20), the husband's notoriously infamous conduct (Malik Tanveer Khan v. Mst. Amber Liaqat, 2009 CLC 1210), and in long neglect, non-payment of maintenance and dower and living apart after a second marriage (Mst. Rabia Rasheed v. Faisal Mir, 2013 CLC 1203; Mst. Shahana Bibi v. Nadeem Shah, 2015 MLD 1623). Where the wife is not cross-examined on cruelty, her evidence stands (Muhammad Basharat v. Mehar Fazoon, 2001 CLC 304), and a husband who sends an attorney instead of testifying cannot rebut her (2015 MLD 1140). The Supreme Court has upheld cruelty decrees on concurrent findings (Altaf Sikandar v. Zohra Bano, 1991 SCMR 263; Abid Hussain v. ADJ Alipur, 2006 SCMR 100).

Failure to maintain (section 2(ii)). A husband living abroad for years who neglected the wife was rightly divorced on this ground (Shafqat Ullah v. Mst. Anjuman, 2024 CLC 363 Peshawar), and a decree on non-maintenance stands even if the court did not assess benefits for an additional khula plea (Muslim Sher v. Mst. Qudrat Bibi, PLD 1984 Peshawar 91). But a wife who deliberately refuses to return home cannot say the husband failed to maintain her (Mst. Sherinzadgi v. Gul Muhammad, PLD 1961 Peshawar 66). Where non-maintenance, non-performance and cruelty are proved, khula is unnecessary (Abdul Riaz v. Hamidan Begum, 1994 SCMR 2019†).

Impotency (section 2(v)). The procedure in proviso (c) — the husband's right to ask for a year to show he has ceased to be impotent — must be followed; a doctor's report that the wife is a virgin is not enough (Taj Din v. Karim Bukhsh, 1998 MLD 1216). A decree was upheld where the husband never sought the year (Qalam Khan v. Shamim Bibi, 1995 CLC 731), and a Medical Board is not mandatory (Umar Khitab v. Mst. Sana Shah, 2022 CLC 1821).

Option of puberty (section 2(vii)). A girl married as a minor may repudiate the marriage until she turns eighteen, provided it was not consummated with her consent (Mst. Sarwar Jan v. Abdul Majid, PLD 1965 Peshawar 5); filing the suit itself is an exercise of the option (Abdul Sattar v. Mst. Wakila Bibi, PLD 1965 Peshawar 1), and the Family Court decides it (Iqbal Khan v. Mehnaz, 2009 CLC 1251). A marriage contracted by a girl who has attained puberty is valid under Muslim law despite the Child Marriage Restraint Act (Mauj Ali v. Safdar Hussain, 1970 SCMR 437).

Pleading the ground. A court cannot dissolve on a ground the wife did not plead, such as unequal treatment of co-wives (Israfeel v. Nekam Zada, 2016 YLR 1103).

3.9 When the grounds fail: khula as fallback, and its limits

If the wife fails to prove a DMMA ground, the marriage is ordinarily dissolved by khula and she forgoes her dower (Muhammad Arif v. Saima Noreen, 2015 SCMR 804; Mst. Wajiha Rasheed v. Adeel Akhter, PLD 2026 SC 319; Mst. Saeeda Javed v. Javed Iqbal, PLD 2013 Peshawar 88). Four limits now apply:

- **The wife must choose it.** Conversion to khula needs her conscious election (Mst. Selab Akhtar v. Quwat Khan, 2026 SCMR 1717), and the husband must be heard before khula is substituted at the appellate stage (Muhammad Siddiq v. Ghafuran Bibi, PLD 1971 SC 192).
- **Proved grounds protect the dower.** Where other grounds are proved, the dower is not lost (Mukhtar Ahmed v. Ansa Naheed, PLD 2002 SC 273; Mst. Naila Javed v. Nasir Khan, PLD 2026 SC 302; Mst. Farhat Imam v. Sajid Nazeef, 2020 CLC 1874 Peshawar), even where khula was forced by the husband's cruelty (Karim Ullah v. Shabana, PLD 2003 Peshawar 146).
- **Only the court dissolves.** A wife cannot announce khula herself (Islam Gul v. Mst. Naleem, 2020 MLD 554), a jirga cannot impose it (Sajed Ullah v. Mst. Shakeela Naz, PLD 2016 Peshawar 1) or bargain away custody for a divorce (Mir Bat Khan v. Mst. Sherin Bibi, 2019 SCMR 520), and once the decree passes the husband cannot be ordered to write a talaq (Hasnain Abbas v. Tooba Bibi, 2026 CLC 126).
- **Return is measured.** In a khula without proved cruelty, the wife was directed to return Rs.100,000 and five tolas while keeping the house (Mst. Tuharat Firdos v. Imtiaz Khan, 2019 CLC 1562).

3.10 Procedure, forum and special cases

- **Reconciliation and decree forthwith.** The Family Court must make a genuine reconciliation effort and, if it fails, may dissolve forthwith without evidence (Sohail Ahmed v. Mst. Samreena Rasheed Memon, 2024 SCMR 634), by a speaking order that cannot be withheld because other issues are pending (Mst. Momina v. Fahad Sajjad, 2021 YLR 1954). Personal reconciliation is not essential where both parties live abroad (Muhammad Iqbal v. Mst. Nazia Iqbal, 2018 CLC 875).
- **Forum.** A wife turned out of her home may sue where she ordinarily resides, including her parents' home (Fazal Khatib v. Naheed Akhtar, PLD 1979 SC 864).
- **Ex parte decrees.** A husband who knew of the case and stayed away cannot have the decree set aside after the wife has remarried (Ashiq Hussain Saeed v. Mst. Farzana Chaudhry, 2003 SCMR 1325).
- **Appeals.** A decree dissolving the marriage is largely final, but a wife may appeal a refusal (Mst. Nasim Akhtar v. Noor Rehman, PLD 1978 Peshawar 36); a khula decree is not appealable except as to dower (Shah Hussain v. Mst. Nadia Khan, 2018 YLR 2663); and the appellate court may change the mode of dissolution (Fazal Rahman v. Mst. Fahmida, PLD 2021 Peshawar 184).
- **Arbitration Council.** Its orders are void if the husband was not called upon to nominate his representative (Zulfiqar Ali v. Mst. Shazia Bibi, 2009 SCMR 1037).
- **Special cases.** Christian divorce requires the grounds to be framed and proved (Asif Raza Masih v. Mst. Sofia, PLD 2021 Peshawar 41). In the former PATA (Swat), where the DMMA had not been extended, Islamic law was applied (Mst. Saima Gul v. Haider Zaman, PLD 2015 Peshawar 14). A Muslim husband's talaq of a Christian wife married in London was effective (Marina Jatoi v. Nuruddin K. Jatoi, PLD 1967 SC 580), and a talaq is recognised abroad if the law of the domicile allows it (Syed Ali Nawaz Gardezi v. Lt.-Col. Muhammad Yusuf, PLD 1963 SC 51).

4. Where the Authorities Conflict or Leave a Gap

4.1 Is a talaq without notice to the Union Council effective? On the civil side, the Supreme Court's consistent answer is no: the talaq is not effective, or is deemed revoked (1970 SCMR 845; 1986 SCMR 1350; PLD 2006 SC 457; PLD 2004 SC 132), and in PLD 2025 SC 469 the Court held the section 7(3) waiting period to be in harmony with Islamic injunctions. On the criminal side, the Shariat Appellate Bench held that notice is not a Shariah requirement, so parties who acted on a Shariah-valid talaq were not guilty of zina (1992 SCMR 1273; 1994 SCMR 2098), and a five-member bench treated notice as a formality in a consensual written divorce (PLD 1993 SC 901). The lines can be reconciled by their context: the criminal cases protect people from punishment for acting in good faith, while the civil cases decide status, inheritance and maintenance. For civil purposes, counsel should treat section 7 compliance as essential.

4.2 Section 2(ii-a) DMMA. PLD 2014 Peshawar 226 treated the second-marriage ground as omitted; 2025 MLD 479 and the Supreme Court in PLD 2025 SC 262 (on appeal from Peshawar) hold that it subsists. The earlier Peshawar view should no longer be followed.

4.3 When iddat starts. Whether iddat runs from the pronouncement or from the date the talaq becomes effective under section 7 was left open by the Supreme Court (1988 SCMR 1287). The Peshawar High Court has held that, where a denied divorce is later proved, iddat runs from the divorce (2018 CLC 906). The question matters for the duration of maintenance and the date of a valid remarriage, and has not been squarely decided in a talaq-with-notice case.

4.4 Triple talaq in one sitting. The Supreme Court has held that such a pronouncement does not end the marriage at once (PLD 2025 SC 469), but that case turned on the husband's death within the ninety days. No Supreme Court or Peshawar judgment found in this research decides, on a contested record, whether three pronouncements followed by a completed section 7 process count as one revocable talaq or three, and therefore whether halala is required before remarriage.

4.5 The weight of a talaq certificate. A Union Council certificate did not prove divorce without independent evidence (2002 SCMR 1275), yet old certificates and Council orders could not be attacked decades later (2008 SCMR 466). The difference lies in timing and finality, not in any presumption attached to the certificate itself.

4.6 Khula as fallback. The Supreme Court allows dissolution by khula where DMMA grounds fail (2015 SCMR 804; PLD 2026 SC 319) but now insists on the wife's informed election (2026 SCMR 1717). Peshawar decisions that converted suits into khula without recording that election (for example PLD 2013 Peshawar 88) should be read subject to the later Supreme Court ruling.

5. Practical Guide

5.1 For the husband (or his counsel) on pronouncing talaq

- **Give written notice to the Chairman of the Union Council** where the wife resides, and send her a copy by registered post; keep the receipts (PLD 2006 SC 457). Without notice the talaq is not effective, and a later inheritance or maintenance claim will treat her as his wife.
- **Do not pronounce three talaqs in one sitting** and treat the marriage as ended; the ninety-day period runs regardless, and if he dies within it she inherits (PLD 2025 SC 469; 1994 SCMR 1720).
- **Follow the formalities of the parties' school.** Where the parties are Shia, have two just witnesses present and record them in the deed (2004 YLR 111).
- **Pay iddat maintenance and disclose income** if sued (1989 SCMR 1416; PLD 2018 SC 819).
- **Do not marry again without the Arbitration Council's permission.** It exposes him to prosecution, immediate payment of the whole dower and dissolution on the wife's suit (PLD 2017 SC 187; PLD 2026 SC 91; PLD 2025 SC 262).

5.2 For the wife seeking dissolution

- **Plead every ground that is available**: cruelty with specific incidents, failure to maintain with the period, a second marriage without permission, impotency or option of puberty. Courts will not decree an unpleaded ground (2016 YLR 1103).
- **Prove cruelty on the whole record.** Her own evidence, unrebutted, can suffice; documents are not mandatory (PLD 2026 SC 91; 2001 CLC 304). Medical evidence, FIRs and witnesses strengthen the case (2018 YLR 20).
- **If she wants khula, say so; if she does not, say that too.** Her election decides whether her dower survives (2026 SCMR 1717; PLD 2002 SC 273).
- **Ask for the decree forthwith** when pre-trial reconciliation fails (2021 YLR 1954; 2024 SCMR 634).
- **Sue where she lives**, including her parents' home (PLD 1979 SC 864).
- **With a delegated right**, exercise it by written notice to the Chairman; it is talaq, not khula, and she keeps her dower (2013 CLC 1625; 2026 SCMR 1759).

5.3 For heirs and third parties

- **Whoever relies on a divorce must prove it**, usually with the section 7 notice, the Council's record and witnesses; a bare certificate or deed of doubtful origin will fail (1976 SCMR 314; 2002 SCMR 1275; PLD 2023 Peshawar 88).
- **A deathbed divorce does not exclude the widow** if the husband dies before her iddat ends (PLD 1974 SC 22).

6. Conclusion

The case law has turned section 7 of the MFLO from a procedural formality into the backbone of talaq in Pakistan. In civil proceedings a talaq takes effect only after written notice and ninety days, and the Supreme Court has now held this consistent with Islamic injunctions; a husband who skips the process, or pronounces three talaqs in anger and dies within the period, leaves behind a widow, not a divorced wife. The Peshawar High Court has applied the same discipline to delegated divorce, ruju and proof of divorce in inheritance disputes.

On the wife's side, the DMMA grounds have been read generously: cruelty includes mental cruelty and neglect, evidence is weighed on probabilities, and the second-marriage ground in section 2(ii-a) has been confirmed by the Supreme Court. The main practical risk for a wife is that a weakly pleaded cruelty suit ends in khula and costs her the dower; the recent Supreme Court decisions require the court to ask her before that happens. For practitioners, careful pleading of each ground and strict section 7 compliance resolve most disputes before they start.

Annexure A — The Judgments in Question and Answer Form

All 92 judgments relied on, Supreme Court first and then the Peshawar High Court, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer. † = stated from the headnote only (2 entries).

Supreme Court

1. 2026 SCMR 1759 — Muhammad Hassan Sultan v. Chairman Union Council, Cantonment

Before: Yahya Afridi, CJ, Muhammad Shafi Siddiqui and Miangul Hassan Aurangzeb, JJ; Civil Petition No. 5364 of 2024, decided 28 November 2025

Q. Can a wife who exercised a delegated right of divorce withdraw her notice within ninety days?

A. Yes. Under section 7 talaq becomes operative only after ninety days from notice; the wife, holding an unconditional delegated right under clause 18, lawfully withdrew it within that period. Appeal dismissed.

2. PLD 2026 SC 91 — Dr. Seema Hanif Khan v. Waqas Khan

Before: Ayesha A. Malik and Naeem Akhter Afghan, JJ; C.P.L.A. No. 3268 of 2024, decided 19 September 2025

Q. Must cruelty be proved by documents?

A. No. Family Courts must weigh the wife's evidence as a whole on the balance of probabilities; an unauthorised second marriage carries the consequences of section 6 MFLO.

3. PLD 2026 SC 302 — Mst. Naila Javed v. Nasir Khan

Before: Yahya Afridi, CJ and Musarrat Hilali, J; C.P.L.A. No. 3767 of 2025, decided 12 January 2026

Q. Where cruelty and a second marriage during the case are shown, can the court dissolve by khula?

A. No. The marriage was dissolved on cruelty and the wife held entitled to her remaining dower.

4. 2026 SCMR 1717 — Mst. Selab Akhtar v. Quwat Khan

Before: Yahya Afridi, CJ, Shahid Bilal Hassan and Shakeel Ahmad, JJ; C.P.L.A. No. 4792 of 2025, decided 6 January 2026

Q. Can a suit on cruelty be converted into khula when cruelty fails?

A. Only on the wife's conscious and informed election; remanded for her to elect.

5. PLD 2026 SC 319 — Mst. Wajiha Rasheed v. Adeel Akhter

Before: Yahya Afridi, CJ, Muhammad Shafi Siddiqui and Miangul Hassan Aurangzeb, JJ; C.P.L.As. Nos. 2555-2556 of 2022, decided 27 August 2025

Q. If cruelty is not proved, on what basis is the marriage dissolved?

A. Khula, with the wife forgoing her dower. Leave refused.

6. 2026 SCMR 1 — Ambreen Akram v. Asad Ullah Khan

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; Civil Petition No. 1107-L of 2015 and Civil Appeal No. 247-L of 2017, decided 11 September 2025

Q. When does a wife's maintenance begin?

A. From the valid nikah, regardless of consummation.

7. PLD 2025 SC 469 — Aziz Ahmad v. Mst. Musarat

Before: Yahya Afridi, CJ, Muhammad Shafi Siddiqui and Shakeel Ahmad, JJ; C.P.L.A. No. 181 of 2023, decided 9 April 2025

Q. Did three divorces in one sitting end the marriage where the husband died within ninety days?

A. No. The pronouncement was neither final under Islamic injunctions nor compliant with section 7(3); the cooling-off period accords with the Quran. The wife remained the lawful widow and inherits.

8. PLD 2025 SC 262 — Dr. Faryal Maqsood v. Khurram Shehzad Durrani

Before: Syed Mansoor Ali Shah, Jamal Khan Mandokhail and Athar Minallah, JJ; Civil Petitions Nos. 308-P and 1388 of 2019, decided 23 October 2024

Q. Does section 2(ii-a) DMMA (second wife in contravention of MFLO) survive the 1981 repeal of section 13 MFLO?

A. Yes. It remains a valid and subsisting ground for dissolution; a court cannot on its own order khula. Appeals allowed (from Peshawar).

9. 2024 SCMR 634 — Sohail Ahmed v. Mst. Samreena Rasheed Memon

Before: Muhammad Ali Mazhar, Syed Hasan Azhar Rizvi and Irfan Saadat Khan, JJ; Civil Petitions Nos. 488-K and 489-K of 2023, decided 20 December 2023

Q. What must the Family Court do before dissolving a marriage?

A. Make a genuine attempt at reconciliation under section 10(3); if it fails, the decree for dissolution may be passed forthwith without evidence. A wife residing abroad may sue in Pakistan under Rule 6.

10. PLD 2024 SC 645 — Ibrahim Khan v. Mst. Saima Khan

Before: Yahya Afridi, Amin-ud-Din Khan and Ayesha A. Malik, JJ; Civil Petitions Nos. 4657-4659 of 2022, decided 15 February 2024

Q. Does a wife divorced by khula need halala to remarry the same husband?

A. No. Khula is her exclusive right, and she may remarry the same man without an intervening marriage; khula must be expressly sought.

11. 2023 SCMR 246 — Mst. Tayyeba Ambareen v. Shafqat Ali Kiyani

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Petition No. 3209 of 2019, decided 3 November 2022

Q. What is cruelty, and may a restitution suit defeat dissolution?

A. Cruelty includes physical and mental cruelty; the husband's restitution suit is not a weapon. The Peshawar Family Court's cruelty decree was restored.

12. 2019 SCMR 520 — Mir Bat Khan v. Mst. Sherin Bibi

Before: Qazi Faez Isa and Mazhar Alam Khan Miankhel, JJ; Civil Petition No. 809-P of 2018, decided 8 February 2019

Q. Can a jirga make a mother give up her child to obtain divorce?

A. No; a jirga has no such authority.

13. PLD 2018 SC 819 — Muhammad Asim v. Mst. Samro Begum

Before: Qazi Faez Isa and Yahya Afridi, JJ; Civil Petition No. 3095 of 2017, decided 15 August 2018

Q. Must the husband disclose his earnings in maintenance claims, including iddat?

A. Yes; petition dismissed with costs.

14. PLD 2017 SC 187 — Ishtiaq Ahmad v. State

Before: Dost Muhammad Khan, Qazi Faez Isa and Maqbool Baqar, JJ; Criminal Petition No. 1252 of 2016, decided 21 February 2017

Q. What is the penalty for a second marriage without Arbitration Council permission?

A. Conviction under section 6(5)(b) MFLO upheld (one month and fine; up to a year possible).

15. 2015 SCMR 804 — Muhammad Arif v. Saima Noreen

Before: Sarmad Jalal Osmany and Qazi Faez Isa, JJ; Civil Petitions Nos. 1421 and 1479 of 2014, decided 11 February 2015

Q. What follows when cruelty is not proved?

A. Dissolution only by khula; the dower plot reverts to the husband.

16. 2009 SCMR 1037 — Zulfiqar Ali v. Mst. Shazia Bibi

Before: Mian Hamid Farooq, Syed Zawwar Hussain Jaffery and Sheikh Hakim Ali, JJ; Civil Petition No. 1698-L of 2008, decided 9 April 2009

Q. Is an Arbitration Council order valid if the husband was not asked to nominate a representative?

A. No. Rule 7(1) requires notice to nominate; the maintenance certificate was set aside.

17. 2008 SCMR 466 — Dr. Ashfaq Ahmad Khan v. Mst. Samina Khan

Before: Faqir Muhammad Khokhar and Karamat Nazir Bhandari, JJ; Civil Petition No. 2631-L of 2003, decided 11 October 2005

Q. Can a talaq certificate and Arbitration Council orders be challenged decades later?

A. No; they were not void and the challenge was time-barred.

18. 2006 SCMR 100 — Abid Hussain v. ADJ Alipur

Before: Faqir Muhammad Khokhar and Karamat Nazir Bhandari, JJ; Civil Petition No. 3444-L of 2004, decided 18 October 2005

Q. Can a wife appeal where the Family Court decreed khula but refused cruelty?

A. Yes; the appeal lies against the decision. Habitual cruelty was established.

19. PLD 2006 SC 457 — Mst. Farah Naz v. Judge Family Court, Sahiwal

Before: Rana Bhagwandas and Muhammad Nawaz Abbasi, JJ; Civil Appeals Nos. 1336 and 1337 of 2005, decided 6 March 2006

Q. Is an oral allegation of talaq, without section 7 notice, effective?

A. No. The husband must send notice to the Chairman and a copy to the wife; the wife's claim was restored.

20. PLD 2004 SC 132 — Manzoor Ahmad v. Nargis Mirza

Before: Hamid Ali Mirza, Abdul Hameed Dogar and Faqir Muhammad Khokhar, JJ; Civil Petition No. 1403 of 2003, decided 27 October 2003

Q. Can a husband rely on a divorce he never notified under section 7?

A. No. Where he admitted no divorce and gave no notice, findings against him stand.

21. 2003 SCMR 1325 — Ashiq Hussain Saeed v. Mst. Farzana Chaudhry

Before: Tanvir Ahmed Khan and Khalil-ur-Rehman Ramday, JJ; C.P.L.A. No. 2450-L of 2001, decided 19 June 2002

Q. Will an ex parte dissolution decree be set aside after the wife has remarried?

A. No, where the husband knew of the case and avoided appearance.

22. 2002 SCMR 1275 — Muhammad Boota v. ADJ

Before: Munir A. Sheikh, Khalil-ur-Rehman Ramday and Faqir Muhammad Khokhar, JJ; Civil Petition No. 3633-L of 2001, decided 2 April 2002

Q. Is a Union Council certificate enough to prove divorce?

A. Not without independent evidence that divorce was sent and the Council notified.

23. PLD 2002 SC 273 — Mukhtar Ahmed v. Ansa Naheed

Before: Nazim Hussain Siddiqui and Javed Iqbal, JJ; Civil Appeal No. 583 of 1995, decided 29 October 2001

Q. Does a wife lose dower where dissolution rests on several grounds including khula?

A. No; only on khula alone.

24. 1994 SCMR 1720 — Mushtaq Ahmed v. Sat Bharai

Before: Shafiur Rahman and Saleem Akhtar, JJ; C.P.L.A. No. 286 of 1993, decided 8 November 1993

Q. If the husband dies within ninety days of notice, is the wife his widow?

A. Yes. Talaq was not yet effective; she inherits.

25. 1994 SCMR 2098 — Mst. Zahida Shaheen v. State (Shariat Appellate Bench)

Before: Shariat Appellate Bench: Muhammad Rafiq Tarar, Pir Muhammad Karam Shah and Maulana Muhammad Taqi Usmani, JJ; Criminal Appeal No. 47(S) of 1993, decided 8 June 1994

Q. Are persons who remarried on a Shariah-valid talaq without notice guilty of zina?

A. No; they were acquitted.

26. 1994 SCMR 2019 † — Abdul Riaz v. Hamidan Begum

Bench and date not shown in headnote

Q. Is khula needed where non-maintenance, non-performance and cruelty are proved?

A. No.

27. PLD 1993 SC 901 — Kaniz Fatima v. Wali Muhammad

Before: Shafiur Rahman, Abdul Qadeer Chaudhry, Saleem Akhtar, Saeeduzzaman Siddiqui and Wali Muhammad Khan, JJ; Civil Appeal No. 50 of 1990, decided 1 August 1993

Q. Must section 7 be strictly applied to a consensual written divorce?

A. No, especially for the penal clause; notice is a formality that may be given later.

28. 1992 SCMR 1273 — Allah Dad v. Mukhtar (Shariat Appellate Bench)

Before: Shariat Appellate Bench: Muhammad Rafiq Tarar, Pir Muhammad Karam Shah and Maulana Muhammad Taqi Usmani, JJ; Criminal P.L.A. No. 24(S) of 1991, decided 4 March 1992

Q. Is notice to the Chairman required under Islamic injunctions?

A. No. A marriage after iddat according to Shariah is valid and not zina, though no notice was sent.

29. PLD 1991 SC 1074 — Faheemuddin v. Sabeeha Begum

Before: Muhammad Afzal Zullah, CJ and Saad Saood Jan, J; Criminal Appeal No. 128 of 1989, decided 10 June 1991

Q. Can the second wife complain under section 6?

A. Yes; she is an aggrieved party.

30. 1991 SCMR 263 — Altaf Sikandar v. Zohra Bano

Before: S. Usman Ali Shah, Naimuddin and Abdul Hafeez Memon, JJ; date of hearing 17 June 1990

Q. Was the cruelty decree sustained?

A. Yes, after expunging remarks about the husband's mental state.

31. 1989 SCMR 1416 — Abdul Majid v. Humaira Bibi

Before: Muhammad Afzal Zullah and Javid Iqbal, JJ; C.P.L.A. No. 1081 of 1988, decided 1 March 1989

Q. Until when must the husband maintain a divorced wife?

A. Until the end of iddat.

32. 1989 SCMR 119 † — Muhammad Najeeb v. Talat Shahnaz

Bench and date not shown in headnote

Q. What maintenance can a divorced wife claim?

A. For the period the marriage subsisted and for iddat.

33. 1988 SCMR 1287 — Muhammad Iqbal v. Nasrin Ashraf

Before: Muhammad Afzal Zullah and Saad Saood Jan, JJ; C.P.L.A. No. 471 of 1987, decided 11 May 1988

Q. Does iddat start from pronouncement or from effectiveness under section 7?

A. Left open; the question was identified but not pressed.

34. 1986 SCMR 1350 — Ghulam Nabi v. Farrukh Latif

Before: Aslam Riaz Hussain and Mian Burhanuddin Jan, JJ; C.P.L.A. No. 135 of 1985, decided 17 February 1986

Q. What if no notice is given to the Chairman?

A. The talaq is deemed revoked; it is effective only after notice and ninety days.

35. PLD 1979 SC 864 — Fazal Khatib v. Naheed Akhtar

Before: G. Safdar Shah and Karam Elahee Chauhan, JJ; C.P.S.L.A. No. 89-R of 1979, decided 25 April 1979

Q. Where can a wife turned out of the house sue for dissolution?

A. Where she ordinarily resides, including her parents' home.

36. 1976 SCMR 314 — Mulakh Bano v. Gohar Bano

Before: Salahuddin Ahmed and Muhammad Gul, JJ; C.P.S.L.A. No. 164-R of 1975, decided 27 November 1975

Q. Who must prove divorce once marriage is admitted?

A. Those who allege it.

37. PLD 1974 SC 22 — Nazar Muhammad v. Shahzada Begum

Before: Hamoodur Rahman, CJ, Waheeduddin Ahmad and Salahuddin Ahmed, JJ; Civil Appeal No. 245 of 1969, decided 22 October 1973

Q. Does a wife divorced on the husband's deathbed inherit?

A. Yes, if he dies before her iddat ends; a child conceived during marriage is legitimate.

38. PLD 1971 SC 192 — Muhammad Siddiq v. Ghafuran Bibi

Before: Hamoodur Rahman, CJ, Sajjad Ahmad, M. R. Khan and Waheeduddin Ahmad, JJ; Civil Appeal No. 29 of 1970, decided 11 November 1970

Q. Can an appellate court grant khula after the suit on cruelty failed, without hearing the husband?

A. No; he must be given an opportunity to rebut. Appeal accepted.

39. 1970 SCMR 845 — Abdul Mannan v. Safuran Nessa

Before: Hamoodur Rahman, CJ and M. R. Khan, J; P.S.L.A. No. 23-D of 1970, decided 18 June 1970

Q. Is divorce without notice to the Chairman effective?

A. No; under section 7(3) it is yet to take effect.

40. 1970 SCMR 437 — Mauj Ali v. Safdar Hussain

Before: Sajjad Ahmad and Wahiduddin Ahmad, JJ; P.S.L.A. No. 47 of 1970, decided 8 April 1970

Q. Is a marriage by a girl who has attained puberty valid despite the Child Marriage Restraint Act?

A. Yes, under Muslim law.

41. PLD 1967 SC 97 — Mst. Khurshid Bibi v. Muhammad Amin

Before: S. A. Rahman, Fazle-Akbar, Hamoodur Rahman, Muhammad Yaqub Ali and S. A. Mahmood, JJ; Civil Appeal No. 83 of 1963, decided 12 October 1966

Q. Can a wife obtain khula through the court without the husband's consent?

A. Yes; the court acts as Qazi. Remanded to determine benefits to be restored.

42. PLD 1967 SC 580 — Marina Jatoi v. Nuruddin K. Jatoi

Before: A. R. Cornelius, CJ, S. A. Rahman, Fazle-Akbar, Hamoodur Rahman and Muhammad Yaqub Ali, JJ; Criminal Appeal No. 74 of 1966, decided 30 June 1967

Q. Can a Muslim husband divorce his Christian wife married in London by talaq?

A. Yes; his right to talaq was not taken away.

43. PLD 1963 SC 51 — Syed Ali Nawaz Gardezi v. Lt.-Col. Muhammad Yusuf

Before: A. R. Cornelius, CJ, S. A. Rahman, Fazle-Akbar, B. Z. Kaikaus and Hamoodur Rahman, JJ; Criminal Appeal No. 98 of 1962, decided 29 November 1962

Q. Is a talaq recognised abroad?

A. Yes, if the law of domicile permits dissolution by talaq.

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44. 2026 CLC 863 — Mst. Mujahida v. Alamgir

Before: Muhammad Faheem Wali, J; Criminal Appeal No. 1675-P of 2023, decided 25 June 2025

Q. Can an acquittal for a second marriage without permission stand on a first wife's complaint?

A. No; the acquittal was set aside and the appeal remanded for decision on merits.

45. 2026 CLC 126 — Hasnain Abbas v. Tooba Bibi

Before: Farah Jamshed and Inam Ullah Khan, JJ (D.I. Khan Bench); W.P. No. 554-D of 2024, decided 6 May 2025

Q. After a khula decree, can the husband be compelled to write talaq?

A. No; such conditions were illegal.

46. 2025 MLD 479 — Yasir Manzoor Amin v. Dr. Mehreen Iqbal

Before: Syed Arshad Ali, J; W.P. No. 3788-P of 2018, decided 20 May 2024

Q. Did the 1981 repeal take section 2(ii-a) DMMA off the statute book?

A. No; it remains a valid ground for dissolution (endorsed in PLD 2025 SC 262).

47. 2024 CLC 363 — Shafqat Ullah v. Mst. Anjuman

Before: Muhammad Naeem Anwar, J (Bannu Bench); W.P. No. 1251-B of 2020, decided 24 January 2022

Q. Can a wife neglected by a husband living abroad obtain dissolution?

A. Yes, on non-maintenance and neglect; petitions dismissed.

48. PLD 2023 Peshawar 88 — Mst. Musarat v. Aziz Ahmad

Before: Muhammad Ijaz Khan, J (Mingora Bench); C.R. No. 371-M of 2020, decided 31 October 2022

Q. Does a doubtful talaq-nama in marz-ul-maut exclude the widow?

A. No. She inherits; affirmed in PLD 2025 SC 469.

49. 2023 CLC 2055 — Mst. Nadia Bibi v. Asad Khan

Before: Dr. Khurshid Iqbal, J (Mingora Bench); W.P. No. 494-M of 2020, decided 15 February 2023

Q. Is a wife divorced by khula entitled to iddat maintenance?

A. Yes, from the decree.

50. 2022 YLR 181 — Sartaj v. Mst. Waheeda Gul

Before: Syed Muhammad Attique Shah, J; C.R. No. 30-P of 2019, decided 15 February 2021

Q. Can heirs exclude a widow on an unproved divorce?

A. No; NADRA record showed her as wife.

51. 2022 CLC 1821 — Umar Khitab v. Mst. Sana Shah

Before: Muhammad Naeem Anwar and Muhammad Ijaz Khan, JJ (Mingora Bench); W.P. No. 932-M of 2021, decided 9 March 2022

Q. How is impotency determined?

A. Under proviso (c) to section 2; a Medical Board is not mandatory.

52. PLD 2021 Peshawar 184 — Fazal Rahman v. Mst. Fahmida

Before: Ishtiaq Ibrahim and Wiqar Ahmad, JJ; W.Ps. Nos. 609-M of 2015 and 29-C of 2019, decided 24 March 2021

Q. May the appellate court change the mode of dissolution?

A. Yes.

53. PLD 2021 Peshawar 41 — Asif Raza Masih v. Mst. Sofia

Before: Abdul Shakoor and Sahibzada Asadullah, JJ (D.I. Khan Bench); W.P. No. 1075-D of 2019, decided 14 September 2020

Q. Can a Christian marriage be dissolved on a bare statement?

A. No; grounds must be framed and proved. Remanded.

54. 2021 YLR 1954 — Mst. Momina v. Fahad Sajjad

Before: Qaiser Rashid Khan, CJ and Syed Muhammad Attique Shah, J; W.P. No. 2143-P of 2018, decided 16 February 2021

Q. Must the court dissolve forthwith when pre-trial reconciliation fails?

A. Yes, by a speaking order.

55. 2021 YLR 1862 — Muhammad Naeem Khan v. Mst. Nazilat-ur-Rehman

Before: Sahibzada Asadullah, J (Bannu Bench); W.P. No. 755-B of 2019, decided 21 January 2021

Q. Are baseless allegations against the wife's character cruelty?

A. Yes; dissolution upheld.

56. 2020 CLC 1874 — Mst. Farhat Imam v. Sajid Nazeef

Before: Sahibzada Asadullah, J (Bannu Bench); W.P. No. 814-B of 2017, decided 27 February 2020

Q. Was khula correctly granted where she proved other grounds?

A. No; set aside.

57. 2020 MLD 554 — Islam Gul v. Mst. Naleem

Before: Ahmad Ali, J; W.P. No. 627-P of 2017, decided 2 September 2019

Q. Can a wife pronounce khula herself?

A. No; only the court dissolves on her request.

58. PLD 2019 Peshawar 218 — Ajmal Khan v. Mst. Falak Negar Bibi

Before: Syed Arshad Ali, J; date of hearing 31 January 2019

Q. Can dissolution be made conditional before rukhsati?

A. No; dissolved by khula without iddat.

59. 2019 CLC 1562 — Mst. Tuharat Firdos v. Imtiaz Khan

Before: Syed Afsar Shah, J; W.P. No. 4841-P of 2016, decided 13 March 2019

Q. On khula without proven cruelty, what does the wife return?

A. Rs.100,000 and 5 tolas; she kept the house.

60. 2018 CLC 906 — Fazal Khaliq v. Mst. Iram Naz

Before: Muhammad Ghazanfar Khan, J (Mingora Bench)

Q. When does iddat start if the husband denies a divorce later proved?

A. From the divorce, not the decree.

61. 2018 CLC 875 — Muhammad Iqbal v. Mst. Nazia Iqbal

Before: Muhammad Nasir Mahfooz, J (Mingora Bench); W.P. No. 856-M of 2017, decided 11 December 2017

Q. Is personal reconciliation needed where both live abroad?

A. No; dissolution at the initial stage upheld.

62. 2018 YLR 2663 — Shah Hussain v. Mst. Nadia Khan

Before: Mohammad Ibrahim Khan, J (Mingora Bench); W.P. No. 621-M of 2016, decided 24 May 2017

Q. Is a khula decree appealable?

A. No; only the dower part is.

63. 2018 YLR 642 — Aminullah v. Mst. Robina Pervaiz

Before: Muhammad Younis Thaheem, J; W.P. No. 1074-P of 2014, decided 27 October 2017

Q. Is forced abortion and maltreatment cruelty?

A. Yes; dissolution upheld.

64. 2018 YLR 20 — Haseeb Ahmad v. Mst. Wajiha Wakeel

Before: Muhammad Younis Thaheem, J; W.P. No. 1022-P of 2014, decided 3 July 2017

Q. Is a beating that ruptured the eardrum cruelty?

A. Yes; custody visitation for Eid arranged.

65. 2017 YLR 1514 — Mst. Nosheen Bibi v. Ziaullah

Before: Muhammad Younis Thaheem, J (Mingora Bench); W.P. No. 219 of 2015, decided 15 April 2016

Q. Who proves an alleged prior divorce?

A. The party alleging it.

66. 2016 YLR 1103 — Israfeel v. Nekam Zada

Before: Muhammad Daud Khan and Muhammad Ghazanfar Khan, JJ (Bannu Bench); W.P. No. 213-B of 2013, decided 23 December 2014

Q. Can dissolution rest on unequal treatment not pleaded?

A. No; maintenance limited to iddat.

67. PLD 2016 Peshawar 1 — Sajed Ullah v. Mst. Shakeela Naz

Before: Yahya Afridi and Muhammad Younis Thaheem, JJ; W.Ps. Nos. 325-B of 2013 and 34-B of 2014, decided 28 January 2015

Q. Can a jirga impose khula?

A. No.

68. 2015 MLD 1623 — Mst. Shahana Bibi v. Nadeem Shah

Before: Nisar Hussain Khan and Rooh-ul-Amin Khan, JJ; W.P. No. 1963-P of 2013, decided 25 March 2015

Q. Does cruelty include mental cruelty and non-maintenance?

A. Yes; khula conversion set aside.

69. 2015 MLD 1140 — Chanzeb v. Mst. Yasmeen Bibi

Before: Malik Manzoor Hussain and Mrs. Irshad Qaiser, JJ (Abbottabad Bench); W.P. No. 515-A of 2009, decided 10 June 2014

Q. What if the husband sends an attorney instead of testifying?

A. The wife's unrebutted evidence of cruelty and second marriage stands.

70. PLD 2015 Peshawar 34 — Shoaib v. Sadia Altaf

Before: Mrs. Irshad Qaiser, J (Abbottabad Bench); W.P. No. 407-A of 2010, decided 12 June 2014

Q. Is an unwitnessed, unnotified ruju valid against a wife who remarried after iddat?

A. No; husband's suit dismissed with costs.

71. PLD 2015 Peshawar 14 — Mst. Saima Gul v. Haider Zaman

Before: Muhammad Daud Khan and Ikramullah Khan, JJ (Mingora Bench); W.P. No. 265-M of 2012, decided 13 November 2013

Q. Did the DMMA apply in PATA (Swat)?

A. No; Islamic law applied; iddat maintenance allowed.

72. PLD 2014 Peshawar 226 — Syed Rashid Ali Shah v. Mst. Haleema Bibi

Before: Nisar Hussain Khan and Waqar Ahmad Seth, JJ; W.P. No. 447-P of 2013, decided 18 June 2014

Q. Is section 2(ii-a) DMMA available?

A. Held omitted in 1981 (since overruled by PLD 2025 SC 262).

73. 2014 MLD 988 — Arshad Habib v. Mst. Ghazala Akbar

Before: Mrs. Irshad Qaiser, J (Abbottabad Bench); W.P. No. 521-A of 2012, decided 4 June 2013

Q. Is an unauthorised second marriage a ground?

A. Yes; dissolution upheld.

74. 2014 CLC 531 — Mst. Khursheed v. Lal Hussain

Before: Waqar Ahmad Seth, J; C.R. No. 28 of 2006, decided 22 November 2013

Q. Does a proved divorce deed exclude the ex-wife from inheritance?

A. Yes.

75. 2013 CLC 1625 — Sajid Hussain Tanoli v. Nadia Khattak

Before: Waqar Ahmad Seth and Mrs. Irshad Qaiser, JJ; W.P. No. 277 of 2010, decided 28 May 2013

Q. Is talaq-e-tafweez khula?

A. No; effective after ninety days, dower kept.

76. 2013 CLC 1203 — Mst. Rabia Rasheed v. Faisal Mir

Before: Khalid Mehmood, J; W.Ps. Nos. 172 of 2010 and 57 of 2011, decided 11 December 2012

Q. Is neglect and non-payment cruelty?

A. Yes; khula compensation is discretionary.

77. PLD 2013 Peshawar 88 — Mst. Saeeda Javed v. Javed Iqbal

Before: Rooh-ul-Amin Khan and Malik Manzoor Hussain, JJ; W.P. No. 1962 of 2010, decided 27 March 2013

Q. May a court grant khula where grounds fail?

A. Yes, where the wife will not live with him.

78. 2009 CLC 1251 — Iqbal Khan v. Mehnaz

Before: Muhammad Alam Khan and Syed Yahya Zahid Gilani, JJ; W.P. No. 210 of 2009, decided 28 May 2009

Q. Who decides option of puberty?

A. The Family Court.

79. 2009 CLC 1210 — Malik Tanveer Khan v. Mst. Amber Liaqat

Before: Ghulam Mohy-ud-Din Malik and Zia-ud-Din Khattak, JJ; W.P. No. 315 of 2008, decided 24 June 2009

Q. Is an infamous life of the husband cruelty?

A. Yes; dissolution upheld.

80. 2004 YLR 111 — Mst. Asmat Nigar v. Sayed Ibrar Hussain Shah

Before: Talaat Qayum Qureshi and Ijaz-ul-Hassan Khan, JJ; W.P. No. 892 of 2003, decided 19 September 2003

Q. What is required for talaq in Shia law?

A. Two witnesses present; complied.

81. PLD 2003 Peshawar 169 — Fazli-e-Subhan v. Mst. Sabereen

Before: Malik Hamid Saeed and Shah Jehan Khan, JJ; W.P. No. 137 of 2003, heard 11 March 2003

Q. Can spouses separated by court decree remarry without halala?

A. Yes, by fresh nikah.

82. PLD 2003 Peshawar 146 — Karim Ullah v. Shabana

Before: Malik Hamid Saeed and Shahzad Akbar Khan, JJ; W.P. No. 1102 of 2001, decided 16 January 2003

Q. Can a wife keep dower on khula forced by cruelty?

A. Yes.

83. 2001 CLC 304 — Muhammad Basharat v. Mehar Fazoon

Before: Shahzad Akbar Khan and Ijaz-ul-Hassan, JJ; W.P. No. 168 of 2000, decided 24 October 2000

Q. What if the wife is not cross-examined on cruelty?

A. Her evidence stands.

84. 1998 MLD 1216 — Taj Din v. Karim Bukhsh

Before: Sardar Muhammad Raza and Tariq Pervez, JJ; W.P. No. 151 of 1997, decided 11 February 1998

Q. Is a doctor's virginity report enough to prove impotency?

A. No; proviso (c) must be followed. Remanded.

85. 1995 CLC 731 — Qalam Khan v. Shamim Bibi

Before: Sardar Muhammad Raza Khan and M. Shakirullah Jan, JJ; W.P. No. 94 of 1994, decided 7 December 1994

Q. What if the husband does not seek a year under proviso (c)?

A. Decree on impotency upheld.

86. 1990 CLC 297 — Khurshid Ahmad v. Attiya Nigar

Before: Muhammad Ishaq Khan and Muhammad Bashir Khan Jehangiri, JJ; W.P. No. 32 of 1988, decided 10 October 1989

Q. Are false charges of immorality cruelty?

A. Yes.

87. 1990 CLC 293 — Nadir Khan v. Zeenat Bibi

Before: Muhammad Ishaq Khan and Muhammad Bashir Khan Jehangiri, JJ; W.P. No. 36-D of 1988, decided 10 October 1989

Q. Is a second marriage without consent a ground?

A. Yes; decree upheld.

88. PLD 1984 Peshawar 91 — Muslim Sher v. Mst. Qudrat Bibi

Before: Abdul Karim Khan Kundi and Allah Bakhsh, JJ; W.P. No. 678 of 1980, decided 20 December 1983

Q. Is khula a ground under section 2?

A. Yes; a decree on non-maintenance stands.

89. PLD 1978 Peshawar 36 — Mst. Nasim Akhtar v. Noor Rehman

Before: Abdul Hakeem Khan, CJ and Shah Nawaz Khan, J; W.P. No. 309 of 1976, decided 18 May 1977

Q. Can a wife appeal when dissolution is refused?

A. Yes.

90. PLD 1965 Peshawar 5 — Mst. Sarwar Jan v. Abdul Majid

Before: Faizullah Khan, J; R.S.A. No. 182 of 1963, decided 1 July 1964

Q. Until when may option of puberty be exercised?

A. Until 18; consensual consummation ends it.

91. PLD 1965 Peshawar 1 — Abdul Sattar v. Mst. Wakila Bibi

Before: Faizullah Khan, J; R.S.A. No. 294 of 1964, decided 27 May 1964

Q. Is filing the suit itself exercise of option of puberty?

A. Yes.

92. PLD 1961 Peshawar 66 — Mst. Sherinzadgi v. Gul Muhammad

Before: Habibullah Khan, J; Civil Appeal No. 48 of 1956, decided 9 May 1961

Q. Is non-maintenance a ground where the wife refuses to return?

A. No.