

Judicial Khula: theory and practice

Muhammad Rafi

LLM (Bahria University), LLB (Hons) International Islamic
University Islamabad

Email: muhammadrafi033@gmail.com

Syed Hujat Ullah

Lecturer Islamic Studies, Department of Arts and
Humanities, BUITEMS Quetta

Email: syed.hujatullah@buitms.edu.pk



Published:

25-09-2021

Accepted:

25-08-2021

Received:

25-07-2021

Abstract

Khula is the most practically used component in the judiciary of Pakistan and this requires completely Islamic Jurisprudence but unfortunately, Neither bar nor bench has special competency on this issue, on top of that Dar Ul Ifta is a different system in Pakistan that is not recognized ultimately common peoples face problems. The question arises to examine the theory of Khula in Islamic law along with Pakistani judicial practice in this relevant matter and furthermore to point out contemporary issues with its solutions so comparative study between khula and its practice is mainly focused in this research. This paper is not just an analytical study of the topic, but it is comparing both theoretical and practical aspects of Kula so that reforms could be oriented toward emerging issues. This work has drawn the conduct for the legal fraternity in concern matter furthermore, this writing has shown a way to the public for adopting a just & fair process for canceling the contract of marriage and more importantly the replacement of Civil judges with Muftian-E-Kiram in family courts will overcome the problems in family cases.

Keywords: *Khula, Judicial Khula, Practice*

Introduction

The most important practical life for a Muslim is his/her family or personal life. Family is started with Nikah in Islam while there are many ways to end this relation for instance Divorce, Dissolution of marriage and khula. Every way of separation between husband and wife has its own procedure and consequences. By the way my focus is on Khula which is known as redemption in English and this English term has used by our contemporary scholars in their juristic writing like Professor Imran Ahsan khan Niazi sab. As Talaq is a tool for husband to discontinue his conjugal life and in the same manner, Kula is a tool for wife to cancel her contract of marriage if there is an actual cause of inconveniency for wife therefor shariat does not force a woman to stay with the husband by all means but Islamic has protected and cared of women's rights in every step of life so if husband accept kula, it will get effective otherwise wife is needed to judicial intervention. Single irrevocable divorce is the legal consequences of Khula and the wife is able to



remarry her with previous-husband without an intervention marriage that is known as halala in Arabic terminology. Actually, this Khula is an important aspect of Muslim family law which requires check and balance so that it is not misused by wife against husband, and husband is also needed to be restricted from blackmailing to his wife through not giving his consent for khula. Parallel system of Fatwa and Qaza in Pakistan is a big cause of public confusion in the topic in hand.

Islamic point of view: Classical Islamic law

1. "It is not sin for any of them if the woman ransom herself".¹
2. Mālikī jurists also discuss khul' under the Qur'ānic verse 4:35 and draw a conclusion that khul' can be affected by the arbitrators and their decision shall be binding in spite of non-existence of consent by husband and wife.²
3. The wife of Thabit ibn Qais visited to the Prophet (PBUH) and said O messenger of Allah I do not notice anything with him from the religious and moral points of view, but I detest disbelief after entering into the fold of Islam. The messenger of Allah PBUH asked, 'will you return to him his orchard that he had given to you? She replied, 'yes. The messenger of Allah said to Thabit, 'accept the orchard and divorce her through a single repudiation.
4. Using the right of khula without any appropriate ground is disapproved in Islam, and according to the saying of the prophet PBUH "Such women will not be able to get even the fragrance of Janna."³
5. According to four school of thoughts and majority, the matter of Khula is concluded between spouses with mutual consent without intervention of third party or any court.⁴

Role of Qazi (Judge)

The numbers of traditions are quoted but in none of these traditions the prophet PBUH passed judgement, he merely asked the husband to grant divorce or the wife to go back to the husband. The final decision rested with the parties themselves.

Finally, judgement of Qazi is not required. Recourse of Qazi is only for granting legal affirmation to or confirmation of the contract.

Not vesting the right of Khula with Qazi

Along with original references, Muftian E Kiran have a very logical plea as well for proving that Judge cannot apply right of Khula him/herself because as judge cannot create agreement of marriage between male and female without their consent so similarly family judges cannot rescind contract of marriage as well ignoring will of both parties.

Inferred result after analytical study of theory.

After comparing theoretical law of Pakistan and Islam with recent practice of the courts, someone can conclude that any ground for khula is

necessary or at least consent of husband is mandatory, but courts' practice shows that wife can get khula through court without fulfilling some preconditions.

Recommendations of the Council of Islamic Ideology: The Return of Traditional View

Council of Islamic ideology prepared its recommendations about khula to government of Pakistan, which is reproduced below:

"Therefore, in our opinion, a law should be enacted at the level of the state that, after a woman's written request for divorce, the husband must have an obligation to divorce her within 90 days. If the husband refuses to divorce her, the marriage shall stand dissolved after the passage of this time [90 days] except if the wife revokes her request. The husband should have no right to revoke after this. The wife must return assets and property given to her by the husband except dower and maintenance if demanded by the husband or else approach a court of law for the resolution of the conflict (of return of assets/valuables)".

There are several different points to be noted. First, the Council's Recommendation seems to be a kind of deviation from the apparent words of verse 2:229 of the Qur'ān, according to which the wife pay and grant something to free herself. Second, the Recommendation also seems deviation from the precedent laid down by the Prophet in the Ḥabiba's case, in which she was asked by the Prophet to return her dower to her husband in return for her freedom from contract of marriage. Third, the Recommendation is in accord with Islamic law, especially the Qur'ān and the Sunnah, in cases when the husband is the cause of discord. Last not the least, the Recommendation overlaps with section 10(4) of the West Pakistan Family Court Act 1964 as amended in 2002, which governs and regulate the existing law on khul'. However, the opinion of the Council seems to change with the change of its chairman. On 27 May 2015, Mawlana Muhammad Khan Shirani, Chairman CII, opined that 'courts should refrain from dissolving 'nikāḥ' (marriage contract) in the name of 'khula' or separation.' He argued that '[k]hula is an agreement between two parties, and it should not be granted and applied until the husband agrees to it.' Mawlana Shirani wishes to impose the views of the Ḥanafī school in Pakistani society, forgetting that the Council has to render advise according to the Qur'ān and the Sunnah of the Prophet (peace be upon him) only.⁵

Concept of Khula under Pakistani law

Two ways are described by Pakistani law for dissolution of marriage between husband and wife under Muslim family law Ordinance; one is Talaq (divorce), second is other than Talaq so Khula lies under second method as it is mentioned in section 8 of the above-mentioned ordinance.

"Where the right to divorce has been duly delegated to the wife and she wishes to exercise that right, or where any of the parties to a marriage

*wishes to dissolve the marriage otherwise than by talaq, the provision of section 7 shall mutatis mutandis and so far, as applicable, apply".*⁶

The most important think I need to share is that according to law no court can dissolve the marriage unless and until one or more grounds are available for it and these all 9 grounds are mentioned in section 2 of The Dissolution of Muslim Marriages act,1939 which describes that a Muslim wife can demand a divorce in case of her husband's disappearance for four years, deprivation from maintenance for two years, imprisonment of the husband for seven years or more, failure of the husband to perform his marital obligations/duties for period of three years, the husband's impotence, his insanity, and facing maltreatment by the husband.⁷

we can infer from this article that women cannot obtained the Khula without any ground then jurists said that there may be a fault-based khula and non-fault khula. This non fault based khula that khula should be available to a woman as of right and without pre requirement of consent from husband. This position was endorsed by the Supreme Court in the Khurshid Bibi case of 1967.

Law of the Pakistan makes the courts bound to apply personal law of the Muslim according to shariat as section 2 says that application of the Muslim personal law will be according to shariat if parties are Muslim.⁸

Practical background of the courts in Pakistan

Initially courts used to require consent of the husband for application of khula demanded by wife and Moonshee Buzloor Ruheem Versus Shumsoonnissa Begum was the leading case for the point that consent of husband is pre-condition for dissolving of the marriage through Khula. In first tier of justice, trial court and high court of Calcutta decided the suit in favor of wife but after appeal, judicial committee constituted by privy council held in the issue of khula that matrimonial law of Muslims gives favor to men therefore a Muslim husband can dissolve the marriage at his will, but a Muslim wife cannot separate herself from him except under the arrangement of khula which is made upon the terms to which both parties are assenting parties.⁹

This previous principle held its ground for a hundred years until the Pakistani superior courts overruled it and the decision of Lahore high court firstly played an important role for this overruling in the case of Balqis Fatima Versus Najam-ul-Ikram. Lahor high court decided the case in favor of wife that consent of husband is not mandatory for Khula because khula is right of wife which could be availed through court of law and secondly Bench inferred that "if you fear" in verse number 229 in Sura baqara refer Ulil Amr which means state and judge is entitled to pass an order for dissolution of marriage without ensuring consent of a husband if the spouses cannot lead life together in harmony.¹⁰

Area of confusion for Judges and Muftian kiram

There is a big confusion for judges and Muftian-e-Izam that how we have to response to the public in the matter of Khula because judges think that if we look to classical fiq then we are required to take consent of husband for khula but binding nature precedents compel us to dissolve the marriage through khula although consent of husband is missing on the other hand Muftian e kiram say that we are bound to give fatwa according to fiq but fatwa is not enforceable due to contradiction with judicial authority so practically fatwa has no value for the public.

Decision of Supreme court

An appeal was filed by Khurshid bibi to Supreme court then supreme court framed the issue that whether power of khula is granted to wife as matter of right despite the unwillingness of husband or matrimonial tie cannot be end without willingness of husband. The full bench of five judges unanimously agreed that wife can release herself from conjugal life without consent of her husband if wife satisfies the court that there is no potential chance among them to live together, consistently with fulfilment of their conjugal rights and duties.¹¹

Critical review on judgement of Supreme court by Mufti Taqi Usmani Sab

Mufti Taqi Usmani had been justice of Shariat appellate bench of Supreme court of Pakistan and he is the eminent person in Islamic law for the world, so he analyzed critically all arguments on which basis supreme court decided the matter. First of all court inferred from the verse of holy Quran that (وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ) and due to the wives is similar to what is expected of them, according to what is reasonable) therefore as a husband has right to divorce without consent of wife, similarly a wife has also right for Khula without consent of husband, but in fact court should have looked to the next part of verse as well which is (وَالرِّجَالُ عَلَى النِّسَاءِ دَرَجَةٌ) the men have a degree over them [in responsibility and authority) so this part indicate that some powers are granted to men but not to women that is why all Fuqaha said that equality between men and women are available in social rights not in personal family matters.

Secondly the bench revoked another verse of holy Quran (فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا) حُدُودَ اللَّهِ that “you” include to state and judges that if they have fear that husband and wife will not be able to live smoothly together according to Quranic limitations for them so Ulol Amr also can make separation between them through Khula, however Mufti Taqi Usmani says that verse states that Judges can only advise them for khula and hen spouses will do it according to their consent and verse never indicate that state can compel one of them for Khula moreover Verse doesn’t give powers of husband to a court so that they could do on behalf of husband but actually husband will do all which of course need his consent.¹²

judgements of Federal Shariat Court

Federal shariat court decided a case in 2014 that wife is entitled to khula if a wife is unhappy, and reconciliation fails. This decision shows that relinquishment of consent of husband is in conformity with the injunctions of Islam while traditional Dawbandi scholars declare it un-islamic.¹³

Remarkable judgement of Peshawar High Court

There are many legal propositions, had been decided by honorable court with the assistance of many Amicus Curie.

Whether proviso under section 10 (4) of the Family court act,1964 is contrary to the act itself or in harmony?

All amicus Curie have unanimously agreed that this sub provision 4 of section 10 is not only contrary to the act itself but it is against article 35 of the constitution because the section 10 (3) says that court will try to reconcile between parties before starting trial while section 12 (1) states that another try of reconciliation will be made after trial as well. Now let see in detail that section 10(4) of the West Pakistan Family Courts Act, 1964 as amended in 2002. The concern part of section 10(4) says that:

"If no compromise or reconciliation is possible, the Court shall frame the issues in the case and fix a date for the recording of the evidence. [Provided that notwithstanding any decision or judgment of any Court or Tribunal, the Family Court in a suit for dissolution of marriage, if reconciliation fails, shall pass decree for dissolution of marriage forthwith and also restore the husband the Haq Mehr [dower] received by the wife in consideration of marriage at the time of marriage."

So bare reading of this new added proviso makes us clear that court will pass decree after failing first reconciliation, so it means there is no chance for reconciliation for the second time.

How new added proviso to section 10(4) is contrary to article 35 of the constitution?

This new proviso is contrary to mandate of the constitution because if once reconciliation fails then procedure for separation will start in which everyone will prove his/her claim and disprove other's claim which is cause of hatred, so it is against the mandate of article 35 of the constitution where family system is being protected.

Circumstances where marriage can be dissolved on basis of khula.

Khula can be affected on base of mutual consent or with intervention of the court.

Whether Khula is absolute right of bride?

Khula is not absolute right of wife, but it will occur on the basis of mutual consent, or a Qazi will determine separation between them.

Whether process of reconciliation in the family court is proper or it needs some modifications/amendments?

All amicus curie agreed that process of reconciliation in neither proper nor it is according to injunctions of Islam therefore it should be change with

consonance of Quran which will lessen frequent occasion of TALAQ and will lessen agonies of spouses. General procedure for reconciliation is mentioned but no proper procedure is given in the whole act.¹⁴

Pakistani law after FSC decision

The Federal Shariat Court has upheld section 10(4) of the Family Courts Act 1964 as not violative of the teachings of Islam. Sub-section 4 of section 10 of the family courts act, 1964 is in-fact codification of the principle which was developed in case of Balqis Fatima Versus Najam-ul-Ikram that court can proceed with if both parties are not agreed on dissolution of marriage so again consent of husband is not required. This addition came into being in 2015.

View of different scholars in support of court practice

According to Mufti Zahid Sab whenever there is dispute between wife and husband, and wife apparently is not able to prove any cruelty from husband's side so then there is no way for wife to get herself release in Hanfi and Shai's point of view but Maliki and a minor view of Hanbali claims that wife can release herself from the court after adopting a proper procedure although husband is not happy with this.¹⁵

Dr Muhammad Munir also adopted and preferred Malik's view as he said in his article

"This work analyses case law regarding khul in Pakistan. It is argued that Balqis Fatima and Khurshid Bibi cases are the best examples of judicial lawmaking for protecting the rights of women in the domain of personal law in Pakistan. The Courts have established that when the husband is the cause of marital discord, then he should not be given any compensation; and that the mere filing of a suit for khul'by the wife means that hatred and aversion have reached a degree sufficient for courts to grant her the separation she is seeking by resorting to her right of khul'. The new interpretation of section 10(4) of the West Pakistan Family Courts Act, 1964 by Courts in Pakistan is highly commendable".¹⁶

Particularly this point of view is supported by a tradition(Hadith) of the Prophet Peace Be Upon Him that two wives of Sabit bin Qais, Jamila and Habiba to whom the prophet PBUH granted khula and the Prophet PBUH was a Qazi therefore Qazi can grant Khula.

Parallel system

There is no Islamic state in the world where two parallel systems are working for the guidance of peoples in their daily basis activities but unfortunately there are two parallel systems in Pakistan; one is Fatwa, and another one is Qaza. These two parallel systems are working in the same domain of matters faced by citizens and sometimes these two systems have contradictory outputs which creates confusion and troubles for peoples.

Solution and Neutral opinion for public

Neither Fatwa nor Qaza can be condemned. Fatwa is also correct because majority in Pakistan is followers of Imam Abu Hanifa and he was the view that court cannot grant kula without consent of husband while on the other hand judicial practice is also not wrong because Judges are deciding matters under Fiq of Maliki specially Enforcement of sharia act,1991 also give power to judges for selecting such interpretation which is consistent among many possible interpretations so courts are not bound to follow a specific school of thought but they are bound to follow principles of Quran and Sunnah.¹⁷

There is a duty which lies upon Muftian, advocates and public as well which is caring of rule of consistency so whenever someone comes to Mufti for getting remedy, the mufti should tell him that if you have trust on Fatwa system then go with fatwa process till end and act upon accordingly similarly advocates are also expected to give advice to complainant that either adopt process of Fatwa or qaza that rule of consistency is not violated. Peoples themselves don't avail different process for their remedy but must adopt one which is most trustable him so that they could save from confusion and rule of inconsistency.

Lastly if wife has to go court, then she should file application for dissolution of marriage not for Khula then the procedure of dissolution of marriage will be used by court instead of Khula procedure So wife will be easily protected from shortcomings in judicial Khula, and her real purpose of release will also be availed through court.¹⁸

Grounds For Khula: -

Basically, there are different two methods and modes of separation between husband and wife, one of them is divorce by husband and in case of *Talaq-e-Tafweez* by woman and the other one is *Khula*. We will focus at khula that upon what grounds a woman can seek khula from her husband. There are number of grounds for which a woman can get khula. We will try to observe some of them as follows: -¹⁹

- If wife suffers physical, financial or emotional harm from the husband.
- If the husband suffers certain physical defects, such as impotency.
- If there is a difference of religion.
- If husband is deserted and 4 years has been passed.
- If husband is unable to maintain her wife since last 2 years.
- If husband contract another marriage (polygamy) in violation of existing procedure.
- If husband got imprisoned for 7 years.
- If husband is not able to perform marital duties and 3 years has been lapsed.

- If wife has right of puberty where marriage is not consummated.
- If husband is in serious illness and 2 years has been lapsed.
- If wife started hatred against her husband.

Procedure for Khula (Judicial Divorce):

If wife has no right of Talq-e-Tafweez then she can file a Suit for Khula and she must waive-off her dower amount (Haq-e-Mehr) if it is not paid. A very important point to understand here is that if there is any gift which was gifted by husband or his family will not be liable to return. If there is any dispute regarding any material thing, the court will fix that and suppose if there is any default at the end of wife that she is not returning some material to her husband or his family then it will not affect Khula and in this type of situation husband have to file a separate suit for recovery.²⁰

After complete hearing of the case, the court will pass a decree with a direction to send an intimation to the Chairman Arbitration Council who will start work and has to ensure the reconciliation of the partners within 30 days and suppose if 90 days lapsed and still partners are not willing for reconciliation, the decree will automatically be effective.²¹

Online Khula / Divorce procedure for overseas Pakistani: -

If a woman is living abroad and is willing to seek khula can file online khula to get a divorce from family court Pakistan. It is very important that she must be aware of all the legal steps for the completion of procedure. In this regard, Muslim Family laws provide number of provisions. We will try to point out those provisions as follows: -

(i) She should designate an individual as her own lawyer or delegate him through power of attorney. This power of attorney will be validated from Embassy of Pakistan or The High Commission in her nation of stay. It will be attested from foreign office of Pakistan.

(ii) To start the proceedings of khula in Family Court, the person appointed through power of attorney must have power to represent her.

(iii) After complete hearing of the case, the court will pass a decree and the person so represented her will pursue the further procedure of Union or Arbitration Council.

Custody of Minor: -

Once the spouses separated through a lethargic process, the upcoming most important matter is custody of a minor. To tackle with this problem, there must be detailed laws but unfortunately Pakistan lacks detailed laws about issues regarding minors. The Guardians and Wards Act 1890 is the available act which assists court while deciding question regarding minor.

There are number of lacunas in existing laws which necessitate legislative and judicial intervention. The Guardian and Wards Act 1890 failed while distinguishing between custody and guardianship. Basically, custody is the nursing or fostering of the child whereas guardianship means the power

to effect legal transactions. The best interests of the minor are given primary consideration while deciding any question regarding the custody of the minor. A guardian is defined by section 4 of the Act as “a person having the care of the person of a minor, or of both his person and property”. So, the act mixed both guardianship and custody in a single provision. Generally, custody belongs to the mother whereas guardianship of property and marriage belong to the father, but it is not hard and fast rule as we have discussed earlier that court will see the best interest of the child/minor.

It is very pertinent to mention here that a mother has a right to the custody of her son till the age of seven, while she retains the daughter’s custody till her puberty.

“In Mst. Imtiaz Begum v Tariq Mehmood, the Lahore High Court allowed the mother to keep the child till it had attained the age to receive formal education. According to the court, this age would be determined according to the custom of the area of parent’s residence. The court stated that to set the age at seven or nine is not a requirement of Islamic law. If the age at which a child starts its school is made the standard for termination of custody, a mother will be allowed to keep the child till the child becomes three and a half years old as that is the age at which a child starts going to school in most of the Pakistani cities. In a village, probably this age will be around five years which is far less than the age fixed by the jurists.”

However, most courts have not followed this approach and consider the mother entitled to custody of a boy till seven years and a girl till puberty.

Section 17 of the Guardians and Wards Act 1890 is very important in this regard as it elaborates the ‘welfare of a minor’ which must be a paramount consideration for a court while deciding any question regarding the custody of a minor.

The courts while applying the welfare principle can deviate from settled principles.

“In Mohammad Bashir v Ghulam Fatima, the Lahore High Court awarded custody of a child to her mother who had remarried. The court justified its deviation from the rules of Islamic Personal law by stating that in Islam consideration of the welfare of a minor is paramount and all rules of personal law are the application of welfare of the minor. If in any case, there is contradiction between welfare and the rules of personal law the former prevails.”

As per section 7 of the Family Courts Act 1964, the non-custodial parent can visit his/her child and it will be allowed through court.

“In Imran Butt v Mehreen Imran, custody of an eight-year-old daughter was given to the mother. The father demanded temporary custody of the child during the summer vacation. The court granted temporary custody to the father but restrained him from removing the child from the territorial jurisdiction of the court. While granting temporary custody

the court considered the fact that the father was constantly giving maintenance to the child and his second wife had filed an affidavit stating she had loved and cared for the child and would not harm her."

View of Council of Islamic Ideology: - 22

- The Council of Islamic Ideology (CII) said that unilateral dissolution of marriage is un-islamic. They further said that khula can only be valid if done with the consent of husband.²³
- They criticized that the courts are not aware of the difference between 'Khula' and a unilateral dissolution of marriage.
- The Council of Islamic Ideology said that Sharia'h explained khula in details, but Pakistani existing laws are not in complete compliance of those principles.

Conclusion and Suggestions

Classical fiqh says that khula is totally based on mutual consent of husband and wife while intervention of the court is not for concluding of this contract of khula but only confirm and affirm that contract which has been entered into by couple themselves. Fiqh requires precondition for khula but practically court dissolve between husband and wife with any preconditions. Although Council of Islamic Ideology has recommended some amendments, but we reviewed it critically. Supreme court allowed khula without consent of husband, but it has been criticized by Scholars particularly Mufti Taqi Usmani. The main point of disagreement between Muftian and Courts are gapes among their system of answering to the peoples that is why some steps are needed by common people to be taken and some correction in the system is required to be taken by governmental stake holder and Social influential Ulama of the society.

Space for improvement is always existing in every system so according to my opinion if the state is interested to remove contradictory practices, and bring practice according to classical theoretical fiqh, then family courts are needed to be established as it is provided in family courts act, moreover qualification of family judges are needed to be amended. Qualification should be based on being a Mufti with proper experience of settlement of local family matters along with knowledge of basic judiciary system and language. Family courts, domain and their jurisdiction should be completely distinct with other civil courts even the whole procedure should be changed. System of Darul ifta and courts must be merged so that they could assist each other instead of contradicting each other. Courts are already under umbrella of government but Darul iftas are needed to be made part of mainstream however their independency is never interrupted. One authoritative institution should be given higher authority to prefer one view if there is disagreement between Courts and Daru Ifta and that preference must be binding to all so no confusion will come into practice.



This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

References:

- ¹ Quran E Kareem, Surah 2, verse 229
- ² Muhammad Munir, 'The law of Khula in Islamic Law and legal system of Pakistan' LUMS Law Journal (LLJ), vol.2 [2015], pp.33-63
- ³ Muhammad Ibne Isa, Jami Al Tirmizi, (9th Century) hadith.1187
- ⁴ Abu bakar Muhammad Bin Sahal , Almbsoot (1324 Hijri) vol. 6 , pp.173
- ⁵ Muhammad Munir, 'The law of Khula in Islamic Law and legal system of Pakistan' LUMS Law Journal (LLJ), vol.2 [2015], pp.33-63
- ⁶ Dissolution of Muslim Marriages Act 1939, s 8
- ⁷ Ibid. s 2
- ⁸ The west Pakistan Muslim Personal Law (Shariat) Application Act 1962, s 2
- ⁹ Buzloor Ruheem v Shumsoonissa Begum (Calcutta) [1867] UKPC 551, 11 MIA
- ¹⁰ Balqis Fatima v Najam-ul-Ikram Qreshi [1959], Lah 566, (PLD)
- ¹¹ Khurshid bibi V Baboo Muhammad Amin [1967], SC 97, (PLD)
- ¹² Usmani, Muhammad Taqi, Fiqhi Maqalat (Maiman Islamic Publication), vol.2, pp. 139-159
- ¹³ Saleem Ahmad v Government of Pakistan [2014], FSC 43, (PLD)
- ¹⁴ Nisar s/o Watan Zada v Mst. Fauzia d/o Bakht Miraj [2019], Peshawar High Court, Mingora Bench
- ¹⁵ Muhammad Zahid, Adalati Tafreeq [Islamabad: Sharia Academy], 2014
- ¹⁶ Muhammad Munir, Judicial Law-Making: An Analysis of Case Law on Khul in Pakistan, Islamabad Law Review, page 7
- ¹⁷ Enforcement of sharia act 1991, s 4
- ¹⁸ Usmani, Muhammad Taqi, Fatawa Usmani, vol.2 [2006], pp 461-463
- ¹⁹ Mak J&, "What Are the Grounds for Seeking Khula in Pakistan?" (*Josh and Mak International*) <<https://joshandmakinternational.com/frequently-asked-questions/what-are-the-grounds-for-seeking-khula-in-pakistan/>> accessed June 25, 2021
- ²⁰ "Khula Divorce Certificate - Khula Procedure in Pakistan" (*Zahid Law Associates* January 22, 2020) <<https://zahidlaw.com/khula-divorce/>> accessed June 25, 2021
- ²¹ "Khula Divorce Certificate - Khula Procedure in Pakistan" (*Zahid Law Associates* January 22, 2020) <<https://zahidlaw.com/khula-divorce/>> accessed June 25, 2021
- ²² "'Khula' without Husband's Consent Is Un-Islamic: CII" (*The Express Tribune* February 18, 2016) <<https://tribune.com.pk/story/1049717/khula-without-husbands-consent-is-un-islamic-rules-cii>> accessed June 25, 2021
- ²³ "'Khula' without Husband's Consent Is Un-Islamic: CII" (*The Express Tribune* February 18, 2016) <<https://tribune.com.pk/story/1049717/khula-without-husbands-consent-is-un-islamic-rules-cii>> accessed June 25, 2021