

The the sunnis no
specific form is



**ASSIGN
BUSTER**

The word, " mubaraa:" denotes the act of freeing each other by mutual consent. In the words of Fyzee, " In the case of khul, the wife begs to be released and the husband agrees for a certain consideration, which is usually a part or the whole of the mahr, while in mubaraa apparently both are happy at the prospect of being rid of each other". Among the Sunnis when the parties to marriage enter into a mubaraa all mutual rights and obligations come to an end. The Shia law is stringent. It requires that both the parties must bona fide find the marital relationship to be irksome.

According to them the mubaraa is a form of divorce which dissolves a marital bond which both parties find irksome. Among the Sunnis no specific form is laid down, but the Shias insist on a proper form. If the husband were to say to his wife, " I have discharged you from the obligation of marriage for such a sum, and you are separated from me", divorce would result.

Among both the Sunnis and the Shias, the mubaraa is an irrevocable divorce as in the talak-ul-bain. In the words of Al-Karkhi, " When the husband receives a compensation from the wife the divorce is bain and even when it is without compensation and consequently rajai (reversible at the option of the husband), if during the wife's idda he were to accept from her a compensation, the separation would be equally bain". The other requirements of the mubaraa are the same as that of the khul Just as in the khul, so in the mubaraa. The wife must undergo idda.

In both the khul and mubaraa, the divorce is essentially an act of parties, and no intervention of the court is required.