



WHAT IS THE DIVORCE PROCEDURE FOR OVERSEASE PAKISTANIS

Divorce law in Pakistan provides a framework for legally ending a marriage. It is crucial for both spouses to understand their rights and the steps involved in the divorce process to ensure a fair and smooth dissolution of marriage.

 Difficulty **Very easy**

 Duration **3 minute(s)**

 Categories **Health & Wellbeing**

 Cost **2 EUR (€)**

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Introduction

Law & Procedure of Divorce in Pakistan

Divorce law in Pakistan provides a framework for legally ending a marriage. It is crucial for both spouses to understand their rights and the steps involved in the divorce process to ensure a fair and smooth dissolution of marriage. This article outlines the divorce law in Pakistan, the procedure of divorce, and the divorce procedure for overseas Pakistanis.

Divorce Law in Pakistan

Divorce law in Pakistan is primarily governed by the Muslim Family Laws Ordinance of 1961 and the Family Courts Act of 1964. These laws provide the legal basis for divorce and outline the rights and responsibilities of both spouses. Key aspects of divorce law in Pakistan include:

- **Types of Divorce:** In Pakistan, divorce can be initiated by the husband (Talaq) or the wife (Khula). Talaq is a unilateral right of the husband, while Khula requires the wife to seek a divorce through the court by forfeiting her Mehr (dower).
- **Notice of Divorce:** According to Pakistani law, the husband must provide a written notice of divorce to the Union Council or relevant local government body. This notice must also be delivered to the wife.
- **Reconciliation Efforts:** Upon receiving the notice of divorce, the Union Council will constitute an Arbitration Council to attempt reconciliation between the spouses. If reconciliation fails, the divorce becomes effective after a 90-day period.
- **Registration:** The divorce must be registered with the Union Council, and a divorce certificate will be issued, serving as legal proof of the dissolution of marriage.

The Procedure of Divorce in Pakistan

The procedure of divorce in Pakistan involves several steps to ensure that the process is conducted legally and fairly. Here is a detailed overview:

Notice of Talaq: The husband initiates the divorce by pronouncing Talaq and providing a written notice to the Union Council. The notice must be delivered to the wife as well.

Arbitration Council: The Union Council forms an Arbitration Council to facilitate reconciliation efforts. Both spouses are given the opportunity to resolve their differences during this period.

Waiting Period: If reconciliation efforts fail, the divorce will become effective after a waiting period of 90 days from the date the notice was received by the Union Council.

Issuance of Divorce Certificate: After the waiting period, the Union Council registers the divorce and issues a **Divorce Certificate in Pakistan**, which serves as official proof of the dissolution of marriage.

For Khula, the procedure is as follows:

1. **Filing a Petition:** The wife files a petition for Khula in the Family Court, stating her reasons for seeking divorce and her willingness to return the Mehr.
2. **Court Proceedings:** The court schedules a hearing and attempts reconciliation. If reconciliation fails, the court proceeds with the Khula process.
3. **Court Decision:** The court grants the decree for Khula if it is satisfied that the marriage cannot continue. The wife may be required to return the Mehr.
4. **Issuance of Khula Certificate:** The court issues a Khula certificate, legally terminating the marriage.

Divorce Procedure for Overseas Pakistanis

Overseas Pakistanis seeking a divorce must follow the same legal procedures as residents, but there are additional considerations:

1. **Appointing a Representative:** Overseas Pakistanis can appoint a representative or lawyer in Pakistan to handle the divorce proceedings on their behalf.
2. **Submission of Documents:** Relevant documents, such as the marriage certificate, identification, and power of attorney, must be submitted to the court or Union Council through the appointed representative.
3. **Remote Participation:** Overseas Pakistanis can participate in court proceedings or reconciliation efforts through video conferencing or other remote communication methods.
4. **Issuance of Divorce Certificate:** Once the divorce is finalized, the divorce certificate can be obtained by the representative and sent to the overseas Pakistani.

In conclusion, understanding the law and procedure of divorce in Pakistan is essential for both spouses to ensure a fair and legally compliant dissolution of marriage. Whether residing in Pakistan or abroad, following the correct legal steps and obtaining the necessary documentation, such as the divorce certificate, is crucial for the divorce to be recognized and valid.

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Materials

Tools

Step 1 -
