

The Ruling On Using The Guardian's Name In Place Of The Father's

Darulifta Ahlesunnat

(Dawateislami)

Question

What do the scholars of Islam say regarding the following matter: There is an individual who is originally from Bangladesh. From the age of 8, he has been a resident of Pakistan and his parents live in Bangladesh. He remained here, in the care of an individual from his nation. All of his documents mention the name of the individual who brought him up rather than his father's name, even his marriage contract mentions the name of the person who raised him; is this permissible or not? And will the marriage be valid like this; whilst at the time of marriage, the one conducting the marriage has taken the offer and acceptance from the groom?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

Regardless of whether it is the marriage contract or any other type of official document, in the place of parentage, it is necessary to write the name of the real father, and if someone was to ask regarding the parentage, it is essential to mention the name of the real father. Whether writing or speaking, in any situation, it will not be permissible to use the name of one's maternal uncle, paternal uncle or the name of anyone else.

The Shari'ah has severely forbidden one to attribute the lineage of other people's children to oneself or to attribute one's own lineage to another. In fact, the one who changes his lineage is cursed in the Blessed Hadees. In regards to the marriage contract, even though the lineage of the groom was altered, the marriage is still valid because the groom himself was present in the gathering where the marriage contract took place and he himself is accepting, thus, it is not necessary to mention his name or the name of his real father for the marriage to be valid. However, at the time of taking permission from the woman to perform the marriage on her behalf (in the case of doubt being present due to many individuals possessing the same name), if the husband is not identified by mentioning only his name, then, for the sake of specification, it will be necessary to mention the name of his father also. If he is not identified even through the mention of his father's name, and will only be identified by mentioning the name of the one who raised him due to him becoming known as the son of that individual, then in the setting of informing the woman when taking authority and permission from her, mentioning the groom's name alongside the one who brought him up will render the deputisation valid. There will be no effect on the marriage. However, it will still not be permissible to write the name of the one who brought him up in place of the father's on the marriage contract.

وَاللَّهُ أَعْلَمُ عَزَّوَجَلَّ وَرَسُولُهُ أَعْلَمُ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ

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