

# **Comparison of the viewpoints of Saheb-e-Jahar-ol-Kahm and Shahid-e-Shani in the subject matter of the marriage contract**

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**Abstract** In most cases, the marriage contract follows the general rules of the contracts, and like other contracts, the couple's will may be assigned to some of the subordinate obligations that are outside the pillars and elements of the contract, which is why the condition of the contract is of great importance. And the condition is the same according to the specific nature of the subject or the coincidence of the parties. In other words, the absolute commitment, whether in the form of a contract or independently and separately the marriage, is therefore split between the condition and the condition of the initial condition. Accordingly, the present article examines the terms of the marriage contract and tries to explain the reasons or reasons for the illegitimacy of these terms by referring to legal opinions and legal opinions. In this study, discussions about the condition, characteristics and types of marriages during the marriage contract, based on the views of Shahid Sanai and Saheb Ja'her Allaham, as well as the study of the works of famous jurists and civil law of Iran, were examined and concluded that: a condition that is disruptive to the purpose of marriage Will be married to the marriage contract. As well as the condition that conflicts with the contractual obligation are inconsistent, unless it is appropriate for the purpose of concluding a contract, not by its nature.

**Keywords :** Key words: marriage conditions, marriage contract, marriage contract, marriage contract, marriage contract.

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