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Madani Q/A Time

16th Q/A

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Question:

How to distribute my father's property I have a mother ; 4 sisters and 2 brothers. Give me in percentage.

Answer:

All praise is due to Allaah as many times as the number of His Creation and May the peace and blessings of Allaah be upon the Final Prophet Muhammad ﷺ, his family and companions, and all those who follow them in righteousness till the Day of Judgment.

Summary:

The estate should be divided into eight parts, of which the one eighth part will be given to the wife of the deceased. The remaining seven parts will be divided into eight shares, of which the four daughters will have four shares each of them taking one share and the four remaining shares will be given to the two sons, each of them taking two shares.

Note: This should be done after taking out the expenses of preparing and shrouding the deceased, and paying off any dues he owed to Allaah or debts he owed to other people, and after fulfilling his bequests if he left any such instructions before he died.

A Comprehensive Answer with Proofs:

Allah, The Almighty, has determined the obligatory shares of inheritance Himself – a task which He entrusted neither to a close angel nor to a sent Prophet. He determined the share of

each heir in the inheritance, which He showed in detail (in His Book), unlike many rulings which were mentioned in a general and brief way in the Quran. In addition, the Sunnah of the Prophet, sallallahu ‘alayhi wa sallam, came to give a detailed explanation about these rulings, just like the rulings regarding the prayer, Zakah (alms) and Hajj (pilgrimage).

In relation to the obligatory shares of inheritance, the verses of inheritance were revealed in detail as shown in the beginning and end of Surat An-Nisaa’.

Allah, The Almighty, calls them His limits, and promises to give a great reward to the one who abides by them and does not transgress them, and threatens to punish the one who transgresses them. He says (what means):

{These are the limits [set by] Allah, and whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment. And whoever disobeys Allah and His Messenger and transgresses His limits -- He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment.} [Quran 4:13-14]

Ibn Katheer, may Allah have mercy upon him, said, "There are narrations that encourage learning the obligatory shares of inheritance, the most important of which are these (mentioned in verses 11-12 [in the same Chapter]).

The Prophet, sallallahu ‘alayhi wa sallam, ordered that the obligatory shares of inheritance should be distributed among those entitled to them. He said: “Give the prescribed share of inheritance to those who are eligible for it and the remainder [of it] is for the nearest male blood relative.” [Al-Bukhari and Muslim]

The scholars called the science of the obligatory shares (of inheritance) half of the knowledge. Ibn Uyaynah, may Allah have mercy upon him, said, "The science of the obligatory shares (of inheritance) is called half of the knowledge because all the people are in need of it."

The division of the inheritance in the case you mention is as follows:

An eighth of it is due to the wife, since the father had children, as indicated in the verse (intrepretation of the meaning):

"And if you have children, then to them (the wives) is due an eighth of what you have left behind, after [paying] any amount specified in the will or any loans due." (surat al-Nisaa':12).

The remaining seven-eighths (7/8) is divided into 8 equal portions. Each male among his children is entitled to two portions and each female one portion, as per Allaah's specification (interpretation of the meaning):

"Allaah has enjoined upon you with regards to your children that the [entitlement of] the male is twice that of the female." (al-Nisaa':11).

For example, let's suppose the man in question left property and wealth with a total worth of 1 million rupees, and he does not owe payment on any loans and did not specify any special requests or instructions to make particular donations in his will.

Thus, the division would be as follows:

For the wife, an eighth, $1/8$ of 10,00,000 which is 1,25,000

The remaining 8,75,000 is divided into 08 equal portions, $1/8 * 8,75,000 = 1,09,375$

So each son is entitled to two portions, or $2 * 1,09,375 = 2,18,750$

And each daughter is entitled to 1,09,375

Allah Knows Best

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