

Chapter – 74

Laws of Inheritance

(فرائض، وراثت)

[يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِن بَعْدِ وَصِيَّةِ يُوصِي بِهَا أَوْ دَيْنِ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَعْمَا فَرِيضَةٌ مِّنَ اللَّهِ، (04:11)]

[يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكِلَالَةِ إِنِ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِن لَّمْ يَكُنْ لَهَا وَلَدٌ فَإِن كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ، (04:176)]

No.**Hadith**

6293

I was fallen sick so Allah's Prophet and Abu Bakr came to pay me a visit. When they came, I was unconscious. Allah's Prophet performed ablution and he poured over me the water of his ablution and I came to my senses. Then I asked, "What shall I do regarding my property? The Prophet did not reply till the Divine Verse of inheritance was revealed . (Refer Surah-an-Nisa: Verse 33)

Narrated: Jabir bin 'Abdullah.

6294

Important sayings of Allah's Prophet: 1. Beware of suspicion. 2. Do not look for others defects. 3. Do not spy. 4. Do not cheat. 5. Do not be Jealous and grugged. 6. Do not indulge in backbiting. 7. O Allah's slaves! Be brothers."

Narrated: Abu Hurairah.

6295/6296

Fatima and 'Abbas came to Abu Bakr, seeking their share from the property of Allah's Prophet for the land of Fadak and land of Khyber. Abu Bakr said to them, " I have heard from Allah's Prophet saying, ----- "Our property cannot be

No.**Hadith**

inherited, and whatever we leave is to be spent in charity, but the family of Muhammad may take their provisions from this property." Abu Bakr added, "By Allah, I will not leave the procedure concerning this property that I saw Allah's Prophet doing during his lifetime." As a result, Fatima did not speak to Abu Bakr till she died.

Narrated: 'Aisha. (See Hadith - 3756).

- 6297 *(As per Verse 59:06 Allah granted to His Prophet especial rights on the booty of Bani Nazir. Therefore the Prophet used to spend from this on himself and his wives, and on completion of one year whatever was saved he gave it into charity till his last day. The Noble Prophet used to say that there is no inheritance for the prophets. Whatever money spent it is charity. So, after him, Abu Bakr and 'Umer never spent on the wives of the Prophet as inheritance):* This is a repeated hadith. See hadith-3755. *Narrated: Ibn Shahab.*
- 6298 Allah's Prophet said, "My inheritance should not be distributed like Dinar. Whatever I leave excluding the provision for my wives, should be spent in charity."
Narrated: Abu Hurairah.
- 6299 When Allah's Prophet passed away, his wives intended to send 'Uthman to Abu Bakr asking him for their share of the inheritance. Then I said to them, "Didn't Allah's Prophet say, 'Prophets property is not to be inherited, and whatever we leave is to be spent in charity?'"
Narrated: 'Aisha.
- 6300 The Prophet said, "I am more closer to the firm believers than their own selves, so whoever *(of them)* dies while being in debt and leaves nothing for its repayment, then I am going to pay his debts on his behalf. And whoever *(among the believers)* dies leaving some property, then that property is for his heirs."
Narrated: Abu Hurairah. (See Hadith - 2241/2242).
- 6301 The Prophet said, "Give the *فرائض* *(the shares of the inheritance prescribed in the Qur'an)* to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased ."
Narrated: Ibn Abbas.

No.**Hadith**

6302 I was fallen ill and the Prophet came to pay me a visit. I said, "O Allah's Prophet! I have much property and no heir except my single daughter. Shall I give one or two-thirds of my property in charity?" He said, "No! It is better for you to leave your off-spring wealthy than to leave them poor, asking others for help. And whatever you spend for Allah's sake you will be rewarded for it.

Sa'd bin Abi Waqqas.

(See Hadith - 2241/2242).

6303 Mu'adh bin Jabal came to us in Yemen as a tutor and a ruler. We (*the people of Yemen*) asked him about the distribution of the property of a man who had died leaving a daughter and a sister. Mu'adh arranged half of the property to the daughter and the other half to the sister.

Aswad bin Yazid.

6304 (*After distributing the inheritance among the heirs, if still some part left then it will go to the closest male relative of the deceased*): This is a repeated hadith. See hadith-6301 above. *Narrated: Ibn Abbas.*

6305 Abu Musa was asked regarding the inheritance of a daughter, a son's daughter, and a sister. He said, "The daughter will take half share and the sister will take another half. However, it is better if you go to Ibn Masood, who will tell you more precisely." ---- Ibn Masood was asked and he said, "One-half is for daughter, and one-sixth for the son's daughter, (*both shares make two-thirds of the total property*); and the rest one third is for the sister."

Narrated: Huzail bin Shirjeel.

6306 (*After distributing the inheritance among the heirs, if still some part left then it will go to the closest male relative of the deceased*): This is a repeated hadith. See hadith-6301 above. *Narrated: Ibn Abbas.*

6307 Allah's Prophet said, "If I were to make a Khalil (*very dear and favourite*) from my followers, then I would have taken Abu Bakr, but the Islamic Brotherhood is preferable and more desirable."

Narrated: Ibn Abbas.

No.**Hadith**

6308 (During the early days of Islam), the inheritance used to be given to one's offspring and legacy, and then used to be bequeathed to the parents. Then Allah cancelled what He wished from that order, and decreed that the male should be given the equivalent of the portion of two females. For the parents one-sixth for each of them. For wife, (if the deceased has children) one-eighth, and (if he has no children) then one-fourth. For husband (if the deceased has no children) one-half and (if she has children) one-fourth."

Narrated: Ibn Abbas.

6309 Allah's Prophet gave the judgment that a male or female slave should be given in Qisas, for an abortion case of a woman from the tribe of Bani Lihyān (as blood money for the foetus). But if the lady on whom the penalty had been imposed died, then the Prophet ordered that her property be inherited by her offspring and her husband and that the penalty be paid by her *عصبة* (the relatives of father).

Narrated: Abu Hurairah.

6310 Mu'adh bin Jabal gave this verdict for half of the inheritance is to be given to the daughter and the other half to the sister. Suleiman said: Mu'adh gave a verdict for us, but he did not mention that it was so in the lifetime of Allah's Prophet. *Narrated: Aswad.*

6311 The judgment I will give in this matter will be like the judgment of the Prophet, i.e. one-half is for the daughter and one-sixth for the son's daughter and the rest of the inheritance for the sister." *Narrated: Huzail.*

6312 I was sick and I became unconscious. The Prophet came to see me. He asked for some water to perform ablution, and after he had finished his ablution, he sprinkled that water over me, whereupon I became conscious and said, "O Allah's Prophet! I have sisters." Then I said, "What shall I do regarding my property? The Prophet did not reply till the Divine Verse of inheritance was revealed. (Refer Surah-an-Nisa: Verse 33)

Narrated: Jabir. (See Hadith - 6293above).

No.**Hadith**

6313

The last Quranic Verse that was revealed was:

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكُلَالَةِ إِنَّ امْرُؤَهُ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ وَإِنْ كَانَتْ أَنْثَىٰ فَلَهَا مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلَّذَكَرِ مِثْلَ حَظِّ الْأُنثَىٰ لِلَّذِينَ يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

{They ask you for a decree; say, Allah decrees you concerning the solitary person; if a man dies childless and has a sister, for her is half of the inheritance; and the man is his sister's heir if the sister dies childless; and if there are two sisters, for them is two-thirds of the inheritance; so if there are brothers and sisters, both men and women, the male's share is equal to that of two females; and Allah explains clearly to you, so that you do not go astray; and Allah knows all things (04.176)}

Narrated: Bara. (See Hadith - 4041).

6314

(The Prophet said, "Whoever among believers dies leaving some inheritance, his inheritance will be given to his heirs, and whoever dies leaving a debt or dependants or destitute children, then I am going to take care of them): This is a repeated hadith. See hadith-2241/2242.

Narrated: Abu Hurairah. (See Hadith - 6300 above).

6315

(After distributing the inheritance among the heirs, if still some part left then it will go to the closest male relative of the deceased). See hadith-6301 above. *Narrated: Ibn Abbas.*

6316

(When emigrants came from Makkah to Madinah they were the heirs of Ansars because the Prophet made brotherhood between them. When Verse 03:33 revealed then the previous brotherhood was cancelled): This is a repeated hadith. See hadith-4242.

Narrated: Ibn Abbas.

6317

A man and his wife had a case of Lian, during the lifetime of the Prophet, and the man denied the paternity of her child. The Prophet gave his verdict for their separation (divorce) and then the child was regarded as belonging to the wife only. *Narrated: Ibn 'Umer.*

6318/6319

(Utba said to his brother Sa'ad, "The son of the slave girl of Zam'a is my son, so be his custodian." In the year of the Conquest of Makkah, Sa'ad met with 'Abdullah bin Zam'a and told him his brother's claim. 'Abdullah bin Zam'a rejected this

No.**Hadith**

claim and said he is my brother. This dispute reached to the Noble Prophet. He said, "The child is for the owner of the bed, and the adulterer receives the stones." And then said, "This child is for you. O 'Abu bin Zam'a." Then the Prophet ordered (his wife) Sauda bint Zam'a to cover herself before that boy as he noticed the boy's resemblance to 'Utba): These are repeated hadith. See hadith-1926. *Narrated: 'Aisha and Abu Hurairah*

6320/6321

The Prophet said, "Buy her! As the Wala' is for that person who manumits." ---- Once Buraida was given a sheep in charity. The Prophet said, "The sheep is a charitable gift for her (*Buraida*) and a gift for us."

Narrated: 'Aisha and Ibn 'Umer.

6322

The Muslims did not free slaves as Saiba, but the People of the Pre-Islamic Period of Ignorance used to do so.

Narrated: 'Abdullah.

6323

I bought Buraida in order to manumit her, but her master stipulated that her Wala' would be for him. I approached Allah's Prophet and said, "I have bought Buraida in order to manumit her, but her master stipulated that her Wala' will be for him." The Prophet said, "Manumit her as the Wala' is for the one who pays price and manumits." So I bought and manumitted her. After that, Buraida was also given the choice to stay with her husband or leave him. She said, I would not stay with him at any cost

Narrated: 'Aisha.

(See Hadith - 440 and 2370).

6324

'Ali said, "We have no Book to recite except the Book of Allah (*Qur'an*) and this paper. Whoever innovates in it any heresy (*something new in religion*), or gives shelter to such an innovator, then he will invite the curse of Allah and His angels. None of his good deeds will be accepted on the Day of Resurrection. And if any Muslim makes friendship with the people of other nation without the permission of his master, then he will also be inviting the curse of Allah and His angels. None of his good deeds will be accepted on the Day of Resurrection. And if an asylum is granted by any Muslim, and later if any other Muslim betrays to that

No.**Hadith**

asylum, then he will also invite the curse of Allah and His angels. None of his good deeds will be accepted on the Day of Resurrection. "

Narrated: Ibrahim Taimi.

6325 The Prophet forbade the selling of the Wala' (of slaves) or giving it as a present. *Narrated: Ibn 'Umer.*

6326to6328 (The Prophet said, "The right of Wala' is for the person who manumits. Buraida was told to live with her husband but she refused to do so): This is a repeated hadith. See hadith-440 and hadith-2370. *Narrated: 'Aisha and Ibn 'Umer.*

6329 Allah's Prophet said, "The Wala' is for the one who gives the silver (pays the price) and does the favour of manumission after paying the price."

Narrated: 'Aisha.

6330 The Prophet said, "The freed slave belongs to the people or that nation who have freed him." *Narrated: Anas bin Malik.*

6331 The Prophet said, "The son of the sister of some people (or nation) is from them or from their own selves."

Narrated: Anas bin Malik.

6332 The Prophet said, " If somebody dies (among the Muslims) leaving some property, the property will go to his heirs; and if he leaves a debt or dependants, we (the ruler) will take care of them."

Narrated: Abu Hurairah. (See Hadith - 2441/2442).

6333 The Prophet said, "A Muslim cannot be the heir of a disbeliever, nor a disbeliever can be the heir of a Muslim."

Narrated: Usama bin Zaid.

6334 (Utba said to his brother Sa'ad, "The son of the slave girl of Zam'a is my son, so be his custodian." In the year of the Conquest of Makkah, Sa'ad met with 'Abdullah bin Zam'a and told him his brother's claim. 'Abdullah bin Zam'a rejected this claim and said he is my brother. This dispute reached to the Noble Prophet. He said, "The child is for the owner of the bed, and the adulterer receives the stones." And then said, "This child is for you. O 'Abu bin Zam'a." He then ordered (his wife) Sauda bint Zam'a to cover herself before that boy as he noticed the boy's resemblance to 'Utba): This is a repeated hadith. See hadith-1926. *Narrated: 'Aisha.*

No.**Hadith**

6335 I heard the Prophet saying, "Whoever claims to be the son of a person other than his father, and he knows that person is not his father, then Paradise will be forbidden for him." I mentioned that to Abu Bakra, and he said, "My ears heard that and my heart memorized it from Allah's Prophet.

Narrated: Sa'ad.

6336 The Prophet said, "Do not deny your fathers. And whoever denies his father and affianced with others is to be charged with disbelief." *Narrated: Abu Hurairah.*

6337 Allah's Prophet narrated a story that there were two women who were having their sons with them. A wolf came and took away the son of one of them. The first lady said to her companion, "The wolf has taken your son." The second lady said, "No! It has taken your son." Finally it became a dispute. So both of them sought the judgment of the Prophet Dawood. He decided to give the child to the first lady. The second lady did not accept it. So both of them went to the Prophet Suleiman, son of Dawood, and informed him of the case. Suleiman said, 'Give me a knife so that I may cut the child into two parts and give one half to each of you. The second lady said, 'Do not do so; may Allah bless you! On that Suleiman decided to give that child to the second lady. *Narrated: Abu Hurairah.*

6338/6339 The Noble Prophet came to me in a very happy mood and said, "O 'Aisha! won't you see that *مجزز* (the face reader) Al-Mudaliji has just entered and saw Zaid bin Haritha and Usama bin Zaid with a velvet covering on them and their heads were covered, and only their feet were uncovered. He said, 'These feet belong to each other.'

Narrated: 'Aisha. (See Hadith - 2314).