157605 - The father did not divide the estate in accordance with sharee‘ah and he deprived his siblings (of their share of the estate); do they have to re-divide it?

the question

My grandfather died long ago leaving behind few property,my father was only son and he had four sisters,only one was married,after the death of my grandfather, my father did not divide property as we are told in Islam,instead he spent on his sisters for their marriage and all and made a house for him and one of his unmarried sister,and in doing all this he sold all property ,then he became ill and remain in bed till his death,we are four sisters, in last years of my fathers life we sell our house and build a new one in an other city,now all the time one thought came in my mind that my father will get punished for what he did with his fathers property ,as he did not devide it as Allah command us to do,now what can i do,should we sell our house and give it to my fathers sisters now ,please keep in mind three of us are now married and in that house my mother is living with one of my unmarried sister.please answer me what can i do now that my father do not get panished for what he did, i will be thankful to you.

Detailed answer

Praise be to Allah.

What you must do is to divide the estate of your grandfather to all his heirs as commanded by Allah, may He be exalted, with each male getting the share of two females.

If your father paid any of his own money during the building of the house, attention should be paid to that when dividing the estate. The same applies if you paid anything of your own wealth when buying the other house.

This division of the estate is not only required to discharge the duty of your father; rather it is also required to discharge your duty too, because now you are living in what you do not possess and

you are transgressing against the rights of others unlawfully. You are not entitled to anything of this house apart from your father's share of it.

The same may be said concerning the house in which your paternal aunt is living; she is not entitled to anything of it apart from her share of her father's estate.

To sum up: you have to work out your grandfather's estate and divide it among his heirs, who are your father and his four siblings. Beware of wrongdoing and consuming haraam wealth and living in an ill-gotten house, because that leads to grievous consequences and a bad end.

We ask Allah to protect you and help you to restore rights to the people who are entitled to them.

And Allah knows best.