

90925 - She died and left behind four daughters, a full sister and a granddaughter (son's daughter)

the question

A woman died and left behind 4 daughters, a granddaughter (son's daughter), a full sister, 3 nephews (brother's sons) and 5 nieces (brother's daughters). What is the share of each person?.

Detailed answer

The estate of the woman mentioned is limited to her daughters and sister. The daughters get two-thirds, and the rest goes to her full sister on the basis of ta'seeb (i.e., by virtue of being related to the deceased through the father of the latter, but they do not have a specific allotted share, rather they get what is left after the allotted shares have been distributed). The granddaughter, nephews and nieces do not get anything.

Allaah says concerning the inheritance of daughters (interpretation of the meaning):

“if (there are) only daughters, two or more, their share is two-thirds of the inheritance”
[al-Nisa' 4:11]

The majority of scholars are of the view that sisters may inherit what is left on the basis of ta'seeb in cases where the deceased leaves only daughters. Some of them narrated that there is consensus on this point.

Al-Bukhaari said in his Saheeh: Chapter on inheritance of sisters on the basis of ta'seeb when there are only daughters (of the deceased). Then he narrated that al-Aswad said: Mu'aadh ibn Jabal ruled at the time of the Messenger of Allaah (peace and blessings of Allaah be upon him) that one-half goes to the daughter and one-half to the sister.

Ibn Battaal (may Allaah have mercy on him) said: They were unanimously agreed that sisters may inherit what is left on the basis of ta'seeb in cases where the deceased leaves only daughters, so they inherit what is left over from the daughters. If a person leaves behind only a

daughter and a sister, the daughter gets half and the sister gets the remaining half, based on the hadeeth of Mu'aadh. If he leaves behind two daughters and a sister, they get two-thirds and the sister gets the remainder. If he leaves behind a daughter, a sister and a granddaughter (son's daughter), the daughter gets half, the granddaughter gets the remainder of the two-thirds and the sister gets the remainder, based on the hadeeth of Ibn Mas'ood, because daughters cannot inherit more than two-thirds. End quote from Fath al-Baari (12/24).

Ibn Qudaamah said in al-Mughni (6/164): This is the view of most of the scholars. It was narrated from 'Umar, 'Ali, Zayd, Ibn Mas'ood, Mu'aadh and 'Aa'ishah (may Allaah be pleased with them). It is also the view of most of the fuqaha'. End quote.

And Allaah knows best.