

Selling Upper storeys of a Building

Question: Haaji Umar Husayn passed away, leaving his 3 storey building to his four sons and three daughters. A person by the name of Muhammad Jameel then offered the sons 50000 Rupees to allow him to build a home for himself on top of the third storey. They all agreed, but then regretted their decision when they realised that they could earn hundreds of thousand if they built themselves.

When the sisters were informed of the decision, they objected to the fact that they were not consulted. They then also opposed the deal. When Muhammad Jameel was told that the deal was to be cancelled, he insisted that he be allowed to build. Please guide us in the matter.

Answer: The transaction in question is referred to as Ta'alli. which is not allowed by the Shari'ah. The transaction is therefore invalid and Muhammad Jameel has no right to insist. Furthermore, even if the transaction was valid, it hinges on the permission of the sisters, since they are shareholders in the building. It will be terminated if they reject the offer. And Allaah knows best what is most correct.

Fatawa Rahimiyyah vol.3