

Question 2405) - Explain the order of Inheritance.

A: The estate of the deceased will first be used to cover his burial and funeral expenses which should neither be extravagant nor unduly frugal. Whatever is left will be used to pay his debts. After the payment of his debts a third of the remainder is used to fulfil any bequests he made. Thereafter the remainder will be divided amongst the heirs as per Allaah's instructions in His Book or what He conveyed via the tongue of His Rasul (S.A.W.).

One begins with Ashabul Faraid, who are those whose shares have been defined in the Quraan. Then the 'Asabat will receive what the Ashabul Faraid have left. If there are no Ashabul Faraid, the 'Asabat will take everything. If there are no 'Asabat then the remainder returns to those Ashabul Faraid who have the same lineage as per their shares.

If there are neither Ashabul Faraid nor 'Asabat, or there are no Ashabul Faraid to whom the remainder can return, then the Ulul Arham receive. If there are no ulul Arham also, then the Mawlal Muwalah is entitled. If there are none then the beneficiary of the bequest is entitled to everything. If there are none then the estate is given to the public treasury.

~ al-Quduri ~