



126233 - She died and left behind a husband, two daughters, two sisters, a grandmother, a maternal uncle and two maternal aunts

the question

A woman died and left behind a husband, two daughters, two sisters, two maternal aunts, a maternal uncle and a grandmother. How should the estate be divided?.

Detailed answer

Praise be to Allah.

If a woman dies and leaves behind a husband, two daughters, two sisters, two maternal aunts, a maternal uncle and a grandmother, then the estate is to be divided as follows:

The husband gets one quarter, because of the presence of the daughters. Allaah says (Interpretation of the meaning): "In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave ..." [al-Nisa' 4:12].

The daughters get two thirds, because of the words of Allaah (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 grandmother gets one-sixth.

The maternal aunts and uncle do not get anything because they are dhawaat al-arhaam.

The sisters do not get anything because they would only inherit in this case what is left after those who are entitled to prescribed shares get their share, but in this case there is nothing left; rather the prescribed shares exceed the estate, which is what the scholars call al-'awl.

In order to divide this estate, it should be split into thirteen equal parts, of which the husband gets 3, the two daughters get 8, and the grandmother gets 2.



It should be noted that the share of each heir is less than the share allocated by sharee'ah, because of al-'awl which has occurred in this case.

And Allaah knows best.