109214 - She died and left behind a mother, two sisters and a husband

the question

A woman died and left behind a mother, two sisters and a husband. How should the estate be divided?.

Detailed answer

Praise be to Allah.

The mother gets one-sixth, because of the presence of the two sisters. Allaah says (interpretation of the meaning):

“if the deceased left brothers or (sisters), the mother has a sixth”

[al-Nisa’ 4:11].

The two sisters get two-thirds, because of the words of Allaah (interpretation of the meaning):

“If there are two sisters, they shall have two-thirds of the inheritance”

[al-Nisa’ 4:176].

You, the husband, get half, because Allaah says (interpretation of the meaning):

“In that which your wives leave, your share is a half if they have no child”

[al-Nisa’ 4:12].

The sum of all these shares is greater than the estate, and the scholars call such cases al-‘awl, i.e., the sum of allotted shares is greater than the estate. So the share of each of the heirs is reduced in line with this excess, which in this case is one-quarter.

In that case the estate should be divided as follows: it should be divided into eight equal parts. The

mother gets one part, the sisters get four parts and the husband gets three.

Each heir is given his or her share as follows:

The mother’s share = the estate x 1 / 8

Each sister’s share = the estate x 2 / 8

The husband’s share = the estate x 3 / 8

And Allaah knows best.