



128786 - His wife whom he had revocably divorced died during her 'iddah - does he inherit from her?

the question

A man married a woman and he divorced her, meaning the first talaaq. During the 'iddah, the wife died. Is the husband entitled to inherit from her?.

Detailed answer

Praise be to Allah.

If the woman died when she had not ended the 'iddah of a revocable divorce, then her husband inherits from her according to the consensus of the Muslims, because she is still regarded as his wife so long as she is still in 'iddah. Similarly, if he dies, she inherits from him. But if the divorce was irrevocable, such as divorce which occurs as a result of money given by the wife to the husband to divorce her, or if she divorced him by khula' in return for money, without uttering the word talaaq. The same applies if a woman has her marriage to her husband annulled by the judge for a legitimate reason, and if a woman's husband divorces her with a final and third talaaq, and was not suspected of doing that for the purpose of depriving her of inheritance. These are four examples of irrevocable in which the spouses do not inherit from one another at all. End quote.