184706 - Does he have the right to take possession of a house that was bought with his money that he used to send to his mother?

the question

My grandfather had 9 children and he migrated from india with poor means. My father was third eldest son .Due to The sudden death of my grandfather, my father left for dubai,stayed there for 12years , sent all money except that was needed for our sustenance, to my grandmother.My older uncles were in no position to financially support there mother or siblings. As all my uncles and aunt got good education and were married off , my grandmother wished my father to return and own the house which was purchased on installments by my grandfather a few months before his death but the 4 yearly installments were paid after that for more than 12 years by money sent by my father. She wanted this as my father had no savings for his own family after a long tenure in middle east , she made this known to her sister in laws and a few other senior members of family . She died before my father could return to pakistan . The property was still half paid for , my father lived for next 12 years or so in middle east , completed the installments and started the paperwork for the transfer of documents to his name from that of my grandmothers . At the time of her death the my uncles and aunt have agreed that her wish was justifed and they had no problems with it but as the papers were completed for transfer a few of them objected that the property belonged to their father ,then mother so it should be distributed among all . My father was not keen to keep it for himself earlier but as they all have agreed on it , he had been counting the property as his own . RIGht now the amount has increased to 6 fold in price . What should he do ? My uncle and aunt claim that since he was out of country and could afford to pay , this does not mean he was the sole heir , which is true but why did they earlier gave the impression that they wanted to honour the wish as she was being just too her son . Should he distribute the money among all , which will be a lot of money actually.

Detailed answer

Praise be to Allah.

Undoubtedly what your father did of helping his parents and siblings and contributing to the living expenses even though he was overseas and far away from his children was an act of great kindness and a good deed.

From the question it seems that what your father did was to help the family with their living expenses, then he sent money with which this house that is the subject of the dispute was bought.

It may be said that in this case one of the following two scenarios must apply:

1.

Either he sent this money with which the house was bought as an act of kindness to his parents and upholding ties of kinship with his siblings and helping them, voluntarily giving the money that he sent to them. In that case the house is to be included with the estate and is to be divided among all the heirs in accordance with the laws of Allah, because he gave up his wealth by way of giving a gift, so he has no right to take back his gift. And your father will be rewarded abundantly by his Lord.

Al-Bukhaari (2067) and Muslim (2557) narrated from Anas ibn Maalik (may Allah be pleased with him) that the Messenger of Allah (blessings and peace of Allah be upon him) said: “Whoever would like his rizq (provision) to be increased and his life to be extended, should uphold the ties of kinship.”

2.

Or he was sending this money for them to take whatever they needed, and whatever was left over after spending on his family remained his property, so the house that was bought is the property of the owner of the money, because he is the one who paid its price, and his father and mother acted as deputies for him in transferring this leftover money to buy this house.

In this case it would be better if he had stated clearly to his parents or they had stated clearly to him at the time of purchase that the house was being bought in his name.

However we should advise both parties not to undermine the good relationship between them; your father should not make this a cause of spoiling the acts of kindness that he did for his family and they should not not be harsh with their brother who helped them, spent on them and treated them kindly. Is the reward of good anything but good?

And Allah knows best.