195378 - She died before taking her share of her father’s estate, and left behind a husband and mother. What is the ruling?

the question

A man died and left behind a wife, five daughters and four sons. Then one of the daughters died, and left behind a husband and mother. What is the ruling?

Detailed answer

Praise be to Allah.

In the answer to question no. 196671 we explained that if the heir dies before the estate is divided, his share of the estate is not waived by his death; rather his share should be preserved as if he were still alive, then that share should be given to his heirs and divided among them, each according to his share of the estate.

Based on that, if a man died and left behind a wife, five daughters and four sons, then the estate is to be divided among them as follows:

The wife gets one eighth, because there are offspring who inherit. Allah, may He be exalted, says (interpretation of the meaning):

“but if you leave a child, they (wives) get an eighth of that which you leave”

[an-Nisa’ 4:12].

The remainder goes to the children (both male and female), with each male getting the share of two females, because Allah, may He be exalted, says (interpretation of the meaning):

“Allah commands you as regards your childrens (inheritance); to the male, a portion equal to that of two females”

[an-Nisa’ 4:11].

For more information, please see the answer to question no. 151299

If the estate of the first person to die has been distributed among his heirs, then the share of that daughter – who has died – from her father’s estate should be put together with her other wealth, if she had other wealth, and distributed among her living heirs.

If the daughter died and left behind a husband and mother, and she had siblings – as appears to be the case from the question – then her estate is to be divided among them in the following manner:

The husband gets half, because Allah, may He be exalted, says (interpretation of the meaning):

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

[an-Nisa’ 4:12].

The mother gets one sixth, because there are a number of siblings. Allah, may He be exalted, says (interpretation of the meaning):

“For parents, a sixth share of inheritance to each if the deceased left children”

[an-Nisa’ 4:11].

The remainder goes to the siblings, with each male getting the share of two females.

And Allah knows best.