273295 - If someone dies and leaves behind the children of his siblings and a paternal cousin, how should the estate be divided?

the question

Who inherits from a man who leaves behind no father, mother, wife or children, but he has nieces who are the daughters of a deceased full brother, and he has nephews and nieces who are the sons and daughters of deceased full sisters, and he has a paternal cousin, and his paternal uncle is also deceased. Is this a case of kalalah?

Detailed answer

Praise be to Allah.

This case is a case of kalalah. What is meant by kalalah is when a man dies and does not leave behind parents or children who could inherit from him."(A*n-Nihayah fi Gharib al-Hadith wa'l-Athar* 4/197).

Please see the answer to question no. 185972 .

As there is no heir who would inherit an allocated share of the estate in this case, the entire estate goes to the paternal cousin, because he is the only 'asib [male relative on the father's side]. The Prophet (blessings and peace of Allah be upon him) said: "Give the allocated shares of inheritance to those who are entitled to them, and whatever is left over goes to the closest male relative who has no allocated share." Narrated by al-Bukhari (6732).

This paternal cousin is the closest male relative. As for the daughters of his brother, and the sons and daughters of his sisters, they do not inherit anything, because they come under the heading of dhawi'l-arham (relatives who do not receive any share of the inheritance). According to the view that they may inherit, they only inherit when there are no heirs who are entitled to allocated shares and no male relatives on the father's side, and this condition is not met in this case,

because of the presence of the male relative on the father’s side, namely the son of the paternal uncle.

And Allah knows best.