363377 - Can Father Take Son’s Share of Inheritance in Mother’s Property?

the question

My mother, may Allah bestow abundant mercy upon her, bought a piece of land with her own money, and my father registered it in his name. Then my father sold the land. He has a job and I am unemployed, and he did not give me my share. What is the Islamic ruling?

Detailed answer

Praise be to Allah.

Can a father take a son’s share of inheritance?

If your mother bought the land for herself, and did not give it to your father, then it was her property, and it is not permissible to transgress against it. When she died, the land was transferred to her heirs, so your father is entitled to one quarter of it, and the rest of it must be given to the heirs.

Is it permissible for your father to take your share or a share of any of your siblings, if there are any?

You should understand that the father has the right to take from his son’s wealth , if he needs it, in a way that will not be detrimental to his son, because the Prophet (blessings and peace of Allah be upon him) said: “You and your wealth belong to your father.” Narrated by Ibn Majah (2291), Ibn Hibban in his *Sahih* (2/142, 2292), and Ahmad (6902).

Ahmad (6678), Abu Dawud (3530) and Ibn Majah (2292) narrated from ‘Amr ibn Shu‘ayb, from his father, from his grandfather, that a man came to the Prophet (blessings and peace of Allah be upon him) and said: O Messenger of Allah, I have wealth and children, and my father is in need of my wealth. He said: “You and your wealth belong to your father. Among the best of what you

consume is what you earn, and the wealth of your children is part of what you earn, so consume it and enjoy it." It has several isnads and corroborating evidence which make it sahih. See: *Fath al-Bari* (5/211) and *Nasb ar-Rayah* (3/337).

Conditions of benefiting from a son's wealth

The majority of fuqaha set out conditions for that:

1. That the father be in need (to take some of his son's wealth).
2. That no harm be done to the son, so he should not take what the son needs to keep.
3. He should not take from him to give to his brother.

Father took my share of inheritance which I need: What should I do?

If you needed your share of the land, and his taking it from you was detrimental to you, it was not permissible for your father to take it.

You should find an intermediary who can speak to your father about that – someone whose knowledge and opinion you trust – whilst also being careful to honour your father and treat him kindly, even if he mistreats you, because mistreatment from a father does not waive the duty to honour him. Allah, may He be exalted, says (interpretation of the meaning):

{And We have enjoined upon man [care] for his parents. His mother carried him, [increasing her] in weakness upon weakness, and his weaning is in two years. Be grateful to Me and to your parents; to Me is the [final] destination. But if they endeavor to make you associate with Me that of which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness and follow the way of those who turn back to Me [in repentance]. Then to Me will be your return, and I will inform you about what you used to do.} [Luqman 31:14-15]

It was narrated that 'Abdullah ibn 'Abbas said: There is no Muslim who has two Muslim parents, and he starts the day treating them kindly , but Allah will open two gates for him – meaning to Paradise – and if he has only one parent, He opens one gate. Then if he angers one of them, Allah

will not be pleased with him until [his parent] is pleased with him.

It was said: What if they mistreat him?

He said: Even if they mistreat him. (Narrated by al-Bukhari in al-Adab al-Mufrad, 7)

And Allah knows best.