72320 - Her husband built an apartment in her mother’s house and her mother refused to put it in his name

the question

I built an apartment in my mother’s house with my husband’s own money, and my mother did not contribute at all to the building or finishing of the apartment, or even to the private staircase or the amenities such as water, sewage and electricity. When we asked my mother to put the title of the apartment, but not the title of the land, in my husband’s name or in my name (her daughter), she refused and insisted on refusing. Her reason for that is so that my husband who built me the apartment will not inherit from me. Please note that I have no children and he has not married anyone else in nineteen years. His reward from my mother is this attitude. Doesn’t my husband have the right to put the title in his name? Don’t I have the right in sharee’ah over the property owner who is my mother – after my husband agreed to put the title in my name – her daughter? Please advise me, for the laws of Allaah are most deserving of being followed, then when we know the ruling on Allaah, then my husband and I will say, “We hear and we obey.”.

Detailed answer

Praise be to Allah.

What your mother has done with you and your husband is wrong and it is not permissible for her to do that. It comes under the heading of consuming people’s wealth unlawfully, which Allaah has forbidden, as He says (interpretation of the meaning):

“And eat up not one another’s property unjustly”

[al-Baqarah 2:188]

It was narrated from Abu Bakrah (may Allaah be pleased with him) that the Messenger of Allaah (peace and blessings of Allaah be upon him) said – in his khutbah during the Farewell Pilgrimage – : “Your blood, your wealth and your honour are sacred to you, as sacred as this day of yours in this

month of yours in this land of yours. Have I not conveyed the message?” Narrated by al-Bukhaari (4144) and Muslim (1679).

It is permissible for your husband to give this apartment to you, and it is not permissible for your mother to prevent him putting it in your name. What she says about being afraid that your husband will inherit from you is wrong and inappropriate. The apartment was built with his money and if he gives the apartment to you as a gift, then Allaah returns some of it to him in the form of inheritance, what is wrong with that? Moreover, no soul knows when it will die and no one knows who will inherit from whom. We ask Allaah to bless you both in your lives.

Whatever the case, your mother has to fear Allaah and put the apartment in your husband’s name or in your name. It should also be noted that putting the apartment in your name or your husband’s name does not mean that you have any share of ownership of the land, and it can be stated in the title that you do not own any part of the land, so that your mother can rest assured that no one is taking a part of what she owns.

We ask Allaah to guide your mother to that which is pleasing to Allaah and to bless you with righteous offspring, and to bring you and your husband together, and to make you honour your mother.

And Allaah knows best.