76418 - How to distribute the estate among the children

the question

A father died and left behind some land that was in his name. One of his sons built a house on the land and none of the other sons took part in building the house. They are still alive. Please note that the wife died before the husband, and the grandparents died a long time before the parents. The heirs are three males and two girls. How should the estate be divided among them?.

Detailed answer

Praise be to Allah.

What the father and mother left behind of possessions (the house etc) should be divided among you in accordance with sharee'ah, with the males taking twice the share of the females.

The estate should be divided into eight equal parts, with each son getting two shares and each daughter getting one, because Allaah says (interpretation of the meaning):

"Allaah commands you as regards your children's (inheritance): to the male, a portion equal to that of two females"

[al-Nisa' 4:11]

With regard to the house that your brother built on the land, if he built it for you as a gift, then it is yours, but if he built it for himself, then it is his. But the land is still yours and should be divided among you as described above, with each male getting the share of two females.