83065 - If a man dies and leaves behind a father and children, how is the estate divided?

the question

If I work and acquire capital, then Allaah causes me to die when my father is still living, does my estate go to my father or to my children?.

Detailed answer

Praise be to Allah.

If a man dies and he has a father who is still living and male children, or male and female children, then the father gets one-sixth of the estate, the wife gets one-eighth if he has a wife, then the rest is given to the children, with each male getting the share of two females.

But if the children are females only, one daughter or more, then the wife takes one-eighth, if there is a wife then the daughter or daughters take what Allaah has allocated to them: half for one daughter, and two-thirds for two or more daughters. Then in addition to the one-sixth, the father takes whatever is left of the estate after the wife and daughters take their shares.

This is indicated by the words of Allaah (interpretation of the meaning):

“Allaah commands you as regards your children’s (inheritance): to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of inheritance to each if the deceased left children”

[al-Nisa’ 4:11]

Ibn Qudaamah (may Allaah have mercy on him) said:

There are three scenarios with regard to inheritance for the father:

1 – He inherits a stipulated share, if there is a son or grandson. He gets no more than one-sixth and the rest goes to the son and those who are with him. We do not know of any difference of scholarly opinion concerning this. That is because Allaah says (interpretation of the meaning):

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

[al-Nisa’ 4:11]

2 – The father inherits by virtue of kinship on the male side only. This applies if there is no child (child includes both male and female). In this case he takes the wealth if he is the only heir. If there is another heir who is entitled to a stipulated share, such as a wife, mother or grandmother, then those who are entitled to stipulated shares are given their shares, and the rest of the wealth goes to him, because Allaah says (interpretation of the meaning):

“if no children, and the parents are the (only) heirs, the mother has a third”

[al-Nisa’ 4:11]

So the inheritance is given to both parents, then the mother is allocated one-third, therefore the rest is for the father.

3 – Where both the stipulated share and the kinship on the male side are combined. This is when there are female children, or a son of his son (i.e., along with the daughter or daughter of his son). In this case, the father gets one-sixth, because Allaah says (interpretation of the meaning):

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

[al-Nisa’ 4:11]

The father gets one-sixth if there is a daughter, according to scholarly consensus, then he takes whatever is left by virtue of kinship on the male side, because of the report narrated by Ibn Abbaas who said: The Messenger of Allaah (peace and blessings of Allaah be upon him) said: “Give the shares of inheritance to those who are entitled to them, and whatever is left is for the closest male relatives.” Agreed upon.

The father is the closest male relative after a son and grandson, and the scholars are agreed upon all of this. There is no difference of opinion concerning it as far as we know, praise be to Allaah. End quote from al-Mughni (6/169).

And Allaah knows best.