95517 - He died and left behind brothers and sisters, full siblings and siblings through the father only

the question

A man married a woman and had 5 sons and 3 daughters from her, then that wife died. Then he married another woman and had 2 sons and 4 daughters from her. Then that man died and left behind an estate consisting of two gardens and several houses. One of the gardens was sold and the price was divided according to the shar'i guidelines. A few years later, one of the sons of the second wife died (this son was not married), and his mother is still alive, and the rest of the estate has not yet been shared out. My question is: does the son inherit from the remaining part of his father's estate? Please note that this son got some of it whilst he was still alive; to whom should his share be given, and how is it to be shared out? I hope that you can give details and the soundest scholarly view.

Detailed answer

Praise be to Allah.

If a man dies and leaves behind wealth, it is to be divided among his heirs as Allah commanded, after paying off his debts and fulfilling his bequests. Based on that, the son asked about here is entitled to his full share of his father's estate, including the gardens, the houses and everything else. If he dies, his share is to be given to his heirs.

So what you must do is look first at his inheritance from his father, and determine what his father's estate is, both that which has already been shared out and that which has not yet been shared out. Then this share of his should be given to his heirs, who are: his mother, his full brother and his full sisters (of whom there are four). As for his brothers and sisters on his father's side, they have no share of his estate, because they are blocked by the presence of the full brother.

Based on that, his mother receives one sixth and the remainder goes to his full brother and full

sisters, with the male getting the share of two females.

And Allah knows best.