

# Distribution of real estate property by Islamic laws

Following detail is taken from Islamic Society of North America which is the umbrella organization of America and Canada. It will not be inappropriate to mention here that I (Imtiaz Ahmad) had the honor to be member of Majlis Shura of ISNA for eight years. Alhamdulillah.

## Case No. 1 -- One son or more (including any number of daughters)

| S.N. | SURVIVING HEIRS                                                                            | SHARE OF THE REMAINDER                                                                                                                                     |
|------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.a  | with no other relatives                                                                    | He or they get all remainder such as sons are equal in their class, daughters are equal in their class, and for each daughter half as much as for each son |
| 1.b  | with wife                                                                                  | 1/8 to wife,<br>rest as in 1.a                                                                                                                             |
| 1.c  | with husband                                                                               | 1/4 to husband,<br>rest as in 1.a                                                                                                                          |
| 1.d  | with father and mother                                                                     | 1/6 to father,<br>1/6 to mother,<br>rest as in 1.a                                                                                                         |
| 1.e  | with one parent                                                                            | 1/6 to parent,<br>rest as in 1.a                                                                                                                           |
| 1.f  | with any possible combination of 1.b, 1.c, 1.d and 1.e                                     | each spouse and parent takes the share mentioned above, and rest as in 1.a                                                                                 |
| 1.g  | with father of father (while father deceased), mother of father (and no father nor mother) | 1/6 to father of father,<br>1/6 to mother of father,<br>and rest as in 1.a                                                                                 |
| 1.h  | 1.g with wife                                                                              | 1/6 to mother of father,<br>1/6 to father of father,<br>1/8 to wife,<br>and rest as in 1.a                                                                 |

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| 1. i | 1.g with husband                                                                                          | 1/6 to mother of father,<br>1/6 to father of father,<br>1/4 to husband,<br>and rest as in 1.a |
| 1.j  | with father of father (no father)<br>and mother                                                           | 1/6 to mother,<br>1/6 to father of father,<br>rest as in 1.a                                  |
| 1.k  | 1. j and wife                                                                                             | 1/6 to mother,<br>1/6 to father of father,<br>1/8 to wife,<br>and rest as in 1.a              |
| 1.l  | 1.j and husband                                                                                           | 1/6 to mother,<br>1/6 to father of father,<br>1/4 to husband,<br>and rest as in 1.a           |
| 1.m  | with father and mother of<br>mother (no mother)                                                           | 1/6 to mother of mother,<br>1/6 to father,<br>rest as in 1.a                                  |
| 1.n. | 1.m with wife                                                                                             | 1/6 to mother of mother,<br>1/6 to father,<br>1/8 to wife,<br>rest as in 1.a                  |
| 1.o  | 1.m with husband                                                                                          | 1/6 to mother of mother,<br>1/6 to father,<br>1/4 to husband,<br>rest as in 1.a               |
| 1.p. | more than one same degree<br>grandmother (i.e. mother of<br>mother and mother of father);<br>in 1.g, h, i | grandmothers share equally<br>1/6,<br>rest as in 1.g, 1.h and 1.i.<br>respectively            |
| 1.q  | disregard any other relatives in<br>case 1                                                                |                                                                                               |

## Case No. 2 -- One daughter or daughters: no sons

| S.N. | SURVIVING HEIRS         | SHARE OF THE REMAINDER                                                                                                                                                                                         |
|------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.a  | with no other relatives | if one only she takes all remainder;<br>if more than one, they share equally                                                                                                                                   |
| 2.b  | with wife               | $\frac{1}{8}$ to wife,<br>$\frac{7}{8}$ as in 2.a                                                                                                                                                              |
| 2.c  | with husband            | $\frac{1}{4}$ to husband,<br>$\frac{3}{4}$ as in 2.a                                                                                                                                                           |
| 2.d  | with father             | (if one only) $\frac{1}{2}$ to daughter and $\frac{1}{2}$ to father;<br>(if more than one) $\frac{2}{3}$ to daughters equally and $\frac{1}{3}$ to father                                                      |
| 2.e  | with mother             | (if one only) $\frac{1}{4}$ to mother and $\frac{3}{4}$ to daughter;<br>(if more than one) $\frac{1}{5}$ to mother and $\frac{4}{5}$ equally among daughters                                                   |
| 2.f  | with parents            | (if one only) $\frac{1}{6}$ to mother, $\frac{1}{2}$ to daughter, and $\frac{1}{3}$ to father;<br>(if more than one) $\frac{1}{6}$ to mother, $\frac{2}{3}$ to daughters equally, and $\frac{1}{6}$ to father  |
| 2.g  | with wife and father    | (if one only) $\frac{1}{8}$ to wife, $\frac{1}{2}$ to daughter, and $\frac{3}{8}$ to father;<br>(if more than one) $\frac{1}{8}$ to wife, $\frac{2}{3}$ to daughters equally, and $\frac{5}{24}$ to father     |
| 2.h  | with wife and mother    | (if one only) $\frac{1}{8}$ to wife, $\frac{7}{32}$ to mother, and $\frac{21}{32}$ to daughter;<br>(if more than one) $\frac{1}{8}$ to wife, $\frac{7}{40}$ to mother, and $\frac{7}{10}$ to daughters equally |

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| 2.i | with wife and parents                                          | (if one only) $\frac{1}{8}$ to wife, $\frac{1}{6}$ to mother, $\frac{1}{2}$ to daughter and $\frac{5}{24}$ to father;<br>(if more than one) $\frac{1}{9}$ to wife, $\frac{4}{27}$ to mother, $\frac{16}{27}$ to daughters equally, and $\frac{4}{27}$ to father           |
| 2.j | with husband and father                                        | (if one only) $\frac{1}{4}$ to husband, $\frac{1}{4}$ to father, $\frac{1}{2}$ to daughter;<br>(if more than one) $\frac{3}{13}$ to husband, $\frac{2}{13}$ to father, and $\frac{8}{13}$ to daughters equally                                                            |
| 2.k | with husband and mother                                        | (if one only) $\frac{1}{4}$ to husband, $\frac{3}{16}$ to mother, $\frac{9}{16}$ to daughter;<br>(if more than one) $\frac{3}{13}$ to husband, $\frac{2}{13}$ to mother, $\frac{8}{13}$ to daughter equally                                                               |
| 2.l | with husband and parents                                       | (if one only) $\frac{3}{13}$ to husband, $\frac{2}{13}$ to mother, $\frac{2}{13}$ to father, and $\frac{6}{13}$ to daughter;<br>(if more than one) $\frac{3}{15}$ to husband, $\frac{2}{15}$ to mother, $\frac{2}{15}$ to father, and $\frac{8}{15}$ to daughters equally |
| 2.m | with father of father (no father and no brother or brothers)   | (if one only) $\frac{1}{2}$ to father of father, $\frac{1}{2}$ to daughter;<br>(if more than one) $\frac{1}{3}$ to father of father, $\frac{2}{3}$ to daughters equally                                                                                                   |
| 2.n | 2.m with wife                                                  | as in 2.g but father of father in place of father                                                                                                                                                                                                                         |
| 2.o | 2.m with husband                                               | as in 2.j but father of father in place of father                                                                                                                                                                                                                         |
| 2.p | 2.m with mother of father or mother of mother (without mother) | as in 2.f but father of father in place of father, and grandmother in place of mother                                                                                                                                                                                     |

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| 2.q | 2.p and wife                                                                                                                                                                                  | as in 2.i but father of father in place of father, and grandmother in place of mother                                                                                                                                                                                           |
| 2.r | 2.p and husband                                                                                                                                                                               | as in 2.1 but father of father in place of father, and grandmother in place of mother                                                                                                                                                                                           |
| 2.s | 2.p (and 2.q, 2.r) but with both mother of mother and mother of father and without mother                                                                                                     | grandmothers share equally the share assigned to the mother or to one grandmother in cases 2.p, 2.q and 2.r respectively, the rest as in 2.p, 2.q and 2.r respectively                                                                                                          |
| 2.t | with son of son                                                                                                                                                                               | (if one only) $\frac{1}{2}$ to daughter, $\frac{1}{2}$ to son of son;<br>(if more than one) $\frac{2}{3}$ to daughters equally, $\frac{1}{3}$ to son of son                                                                                                                     |
| 2.u | with more than one son of son (including any daughters of son(s))                                                                                                                             | as in 2.t and the share of son is divided among son and daughters of son according to rules established in 1.a                                                                                                                                                                  |
| 2.v | 2.u with wife or husband                                                                                                                                                                      | (if one only) $\frac{1}{2}$ to daughter, $\frac{1}{4}$ to husband (or $\frac{1}{8}$ to wife), rest to children of sons as in 2.u;<br>(if more than one) $\frac{2}{3}$ to daughters, $\frac{1}{4}$ to husband (or $\frac{1}{8}$ to wife), and rest to children of sons as in 2.u |
| 2.w | 2.v with two parents, or with father of father (and no father and no brother) and mother, or with father of father (no father and no brother) and a grandmother(s) of either side (no mother) | (if one only daughter):<br>(if wife) $\frac{1}{2}$ to daughter, $\frac{1}{8}$ to wife, $\frac{1}{6}$ to father or father of father, $\frac{1}{6}$ to mother or grandmother(s), and $\frac{1}{24}$ to children of son as in 2.u;<br>(if husband) $\frac{6}{13}$ to daughter,     |

|     |                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|     |                                                                                                        | <p>3/13 to husband, 2/13 to father or father of father, 2/13 to mother or grandmother(s), and nothing to children of son;</p> <p>(if more than one daughter):</p> <p>(if wife) 16/27 to daughters equally, 1/9 to wife, 4/27 to father or father of father, 4/27 to mother or grandmother(s), and nothing to children of son;</p> <p>(if husband) 8/15 to daughters equally, 3/15 to husband, 2/15 to father or father of father, 2/15 to mother or grandmother(s), and nothing to children of son</p> |
| 2.x | with daughter(s) of son                                                                                | <p>(if one only) 3/4 to daughter, 1/4 to daughter(s) of son equally among them;</p> <p>(if more than one) all to daughters equally, nothing to daughter(s) of son</p>                                                                                                                                                                                                                                                                                                                                  |
| 2.y | with sister(s) from same two parents (no brothers) or with brother(s) of same two parents (no sisters) | <p>(if one only) 1/2 to daughter, 1/2 to sister/brother, or equally among sisters/brothers;</p> <p>(if more than one) 2/3 to daughters equally, 1/3 to sister/brother, or equally among sisters/brothers</p>                                                                                                                                                                                                                                                                                           |
| 2.z | with sister(s) and brother(s) of same two parents                                                      | <p>(if one only) 1/2 to daughter, 1/2 to sister(s) and brother(s) on the basis of 1 share to female and 2 shares to male;</p> <p>(if more than one) 2/3 to daughters equally, 1/3 to sister(s) and brother(s) on same basis</p>                                                                                                                                                                                                                                                                        |

|      |                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 2.aa | 2.y with wife or husband, or<br>2.z with wife or husband | (if one only):<br>(if wife) $\frac{1}{2}$ to daughter, $\frac{1}{8}$ to wife and $\frac{3}{8}$ to sister(s) and/or brother(s) as in 2.y or 2.z,<br>(if husband) $\frac{1}{2}$ to daughter, $\frac{1}{4}$ to husband and $\frac{1}{4}$ to sister(s) and/or brother(s) as in 2.y or 2.z;<br>(if more than one) $\frac{2}{3}$ to daughters equally, $\frac{1}{8}$ to wife (or $\frac{1}{4}$ to husband) and rest to sister(s) and/or brother(s) as in 2.y or 2.z |
| 2.ab | with uncle(s) from same parents as father                | (if one only) $\frac{1}{2}$ to daughter and rest to uncle(s) equally;<br>(if more than one) $\frac{2}{3}$ to daughters equally, and rest to uncle(s) equally                                                                                                                                                                                                                                                                                                  |

### **Case No. 3 -- Children of son(s) no sons and daughters**

Apply case No. 1 and case No. 2 after substitute of daughter of son for daughter and son of son for son.

### **Case No. 4 – Parent(s) and no offspring**

| <b>S.N.</b> | <b>SURVIVING HEIRS</b>                                     | <b>SHARE OF THE REMAINDER</b>                                                                                                                                   |
|-------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.a         | father alone or father and his brother(s) and/or sister(s) | all remainder to father alone, nothing to brothers and sisters                                                                                                  |
| 4.b         | father and wife or husband                                 | $\frac{1}{4}$ to wife (or $\frac{1}{2}$ to husband), and rest to father                                                                                         |
| 4.c         | father and mother (no brothers and no sisters)             | $\frac{1}{3}$ to mother, rest to father                                                                                                                         |
| 4.d         | 4.c with wife or husband                                   | (if wife) $\frac{1}{4}$ to wife, $\frac{1}{4}$ to mother, rest to father;<br>(if husband) $\frac{1}{2}$ to husband, $\frac{1}{6}$ to mother, and rest to father |

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| 4.e | 4.c or 4.d with at least two brothers and/or sisters or one brother and one sister of any side                 | 1/6 to mother, nothing to brother(s) and sister(s), rest to father;<br>1/6 to mother, nothing to brother(s) and sister(s), 1/4 to wife (1/2 to husband), rest to father |
| 4.f | mother only                                                                                                    | all remainder                                                                                                                                                           |
| 4.g | mother and husband or wife                                                                                     | 1/4 to wife (or 1/2 to husband), rest to mother                                                                                                                         |
| 4.h | mother with one brother of same 2 parents on father's side, or one sister of same two parents on father's side | 1/3 to mother, rest to brother;<br>2/5 to mother, 3/5 to sister                                                                                                         |
| 4.i | 4.h with husband or wife                                                                                       | 1/3 to mother, 1/4 to wife (or 1/2 to husband), and rest to brother;<br>4/13 to mother, 3/13 to wife, 6/13 to sister;<br>2/8 to mother, 3/8 to husband, 3/8 to sister   |
| 4.j | mother with at least two brothers, one brother and sister(s) all of same two parents or father's side          | 1/6 to mother, rest to brothers or to brother(s) and sister(s) according to the rule in 1.a                                                                             |
| 4.k | 4.j with husband or wife                                                                                       | 1/6 to mother, 1/4 to wife (or 1/2 to husband) rest to brother or to brother(s) and sister(s) as in 1.a                                                                 |
| 4.l | mother with two sisters or more of same two parents or father's side                                           | 1/5 to mother, 4/5 to sisters equally among them                                                                                                                        |
| 4.m | 4.l with husband or wife                                                                                       | 3/8 to husband, 1/8 to mother, 4/8 to sisters equally among them;<br>3/13 to wife, 2/13 to mother and 8/13 to sisters equally                                           |

|     |                                                                         |                                                                                                                                                                                                                                                         |
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|     |                                                                         | among them                                                                                                                                                                                                                                              |
| 4.n | mother with one brother of mother's side or one sister of mother's side | $\frac{2}{3}$ to mother, $\frac{1}{3}$ to brother or sister                                                                                                                                                                                             |
| 4.o | 4.n with husband or wife                                                | (if husband) $\frac{1}{2}$ to husband, $\frac{1}{3}$ to mother, $\frac{1}{6}$ to brother or sister;<br>(if wife) $\frac{1}{4}$ to wife, $\frac{1}{2}$ to mother, $\frac{1}{4}$ to brother or sister                                                     |
| 4.p | mother with more than one brother and/or sister of mother's side        | $\frac{1}{3}$ to mother, $\frac{2}{3}$ to brother(s) and sister(s) equally among them                                                                                                                                                                   |
| 4.q | 4.p with husband or wife                                                | (if husband) $\frac{1}{2}$ to husband, $\frac{1}{6}$ to mother, $\frac{1}{3}$ to brother(s) and sister(s) equally among them;<br>(if wife) $\frac{1}{4}$ to wife, $\frac{1}{4}$ to mother, $\frac{1}{2}$ to brother(s) and sister(r) equally among them |
| 4.r | with mother and father of father (no brother(s) or sister(s))           | $\frac{1}{3}$ to mother, rest to father of father                                                                                                                                                                                                       |
| 4.s | 4.r with wife or husband                                                | $\frac{1}{3}$ to mother, $\frac{1}{4}$ to wife (or $\frac{1}{2}$ to husband), and rest to grandfather                                                                                                                                                   |
| 4.t | with mother and son of brother who is of the same two parents           | $\frac{1}{3}$ to mother, rest to son of brother                                                                                                                                                                                                         |
| 4.u | 4.t with husband or wife                                                | $\frac{1}{3}$ to mother, $\frac{1}{2}$ to husband (or $\frac{1}{4}$ to wife), and rest to son of brother                                                                                                                                                |
| 4.v | with mother and brother of father of same two parents                   | $\frac{1}{3}$ to mother, rest to brother of father                                                                                                                                                                                                      |
| 4.w | 4.v with husband or wife                                                | as 4.m but put brother of father instead of son of brother                                                                                                                                                                                              |
| 4.x | with father and mother of mother and no mother                          | $\frac{1}{6}$ to mother of mother and rest to father                                                                                                                                                                                                    |

|     |                                              |                                                                                                                                                                         |
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| 4.y | with mother, brother(s) and father of father | 1/6 to mother and rest among brother(s) and father of father equally unless grandfather's share goes below 1/3. (if it does, he gets 1/3 and rest to brothers equally). |
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**Case No. 5 -- Husband or wife, no offspring and no parents and no father of father**

| S.N. | SURVIVING HEIRS                                                   | SHARE OF THE REMAINDER                                                                                                                                              |
|------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.a  | husband                                                           | 1/2 to husband and rest is for your favorite Islamic charity organization                                                                                           |
| 5.b  | wife                                                              | 1/4 to wife and rest as in 5.a                                                                                                                                      |
| 5.c  | with a brother or one or more brother(s) and sister(s)            | 1/2 to husband (or 1/4 to wife), and rest to the one brother or equally to brother(s) and sister(s) on basis of 2 shares to each brother and 1 share to each sister |
| 5.d  | with sister(s)                                                    | 1/4 to wife (or 1/2 to husband), and rest equally among sisters or to the one sister                                                                                |
| 5.e  | with a son(s) of brother(s) or son(s) and daughters of brother(s) | as in 5.c but niece and nephew in place of sister and brother                                                                                                       |
| 5.f  | with brother(s) of father                                         | 1/4 to wife (or 1/2 to husband) and rest to uncle(s) equally                                                                                                        |

**Case No. 6 -- For any additional case please consult Fiqa Professor of some reputed Islamic university.**

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