

Question 1064) - When does pre-emption become Wajib?

A: It is activated for a partner in the thing sold; then for a partner who has a right in the thing sold such as right to water or right of passage; then for the neighbour. The partner with a right to water/passage and the neighbour do not have rights with a partner in the thing sold [Mabi,]. Only when the partner forfeits his right of pre-emption does the partner with a right in the Mabi' receive his right of pre-emption. If he also renounces his right then only does the neighbour receive his right.

~ al-Quduri ~