

Question 1072) - Is there pre-emption if someone came to own the property by way of a gift, for example?

A: The principle is that the right arises when someone takes the property for monetary compensation, be it an open sale or a "gift" on condition of compensation. If he does receive the property in a genuine gift with no compensation for it, then there is no pre-emption. Similarly there is no pre-emption in the following scenarios: a man gave the house as dowry; a woman paid her husband the house as Khul'ah; a man gives the house as rent for another house; he gave the house to make sulh (reconciliation) in a murder dispute; or he gave it to free a slave; or he made Sulh on it by denial or silence. As for Sulh by admission, there is shuf'ah for such a sulh is deemed a sale.

~ al-Quduri ~