

Question 1436) - What does the Khuntha Mushkil inherit from its father?

A: According to Abu Hanifaf RAH. it inherits the share of a female. Thus if the deceased left behind a son and the Khuntha Mushkil, the son will inherit two-thirds and the Khuntha Mushkil one- third, unless it is established otherwise.*

According to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. the Khuntha Mushkil will get half a male's share plus half a female's share. This is the view of ash-Sha'bi RAH.

* This is an indication that the Khuntha Mushkil sometimes inherits as a male, e.g.a woman dies and leaves behind her parents, husband and Khuntha Mushkil child. The estate is divided into 12 shares. The husband gets 3; the parents get 4 and the Khuntha Mushkil gets 5. Had it been a daughter she would have gotten 6 and the total shares reclassified as 13. Another scenario is that a woman dies and leaves behind her husband, a maternal-brother; and a Khuntha Mushkil who is her full sibling. The estate will be divided into 6 shares. The husband gets 3 shares; the brother gets 1 share and the Khuntha Mushkil gets the remainder of 2. Had the Khuntha Mushkil been a sister she Would have gotten 3 shares.

~ al-Quduri ~