

Question 1262) - A man died leaving behind several heirs. The heirs made a settlement with one of them. They paid him and excluded him from the inheritance. Is this allowed?

A: The question requires a detailed response:

1. If the inheritance is land or goods then the settlement is permissible, whether they gave him a lot or a little. 2. If the inheritance was silver and they gave him gold; or was gold and they gave him silver, then it is permissible as well. 3. If it is gold, silver and goods, then it is necessary that what they give him must be more than his share of that type of wealth, until his share matches it. The excess will be for his right to the remainder of the inheritance. 4. If the inheritance is debts against people and one of them paid him money so that he will give up his share of the debt will be amongst them, then the compromise is void. 5. If they however stipulated that that they would absolve the debtors of their debts and would not claim the share of the compromiser, then it is permissible.

~ al-Quduri ~