

Question 2385) - A man bequeathed his pregnant slave-girl to a man and made no mention of the fetus. She gave birth after the bequest maker died. Only then did the beneficiary accept the bequest. Does he receive the slave only or her child as well?

A: If both are covered by a third of the estate then they are both his. If not, then they are valued over the third and he will take both of them in that proportion according to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. According to Imaam Abu Hanifah RAH. He will first claim his proportion from the mother. If there is anything remaining then he will take it from the child.

~ al-Quduri ~