

إِنَّكَ إِنْ تَرَكْتَ وَلَدَكَ أَغْنِيَاءَ خَيْرٌ مِّنْ أَنْ تَتْرُكَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ

Tayra apnay wurasa ko ghani chhorna is say behtar hay kay tu
inhayn muhtaj chhoray keh woh logon kay samnay hath phaylayn.

(Bukhari, vol. 4, pp. 316, Hadees 6733)



Maal-e-Wirayat May Khayanat Na Kijiye

Payshkash:

Majlis Al-Madinah-tul-‘Ilmiyyah
(Shu’ba Islahi Kutub)

Nashir:

Makataba-tul-Madina Bab-ul-Madina Karachi

الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَالصَّلَاةُ وَالسَّلَامُ عَلَى سَيِّدِ الْمُرْسَلِينَ
أَمَّا بَعْدُ فَأَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ ط

Kitab Perhnay ki Du'a

Deeni kitab ya Islami sabaq perhnay say pehlay zayl mein di hui
Du'a perh li-jiye *إِنْ شَاءَ اللَّهُ عَزَّوَجَلَّ* jo kuch perhain gay yaad rahay ga.
Du'a yeh hay:

اللَّهُمَّ افْتَحْ عَلَيْنَا حِكْمَتَكَ وَأَنْشُرْ
عَلَيْنَا رَحْمَتَكَ يَا ذَا الْجَلَالِ وَالْإِكْرَامِ

Terjama:

Ay Allah (*عَزَّوَجَلَّ*)! Hum per 'ilm-o-hikmat kay darwazay khol day aur
hum per Apni rahmat naazil ferma! Ay 'azamat aur buzurgi walay!

(Al-Mustatraf, vol. 1, pp. 40)



Note:

Awwal aakhir aik bar Durood Shareef perh lain.

Fahrist

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الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَالصَّلَاةُ وَالسَّلَامُ عَلَى سَيِّدِ الْمُرْسَلِينَ
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Maal-e-Wirasat May Khayanat Na Kijiye

Durood shareef ki fazeelat

Rasool e Akram صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ ka farman e rahmat nishan hay: Qiyamat kay roz Allah عَزَّوَجَلَّ kay arsh kay siwa koi saaya nahyn ho ga, 3 shakhs Allah عَزَّوَجَلَّ kay ‘Arsh kay saaye may hon gay. Arz ki gai: Ya Rasoolallah صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ woh kon log hon gay? Irshad farmaya:

1. Woh shakhs jo maray Ummati ki parayshani door karay.
2. Mayri Sunnat ko zindah karay wala.
3. Mujh par kasrat say durood shareef parhnay wala.¹

صَلُّوا عَلَيَّ الْحَبِيبِ صَلَّى اللهُ تَعَالَى عَلَيَّ مُحَمَّدٍ

Meeras

Kisi shakhs kay intiqal kay ba’d is ka chhora huwa maal “Meeras” kahlata hay. Aur isay muntakhab usool o qawaneen kay mutabiq mayyit kay rishtay daron may taqseem kia jata hay. Meeras ki taqseem may dunya ki mukhtalif qaumon may mukhtalif tareeqay raaij rahay hayn, jasy jaahiliyat e ‘Arab kay log auraton aur bachon ko Meeras kay maal say mahroom rakhtay thay, in mayn jo ziyada taqatwar aur ba-asar hota, wo kisi ta’ammul kay baghayr sari Meeras samayt

¹ (Al Budoor ul Saafirah lil Suyoti, pp. 131, Hadees 366)

layta aur kamzor ka hissah chheen layta jab kay barr e Sagheer ki qaumen aur deegar ‘ilaqon kay log auraton ko hissa bilkul na daytay thay. Ye sab tareeqay i’tidal say dor aur ‘adl o insaf kay taqazon kay khilaf thay.

Taqseem e Meeras aur Deen e Islam ka i’zaaz

Deen e Islam ka ye I’zaaz hay kay is nay jahan deegar mu’amlaat mayn ifraat o tafreet ko khatm kia wahren, “taqseem e Meeras” kay mu’amlay mayn behtareen tareeqah ‘ata farmaya hay, mahroomon ko haq dia aur jaabiron ko un ki hudood mayn rakha aur har ayk ko is kay munaasib hissah ata farma dia jaysay ba-tor e khaas auraton aur yateemon ko wirasat say hissah na dayanay ki rasm ko baatil kartay huye Quran e Majeed nay mard o aurat mayn say har ayk ko is kay waalidain aur deegar rishtah daron kay maal e wirasat mayn hissah dar qarar dia hay aur khaas tor par yateem bachchon kay maal ki hifaazat karnay, ba-waqt e zaroorat inhen in ka maal day danay aur un kay maal mayn har qisam ki khayanat say bachnay ka nihayat takeedi hukm dia, aur in ka maal khnay ko apnay payt mayn aag bharna qarar daytay huye Jahannam mayn janay ka sabab qarar dia jab kay yateem kay sar paraston ko tambeeh o naseehat kartay huye irshad farmaya kay aysay kogon ko ye sochna chahiye kay agar ye intiqal kar jatay aur apnay peechnay kamzoor aulad chhor jatay to un ka kia hota to jis tarah apni aulad kay baray mayn fikr mand hotay isi tarah dosron ki yateem aulad kay baray mayn fikr mand hon aur un kay maal kay baray mayn Allah عَزَّوَجَلَّ say khauf kartay huye Ahkam e Deen par ‘amal karen.

Taqseem e Meeras aur fi zamanah musalmanon ka haal

Khauf e Khuda aur fikr e aakhirat rakhnay walay musalman kay liye opar bayan kardah Ahkam e Quraniyah hi naseehat kay liye kaafi

hayn laykin nihayat afsos hay kay musalmanon mayn kasrat say deegar maali mu'amlaat ki tarah wirasat ki taqseem kay Hukm e Qurani mayn bhi bari kotahiyen waaqi ho rahi hayn, goya Meeras ki taqseem mayn jo zulm aur ifrat o tafreet e Deen e Islam say pahlay dunya mayn paya jata tha wahi aaj mukhtalif soraton mayn musalmanon kay andar bhi paya ja raha hay, jaysay la-ilmi ki bina par 'aaq shudah aulad ya baytiyon ko wirasat nahyn di jati, yonhi bahut jaga in baywah auraton ko shohar ki wirasat say mahroom kar dia jata hay jo dosri shadi kar len, jab kay bahut si jaghon par ba-tor e zulm yateem bachchon ka maal e wirasat chacha, taya waghayrah kay zulm o sitam ka shikar ho jata hay.

Is sangeen sorat e haal kay paysh e nazar Allah ﷺ aur is kay piyaray Habib ﷺ kay wirasat kay mutalliq diye huye Ahkamaat par 'amal ki taraf raaghib karnay aur in Ahkam ki khilaf warzi karnay par 'azab e Ilahi ﷺ say daranay kay liye ye aham risalah murattab kia gaya. Allah ﷺ is mukhtasar risalay ko musalmanon kay liye nafa' bakhsh banaye aur is ka mutala'ah kar kay inhen apni islah ki koshish karnay ki tofeeq ata farmaye, ameen.

Deen e Islam aur Ahkam e Meeras

Meeras ki taqseem chonkay ayk aham mu'amlah hay aur is mayn zulm o sitam, haq talfi, maali bad-diyanti aur aapas mayn larai fasad ka bahut andayshah hayn, is liye Allah ﷺ nay "Meeras" kay aksar Ahkam Quran e Paak mayn bari wazahat say bayan farmaye hayn aur in par 'amal karnay ko muta'ddad andaz mayn takeed kay sath bayan farmaya jaysay shuro mayn irshad farmaya kay Allah ﷺ tumhen hukm dayta hay aur ye hukm bayan kar kay Meeras ki taqseem ka tareeqah bayan farmaya,

Tarjama e Kanz ul Irfan:

Tumhayn tumhari aulaad kay baray may hukm dayta hay, baytay ka hissah 2 baytiyon kay barabar hay phir agar sirf larkiyan hon agarchay 2 say opar to un kay liye tarkay ka do tihai hissah hoga aur agar ayk larki ho to is kay liye aadha hissah hay aur agar mayyit ki aulad ho to mayyit kay maan baap mayn say har ayk kay liye tarkay say chhata hissah ho ga phir agar mayyit ki aulad na ho aur maan baap chhoray to maan kay liye tihai hissah hay phir agar is (mayyit) kay kai behan bhai hon to maan ka chhata hissah ho ga, (ye sab Ahkam) is wasiyyat (ko pora karnay) kay ba'd (hon gay) jo wo (faut honay wala) kar gaya aur qarz (ki adagi) kay ba'd (hon gay.)¹

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ
مِثْلُ حَظِّ الْأُنثِيَيْنِ ۖ فَإِنْ كُنَّ
نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا
مَا تَرَكَ ۖ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا
التَّصْفُ ۗ وَالْأَبْوَيْهِ بِكُلِّ وَاحِدٍ
مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ
لَهُ وَوَلَدٌ ۖ فَإِنْ لَّمْ يَكُنْ لَهُ وَوَلَدٌ
وَرِثَتَهُ أَبَوُهُ فَلِأُمِّهِ الثُّلُثُ ۖ فَإِنْ
كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ
بَعْدِ وَصِيَّتِهِ يُوصَىٰ بِهَا أَوْ دَيْنٍ ۗ



Aur irshad farmata hay

¹ (Part 4, Surah An-Nisa, Ayah 11)

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ
يَكُنْ لَهُنَّ وُلْدٌ فَإِنْ كَانَ لَهُنَّ وُلْدٌ
فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّتِهِ
يُوصِيَنَّ بِهَا أَوْ دَيْنٍ ۗ وَلَهُنَّ الرُّبْعُ مِمَّا
تَرَكَنَّ إِنْ لَمْ يَكُنْ لَكُمْ وُلْدٌ فَإِنْ كَانَ
لَكُمْ وُلْدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِنْ
بَعْدِ وَصِيَّتِهِ تُوصُونَ بِهَا أَوْ دَيْنٍ ۗ وَإِنْ
كَانَ رَجُلٌ يُورِثُ كَلَّةً أَوْ امْرَأَةً وَوَلَّهُ آخَرَ
أَوْ أُخْتًا فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ
فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي
الثُّلُثِ مِنْ بَعْدِ وَصِيَّتِهِ يُوصَى بِهَا أَوْ
دَيْنٍ ۗ غَيْرَ مُضَارٍّ ۗ وَصِيَّتُهُ مِنَ اللَّهِ ۗ وَ

اللَّهُ عَلِيمٌ حَلِيمٌ ﴿١٢﴾



Tarjama e Kanz ul Irfan:

Aur tumhari beewiyan jo (maal) chhor jaen agar un ki aulad na ho to is mayn say tumharay liye aadha hissah hay, phir agar un ki aulad ho to un kay tarkah mayn say tumharay liye chothai hissah hay. (ye hissah) us wasiyat kay ba'd (hon gay) jo unhon nay ki ho aur qarz (ki adaigi) kay ba'd (hon gay) aur agar tumharay aulad na ho to tumharay tarkah mayn say auraton kay liye chothai hissah hay, phir agar tumharay aulad ho to un ka tumharay tarkah mayn say aathwan hissah hay (ye hissah) is wasiyat kay ba'd (hon gay) jo wasiyat tum kar jao aur qarz (ki adaigi) kay ba'd (hon gay.) aur agar kisi aysay mard ya aurat ka tarkah taqseem kia jana ho jis. nay maan baap aur aulad (mayn say) koi na chhora aur (sirf) maan ki taraf say is ka ayk bhai ya ayk behan ho to un mayn say har ayk kay liye chhata hissah ho ga phir agar wo (maan ki taraf walay) behan bhai ayk say ziyadah hon gay (ye donon soraton mayn bhi) mayyit ki is wasiyat aur qarz (ki adaigi) kay ba'd hon gi jis (wasiyat) mayn is nay (wurasa ko) nuqsan na ponchaya ho. Ye Allah عَزَّوَجَلَّ ki taraf say hukm hay aur Allah عَزَّوَجَلَّ baray ilm wala, baray hilm wala hay.

¹ (Part 4, Surah An-Nisa, Ayah 12)

Meeras mayn jo hissay muqarar kiye gaye, in ki miqdar ki mukammal hikmat aur maslihat Allah ﷻ hi behtar janta hay, hamari ‘aql o shu’oor ko is ki gahrai tak rasai haasil nahyn hay. Isi liye Allah ﷻ nay hissay bayan karnay kay ba’d waazih tor par irshad farma dia kay

Tarjama e Kanz ul Irfan: tumharay baap aur tumharay baytay tumhen ma’loom nahyn kay in mayn kon tumhen ziyadah nafa’ day ga, (ye) Allah ﷻ ki taraf say muqarar kardah hissah hay. Bayshak Allah ﷻ baray ilm wala, hikmat wala hay. (Part 4, Surah An-Nisa, Ayah 11)

أَبَاؤَكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ
أَقْرَبُ نَعْمَ نَفَعًا فَرِيضَةً مِّنَ
اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Allah ﷻ irshad farmata hay:

Tarjama e Kanz ul Irfan: ye Allah ﷻ ki haden hayn aur jo Allah aur Allah kay Rasool ki itaa’at karay to Allah isay Jannaton mayn daakhil farmaye ga jin kay neechay nehren beh rahi hayn. Hamayshah in mayn rahen gay, aur yahi bari kamyabi hay. aur jo Allah aur is kay Rasool ki na-farmani karay aur is ki (Tamam) hadon say guzar jaye to Allah isay aag mayn daakhil karay ga jis mayn (wo) hamayshah rahay ga aur is kay liye ruswa kun ‘azab hay.

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِعِ اللَّهَ
وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي
مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ
فِيهَا ذَلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾
وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ
حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا
فِيهَا وَلَهُ عَذَابٌ مُّهِينٌ ﴿١٤﴾

(Surah Nisa Aayat. 13- 14)

Taqseem e Meeras ki ahmiyat

Wirayat mayn har waaris ko is ka haq dayna kitna zarori hay is ka andazah is rukoo' mayn bayan kardah cheezon say lagaye:

1. Shuro mayn farmaya kay Allah ﷺ tumhen wirayat taqseem karnay ka hukm dayta hay.
2. Rukoo' kay aakhir mayn farmaya kay wirayat kay Ahkam Allah ﷺ ki muqarar kardah haden hayn jinhen tornay ki ijazzat nahyn.
3. Jo wirayat ko كَمَا حَقُّهُ taqseem kar kay ita'at e Ilahi karay ga aur hudood e Ilahi ki pasdari karay ga wo hamayshah hamayshah kay liye jannat kay baghon mayn dakhil ho ga.
4. Jo wirayat mayn dosray ka haq maray ga aur Hudood e Ilahi ko toray ga wo Allah ﷺ aur Rasool ﷺ ka na-farman hay.
5. Aysa shakks Jahannam ki bharakti aag mayn dakhil ho ga.
6. Aur jo shakhs wirayat kay Ahkam ko manta hi nahyn aur is wajah say 'amal bhi nahyn karta wo to hamayshah kay liye Jahannam mayn jaye ga aur is kay liye ruswa kun 'azab hay.

Meeras say muta'lliq buzurgan e Deen ki ihtiyaten

Aye kaash kay mazkoo'rah bala wa'eedon ko parh kar har musulman Allah ﷺ aur is kay Rasool ﷺ kay diye huey Ahkam kay mutabiq hi Meeras ko taqseem karay aur un ki khilaf warzi karnay ki sorat mayn Allah ﷺ ki sakht girift aur Jahannam ki bharakti hui aag kay ruswa kun 'azab mayn mu'batala honay say

daray. Taqseem e Meeras ki isi ahmiyat kay paysh e nazar hamaray buzurgan e Deen رَحْمَةُ اللهِ تَعَالَى is mu'amlay mayn kis qadr ihtiyat farmatay thay yahan is ki kuch jhalak mulahazah ho.

Maal e Wirayat ka charagh bujha dia

Marwi hay kay ayk buzurg رَحْمَةُ اللهِ تَعَالَى kisi qareeb ul marg shakhs kay paas mojud thay raat mayn jis waqt wo faut huwa to unhon nay farmaya kay charagh bujha do kay ab is kay tayl mayn wurasa ka haq shaamil ho gaya hay. (*Ihya ul Uloom, jild. 2, pp. 122*)

Maal e Wirayat ki chatai istimal karnay say mana' kar dia

Hazrat Sayyiduna Abd ur Rahman Mahdi رَحْمَةُ اللهِ تَعَالَى farmatay hayn kay jab maray chacha ka intiqal huwa to maray waalid bay-hosh ho gaye, hosh aanay par farmaya kay chatai ko wurasa kay tarkay mayn daakhil kar do (aur isay ab isti'mal na karo kion kay is mayn wurasa ka haq shaamil ho gaya hay.)

Maal e Wirayat ki chatai isti'mal karnay walay ko tanbeeh

Hazrat Ibn e Abi Khalid رَحْمَةُ اللهِ تَعَالَى farmatay hayn: Mayn Hazrat Abul Abbas Khattab رَحْمَةُ اللهِ تَعَالَى kay sath tha, aap ayk aysay shakhs ki ta'ziyat kay liye haazir huye kay jis ki biwi ka intiqal ho gaya tha, aap nay ghar mayn ayk chatai bichhi hui daykhi to ghar kay darwazay par hi kharay ho gaye aur is shakhs say farmaya: kia taray ilawah bhi koi waaris hay? is nay jawab dia: ji haan! Aap رَحْمَةُ اللهِ تَعَالَى nay farmaya: tayra us cheez par baythna kaysa hay jis ka to maalik nahyn. To wo shakhs (is tanbeeh kay ba'd) us chatai say uth gaya.

(*Ittihaf ul Saaddah, jild. 6, pp. 488*)

Mayn nay apni aulaad ko dosron ka haq nahin diya

Ye tu kisi kay intiqaal kay ba'ad is kay maal say muta'lliq buzurgan-e-Deen رَحْمَةُ اللَّهِ تَعَالَى ka haal tha jab kay apnay maal aur us kay honay walay wurasa kay hawalay say Buzurgan-e-Deen رَحْمَةُ اللَّهِ تَعَالَى kis qadar muhtaata thay, is ki jhalak bhi mulahizah ho,

Chuna-chay marwi hay kay Hazrat Umar Bin Abdul Aziz رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ Kay wisaal kay waqt Maslamah Bin Abdul Malak in kay pas hazir huway aur arz ki: Ay Ameer-ul-Mu'mineen! Aap nay aysa kaam kiya hay jo Aap say pehlay kisi nay nahin kiya, woh ye keh Aap nay aulaad tu chhori hay laykin in kay maal nahin chhora (Kiyun kay Aap رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ kay pas maal tha hi nahin balkay woh tangdasti ki zindagi guzaar rahay thay.) Hazrat Umar Bin Abdul Aziz رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ Nay farmaya: Mujhay bitha do. Chuna-chay Aap ko bitha diya gaya, Phir Aap nay farmaya: Tum ay jo ye kaha kay mayn nay apni aulaad kay liye maal nahin chhora, is ka ye matlab nahin keh Mayn nay in ka haq mar diya hay balkay asal baat ye hay keh Mayn inhayn dosron ka haq nahin diya aur mayri aulaad ki do mayn say koi ayk halat hogi:

1. Woh Allah Ta'ala ki ita'at karay gay. Is surat mayn Allah Ta'ala inhayn kafi hoga kiyun kay woh naykiyon ka wali hay.
2. Woh Allah Ta'ala ki na-farmani karayn gey. Is surat mayn mujhay is baat ki perwah nahin keh in kay sath kiya mu'mila hoga. (Kiyun kay apnay a'maal kay khud jawab dah hayn.)

Apnay maal say muta'lliq ayk shar'i hukum

Mazkurah Bala hikayat ko samnay rakhtay huway her shakhs apnay hal per ghor ker sakta hay keh isay maal-e-wirasat say muta'lliq kis qadar ihtiyat karnay ki zarurat hay, Yahan is hikayat ki munasibat say ayk shar'i hukum yad rakhayn kay apna tamaam maal rah-e-khuda mayn kharch ker dayna aur apnay wurasa ko muhtaj

chhorna durust nahin, lihazah agar apnay maal ko nayk kaamon mayn kharch karnay ki wasiyat karni bhi ho to ayk tiha'ie say kam aur ziyadah say ziyadah ayk tiha'ie tak wasiyat karnay ki ijazat hay aur baqiyah do tiha'ie maal wurasa kay liye chhora jaey.

Hazrat Sa'ad Bin Abi Waqas رَضِيَ اللهُ تَعَالَى عَنْهُ Say riwayat hay, Huzoor-e-Aqdas صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay irshad farmaya:

إِنَّكَ إِنْ تَرَكْتَ وَلَدَكَ أَغْنِيَاءَ خَيْرٌ مِّنْ أَنْ تَتْرُكَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ

Tayra apnay wurasa ko ghani chhorna is say behtar hay keh tu inhayn muhtaj chhoray keh woh logon kay samnay hath phaylayn.

(Bukhari, vol. 4, pp. 316, Hadees 6733)

Taqseem-e-Miraas kay 7 fawaid-o-barakaat

Deen-e-Islam nay musalmanon ko jo bhi ahkamaat aur usool-o-qawaneen diye sabhi dunya-o-aakhirat ki bay shumar bhala'iyon, barakaton, rahmaton aur fawaid kay hamil hayn, yahan Islami usool-o-qawaneen kay mutabiq miraas taqseem karnay kay 7 ukhrawi aur dunyawawi fawaid-o-barakaat mulahizah hon:

1. Shar'i ahkaam kay mutabiq miraas taqseem karnay say Allah Ta'ala ki riza haasil hoti hay.
2. Miraas kay shar'i ahkaam per 'amal karnay wala jannat ka haq dar hota aur Jahannum kay ruswa kun 'azaab say bach jata hay aur ye buhut bari ukhrawi kamiyabi hay.
3. Taqseem-e-Miraas kay Islami ahkaam per 'amal karnay say agar dosron ko targheeb milay tu jo is targheeb ka sabab banay isay dosron kay 'amal ka bhi ajar milta hay.
4. Shar'i Qawaneen kay mutabiq miraas mayn milnay wala maal halaal hota hay aur Halaal maal say ki janay wali maali

‘ibadatayn qabool hoti hayn aur in ka qabool ho jana बहुत bara ukhrawi sarmaya hay.

5. Shar’i usoolon kay mutabiq miraas taqseem karnay say daulat ki munsifana taqseem hoti hay warna umuman lara’ie jhagray hi hotay hayn.
6. Kamzoor aziz-o-aqarib, ‘auraton aur bachhon ko wirasat say in ka hissah dayna in ki khayr khuwahi karnay ki bhi ayk surat hay aur musalman ki khayr khuwahi deen ka ayk bunyadi maqsad hay, Nez is say in ki du’ayn, hamdardi aur mahabbat bhi milti hay
7. Shari’at kay mutabiq miraas taqseem karnay wala zalimon aur ghasibon ki saf mayn shamil honay, warison ki dushmani, bughz-o-hasad aur logon kay ta’an-o-tashnee’ say bach jata hay.

Miraas taqseem na karnay kay 7 nuqsanaat

Jis tarah Islami ahkaam kay mutabiq miraas ka maal taqseem karnay kay kaseer ukhrawi aur duniyawi fawaid-o-barakaat hayn, isi tarah Shari’at kay mutabiq miraas taqseem na karnay kay dunya-o-aakhirat donon mayn बहुत say nuqsanaat bhi hayn, Yahan in mayn say 7 nuqsanaat mulahizah hon.

1. Shari’at kay mutabiq miraas taqseem na karna Allah Ta’ala aur is kay Rasool ﷺ ki na-farmani aur is ki hadon ko tarna hay aur aysay shakhs kay liye Quran-e-Majeed mayn Jahannum kay ‘azaab ki wa’eed bayan ki gaie hay.
2. Waris kay maal per qabzah jamanay walay say qiyamat kay intahie khufnaak din mayn ayk ayk pa’ie ka hisaab liya jaey ga aur her haqdar ko is ka haq zaroor dilaya jaey ga.

3. Islami usoolon kay mutabiq miraas taqseem na karna aur warison ko in kay haq say mahroom karna Islami Tareeqay say hanta aur Kuffar kay tareeqay per chalna hay jo hergiz musalman kay shayan-e-shan nahin.
4. Miraas kay haqdaron ka maal khanay wala, zalim aur kaie suraton mayn ghasib hay aur aysa shakhs zulum-o-ghasb ki bina per Jahannum ka mustahiq hay.
5. Dosray ki miraas per qabzay ka maal “Maal-e-Haraam” hay, aur Haraam maal say kiya gaya sadqah mardood hay aur aysay shakhs ki du’a bhi qabool nahin hoti..
6. Dosron ki miraas ka maal khanay say kamzoor logon ki bad du’ayn milti hayn aur mazloom ki bad du’a Bargah-e-Ilahi mayn maqbool hay.
7. Miraas ka maal na daynay say dushmaniyan paydah hoti hayn aur aysa shakhs logon ki nazar mayn zillat-o-ruswa’ie ka shikaar hota hay.

Maal-e-Wirasat kay ta’luq say honay walay 5 Baray gunah

Maal-e-Wirasat kay hawalay say logon mayn paey janay walay baray baray gunah ye hayn. Ay kash keh hamara zehin aysa ho jaey keh in gunahon ko jantay aur in ki wa’edayn parhtay sath hi hamara Taubah-o-Ijtinaab ka zehin banta jaey aur hum bhi in logon kay guroh mayn shamil ho jayn jin kay baray mayn Allah Ta’ala nay irshad farmaya:

اَلَّذِيْنَ يَسْتَعِيْنُوْنَ الْقَوْلَ فَيَتَّبِعُوْنَ اَحْسَنَهُ ۗ اُولٰٓئِكَ الَّذِيْنَ هَدٰهُمُ اللّٰهُ وَ

اُولٰٓئِكَ هُمُ اُولُوْا الْاَلْبَابِ ﴿١٦﴾

Tarjuma-e-Kanz-ul-Irfan: Jo kaan laga ker baat suntay hayn phir us ki behtar ki payrawi kartay hayn. Ye hayn jinhayn Allah nay hidayat di aur yehi ‘aqaalmand hayn.

[Kanz-ul-‘Irfan (Translation of Quran)] (Part 23, Az-Zumar, Ayah 18)

Pehla gunah, Wasiyat kay zari’ey warison ko mahroom karna

Marnay walay kay liye mustahib ye hay kay woh apnay maal say muta’lliq wasiyat ker jaey aur Islami Hukum kay mutabiq apnay maal kay ayk tihaie hissay tak wasiyat ki ijazat hay, Magar afsoos keh hamaray mu’shiray mayn miraas say mahroom karnay ki ye surat bhi ‘aam hay keh Duniyawiy ranjishon aur naraziyon ki bina per buhut say log ye wasiyat ker kay martay hayn keh mayray maal mayn say fulan ko ayk pa’ie tak na di jaey, Halan kay shar’i tor per woh is kay maal ka haqdar hota hay, aysay afraad kay liye darj zeel do Ahadees mayn bari ‘ibrat hay:

Pehli Wa’eed, Wasiyat kay zari’ey Waris ko nuqsan puhnchanay wala Naar-e-Jahannum ka mustahiq hay

Hazrat Abu Hurayrah رَضِيَ اللهُ تَعَالَى عَنْهُ say riwayat hay, Rasool-e-Kareem صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay irshad farmaya: ‘Mard-o-Aurat saath saal (Ya’ni buhut lambay ‘arsay) tal Allah Ta’ala ki ita’at-o-farmanbardari kartay rahayn, phir in ki maut ka waqt qareeb aa jaey aur woh wasiyat mayn (Kisi Waris ko) nuqsan puhncha’ayn, tu in kay liye Jahannum ki aag Wajib ho jati hay.’ *(Tirmizi, vol. 4, pp. 41, Hadees 2124)*

Dosri Wa’eed, Apni wasiyat mayn khayanat karna buray khatimay ka sabab hay

Hazrat Abu Hurayrah رَضِيَ اللهُ تَعَالَى عَنْهُ say riwayat hay, Huzoor-e-Aqdas صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay irshad farmaya: ‘Koi Aadmi 70 baras tak jannatiyon jaysay ‘amal karta rahta hay phir apni wasiyat mayn

khayanat ker bhayta hay to is ka khatimah buray ‘amal per hota hay Aur woh jahannam mayn dakhil ho jata hay aur koi shakhs 70 baras tak Jahannamiyon jaysay ‘amal karta rahta hay phir apni wasiyat mayn insaaf say kaam layta hay tu is ka khatimah achhay ‘amal per hota hay aur woh Jannat mayn dakhil ho jata hay.’

(Ibn Majah, vol. 3, pp. 305, Hadees 2704)

Dosra Gunnah, Mustahiq waris ko is ka hissa na dayna

Dosra bara gunah ye hay kay kaie suraton mayn jahalat ki wajah say aur kaie jagah ghaflat ki wajah say aur kaie jagah zulum ki wajah say mustahiq waris ko is ka hissa nahin diya jata jaysay buhut si suraton mayn behnon ya Bhaiyon ya Nani, Dadi, Dada ka wirasat mayn hissa ban raha hota hay laykin la-‘ilmi ki wajah say nahin diya jata aur yun hi Maa ka hissa banta hay laykin ghaflat ki wajah say nahin diya jata jab kay zulman na dayna tu wazih hi hay. In suraton kay hawalay say hamayn ghor karna chahiye kay hum musalman hayn aur hamaray liye Allah ﷻ Aur us kay Rasool ﷺ ka farman sab say muqaddam hay. Aaiye daykhtay hayn kay hamara Deen hamayn kiya hukum day raha hay.

Miraas say mahroom karnay ki wa’edayn

Waris ko is ka hissa dayna Allah Ta’ala kay ahkaam ki ‘ita’at hay jab kay isay mahroom ker dayna kafiron ka tarz-e-‘amal, ahkaam-e-Ilahi ki sareeh khilaaf warzi aur Jahannum mayn lay janay wala ‘amal hay. Chuna-chay Allah Ta’ala irshad fermata hay:

وَتَأْكُلُونَ التُّرَاثَ أَكْلًا لَّمًّا ﴿١٩﴾ وَتُحِبُّونَ النَّالَ حُبًّا جَمًّا ﴿٢٠﴾

Tarjuma-e-Kanz-ul-Irfan: Aur Miraas ka saara maal jama’ ker kay kha jatay ho. Aur maal say buhut ziyadah mahabbat rakhtay ho.

(Surah Al-Fajr, Ayah 19 - 20)

Aur Miraas kay ahkaam ki tafsilaat bayan karnay kay ba'ad Allah Ta'ala irshad fermata hay:

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ
خَالِدِينَ فِيهَا ذَلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣٠﴾ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ
يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ ﴿١٣١﴾

Tarjuma-e-Kanz-ul-Irfan: Ye Allah ki hadayn hayn aur jo Allah aur Allah kay Rasool ki 'ita'at karay tu Allah isay Jannatiyon mayn dakhil farmaey ga jin kay neechay nahrayn bah rahi hayn. Hamaysha un mayn rahayn gey, aur yun hi bari kamiyabi hay. Aur jo Allah aur us kay Rasool ki na-farmani karay aur is ki (Tamaam) hadon say guzar jaey tu Allah isay aag mayn dakhil karay ga. Jis mayn (woh) hamaysha rahay ga aur is kay liye ruswa kun 'azaab hay.

Aur Hazrat Anas رضي الله تعالى عنه Say riwayat hay, Huzoor-e-Akram صلى الله تعالى عليه وآله وسلم nay irshad farmaya:

مَنْ قَطَعَ مِيرَاثَ وَارِثِهِ قَطَعَ اللَّهُ مِيرَاثَهُ مِنَ الْجَنَّةِ يَوْمَ الْقِيَامَةِ

Ya'ni jo shakhs apnay waris ki miraas katay ga Allah Ta'ala qiyamat kay din Jannat say is ki miraas ko kaat day ga. (*Mishkat-ul-Masabeeh, vol. 1, pp. 567, Hadees 3078*)

Teesra gunah, dosron ki wirasat dabana maal-e-haraam hasil karna hay

Kisi dosray waris ka maal qabzah jamanay walay kay liye maal-e-haraam hay. Haraam maal hasil karna aur khana kabeerah gunah aur Allah عَزَّوَجَلَّ Ki bargah mayn sakhit na-pasandedah hay.

Haraam maal hasil karnay aur isay khanay ki 4 wa'edayn

Ahadis mayn maal-e-haraam say muta'lliq bari sakhit wa'edayn bayan ki gaie hayn, yahan in mayn say 4 Ahadis mulahizah hon:

Pehli wa'eed, Maal-e-Haraam say sadqah maqbool nahin aur isay chhor ker marna Jahannam mayn janay ka sabab hay

Hazrat Abdullah Bin Mas'ood رَضِيَ اللهُ تَعَالَى عَنْهُمَا say riwayat hay, Nabi-e-Akram صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay irshad farmaya: 'Jo bandah maal-e-Haraam hasil karta hay, Agar us ko sadqah karay tu maqbool nahin aur kharch karay tu us kay liye us mayn barkat nahin aur apnay ba'ad chhor ker maray tu Jahannam mayn janay ka samaan hay. Allah Ta'ala buraie say bura'ie ko nahin mitata, han nayki say bura'ie ko mita dayta hay. Bay shak khabees ko khabees nahin mitata.' (Musnad Imam Ahmad, vol. 2, pp. 33, Hadees 3672)

Dosri wa'eed, Haraam Ghiza say palnay walay jisim per jannat haraam hay

Hazrat Abu Bakr Siddique رَضِيَ اللهُ تَعَالَى عَنْهُ say riwayat hay, Sarwar-e-Kainat صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay irshad farmaya: Allah Ta'ala nay us jism per jannat haraam farma di hay jo Haraam ghiza say pala barha ho. (Kanz-ul-Ummal, vol. 2, pp. 8, Hadees 9255)

Teesri wa'eed, Luqmah-e-Haraam khanay walay kay 40 din kay 'amal maqbool nahin

Tajdar-e-Risalat صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ Nay Hazrat Sa'ad رَضِيَ اللهُ تَعَالَى عَنْهُ say irshad farmaya: "Ay Sa'ad! Apni ghiza pak ker lo! ﴿مُسْتَجَابُ الدَّعَوَاتِ﴾ ho jao gey, is zaat-e-pak ki qasam jis kay qabzah qudrat mayn Muhammad (صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ) ki jaan hay! Bandah haraam luqmah apnay payt mayn dalta hay tu is kay 40 din kay 'amal qabool nahin hotay aur jis banday ka goshit haraam say pala barha ho is kay liye aag ziyadah behtar hay.' (Mu'jam-e-Awsat, vol. 5, pp. 34, Hadees 6495)

Chothi wa'eed, Haraam khanay peenay walay ki du'a qabool nahin hoti

Hazrat Abu Hurayrah رَضِيَ اللهُ تَعَالَى عَنْهُ farmatay hayn: Sarkar-e-Do 'Alam صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay ayk shakhs ka zikr kiya jo lamba safar karta hay, is kay baal para gandah aur badan ghubaar aalood hay aur woh apnay hath aasmaan ki taraf utha ker Ya Rab! Ya Rab! Pukaar raha hay halankay is ka khana Haraam, peena Haraam, libaas Haraam aur ghiza Haraam ho phir is ki du'a kaysay qabool hogi! (*Muslim, pp. 506, Hadees (1015) 65*)

Allah Ta'ala Musalmanon ko Haraam maal hasil karnay say bachhnay aur Halaal maal hasil karnay ki taufeeq 'ata farmaey. Aamin

Chotha gunah, Waris ka maal ghasb karna

Kisi ki wirasat ka hissa daba layna, Na-haq maal khanay mayn dakhil hay aur is say Allah Ta'ala nay mana' farmaya hay, chuna-chay irshad farmaya:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

Tarjuma-e-Kanz-ul-Irfan: Ay Iman walo! Batil tareeqay say aapas mayn ayk dosray kay maal na kha'o.

[*Kanz-ul-'Irfan (Translation of Quran)*] (Part 5, Surah An-Nisa, Ayah 29)

Aur jab koi waris maal-e-wirasat say apnay hissa per qabzah ker lay phir dosra waris is kay hissay ko chhen lay tu ye kisi musalman ka maal-e-na-haq ghasb karnay hay.

Musalman ka maal-e-na-haq ghasb karnay ki 3 wa'eedayn

Ahadees mayn musalman ka maal-e-na-haq ghasb karnay per bari sakhit wa'eedayn bayan ki gaie hayn, yahan in mayn say teen Ahadees mulahizah hon.

Teesri Wa'eed, Ghaasib Qiyamat kay din Korri ho ker Bargah Ilahi mayn haazir hoga

Hazrat Ash'as bin Qays Kindi say riwayat hay, Huzoor صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay Irshad farmaya: Jo shakhs Dosray kay maal par qabzah karay ga woh Qiyamat kay din Allah عَزَّوَجَلَّ say korri ho ker milay ga.¹

Allah Ta'aala is buray fa'l say bhi hamari hifazat farmaye. Aameen

Paanchwa (5) Gunah: Yateem Waarison ko un kay hissay say Mahroom kar dayna

Wirayat kay mas'alay mayn sangeen tareen sorat haal yateem waraision ko un kay hissay say mahroom kerna aur unhayn hissah na dayna hay.

Yateemon ka maal na haq khanay ki 4 wa'edayn

Aysay logon kay liye darj zayl aayat aur 3 Ahadees mayn bari ibrat hay, chunanchay

Pahli Wa'eed, Ba tor Zulm yateemo ka maal khanay walay bharrakti aag mayn jaye gay

Allah عَزَّوَجَلَّ irshad farmata hay:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا
إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا ۖ وَسَيَصْلَوْنَ سَعِيرًا ﴿١٠٤﴾

¹ Al-Mu'jam-ul-Kabeer, vol. 1, pp. 233, Hadees 637

Tarjama Kanz-ul-Irfan: Bay shak woh log jo zulm kertay huway yateemon ka maal khatay hayn woh apnay payt mayn bilkul aag bhartay hayn aur ‘anqareeb yeh log bharrakti hui aag mayn jayen gay.’¹

Dosri Wa’eed, Maal-e-Yateem na haq khanay walon kay munh say aag nikal rahi hogi

Hazrat Abu Barzah رضي الله تعالى عنه say riwayat hay, Huzoor صلى الله تعالى عليه وآله nay Irshad farmaya: Qiyamat kay din ayk qaum apni qabron say is tarah uthai jaye gi kay un kay munhon say aag nikal rahi hogi. ‘Arz ki gai: Ya Rasoolallah woh kaun log hon gay? Irshad farmaya: Kiya tum nay Allah عز وجل kay is farmaan ko nahin daykha,

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا

إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا ۖ وَسَيَصْلَوْنَ سَعِيرًا ﴿١٠٤﴾

Tarjama Kanz-ul-Irfan: Bay shak woh log jo zulm kertay huway yateemon ka maal khatay hayn woh apnay payt mayn bilkul aag bhartay hayn aur ‘anqareeb yeh log bharrakti hui aag mayn jayen gay.’²

Teesri Wa’eed, Yateemo ka maal Zulman khanay walon ka dard nak ‘azab

Hazrat Abu Sa’eed Khudri رضي الله تعالى عنه say riwayat hay Huzoor صلى الله تعالى عليه وآله nay Irshad farmaya: Mayn nay me’raaj ki raat aysi qaom daykhi jin kay hont ounton ki tarah thay aur un par aysay log muqarrar thay jo un kay honton ko pakarrtay phir un kay munhon mayn aag kay patthar daaltay jo in kay peechhay say nikal jatay.

¹ (Surah An-Nisa, Ayah 10)

² Ad-Dur-rul-Mansoor, An-Nisa, Taht-al-Ayah 10, vol. 2, pp. 443

Mayn nay poocha: Aye Jibraeel عَلَيْهِ السَّلَامُ yeh kaun log hayn? ‘arz ki: Yeh woh log hayn jo yateemon ka maal zulm say khatay thay. ¹

Chothhi Wa’eed, Yateem ka maal na haq khanay wala Jannat aur us ki na’maton say mahroom ho jaye ga

Hazrat Abu Hurayrah رَضِيَ اللهُ تَعَالَى عَنْهُ say riwayat hay, Huzoor صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay Irshad farmaya: 4 shakhs aysay hayn jinhayn Jannat mayn daakhil na kerna aur us ki ne’matayn na chakhana Allah عَزَّوَجَلَّ par haq hay:

1. Sharab ka ‘aadi
2. Sood khanay wala
3. Na Haq yateem ka maal khanay wala
4. Walidayn ka na farmaan²

Yateem ka maal khanay say kiya murad hay?

Yateem ka maal na haq khana Kabeerah gunah aur sakht Haram hay. Quran Pak mayn nihayat shiddat kay sath is kay Haram honay ka bayan kiya gaya hay. Afsoos kay log is mayn bhi parwah nahin kertay. ‘Umoman Yateem bachchay apnay taya, chacha waghayrah kay zulm o sitam ka shikar hotay hayn, unhayn is hawalay say ghaur kerna chahiye. Yahan ayk aur aham mas’alay ki taraf tawajjuh kerna zarori hay woh yeh kay yateem ka maal khanay ka yeh matlab nahin hay kay aadmi ba qaidah kisi buri niyyat say khaye to hi Haram hay balky kaye sooratayn aysi hayn kay aadmi ko Shar’i ahkam ka ilm bhi nahin hota aur woh yateemon ka maal khanay kay Haram fa’l mayn mulawwas ho jata hay jaysay jab

¹ Tahzeeb-ul-Aasaar, vol. 2, pp. 427, Hadees 725

² Al-Mustadrak lil-Haakim, Kitab-ul-Buyoo’, vol. 2, pp. 338, Hadees 2307

mayyit kay wurasa mayn koi yateem hay to us kay maal say ya us kay maal samayt mushtarak maal say dusray logon kay liye Faatihah Teejah waghayrah ka khana Haram hay kay is mayn yateem ka haq shamil hay, lihaza yeh khanay sirf fuqara kay liye banaye jayen aur sirf Baaligh wurasa kay maal say un ki ijazat say tayar kiye jayen warnah jo bhi jantay huway yateem ka maal khaye ga woh dozakh ki aag khaye ga aur Qiyamat mayn us kay munh say dhuwan niklay ga.

Maal-e-Wirasat say muta'alliq paye janay wali 8 'umomi ghaflatayn

Meeras kay Shar'i Ahkam say la-'ilmi ki bina par jab kay ba'z Awqaat fikr-e-Aakhirat ki kami aur Islami ahkam par 'amal ka jazbah na honay ki wajah say maal-e-Wirasat kay baray mayn hamaray mu'ashray mayn bahut si ghaflaton aur kotahiyon ka irtikaab kiya jata hay, yahan in mayn say 8 ghaflatay mulahazah hon ta kay Musalman un ki taraf tawajjuh ker kay islah ki koshish kar sakayn.

Pahli ghaflat, Yateem waaris kay maal say mayyit ki Faatihah, Niyaz aur Soyam waghayrah kay akhrajaaat

Kisi ka intiqal honay par usay sawab pohnchanay kay liye wurasa Soyam, Dasvan, Chaaleswan, Faatihah aur Nazr o Niyaz ka ihtimam kertay hayn, ye achhay aur baai's sawab a'amal hayn laykin is mayn ba'z auqaat ye ghaflat barti jati hay kay in umoor par honay walay akhrajaaat mayyit kay chhoray huway maal say kiye jatay hayn aur us kay waarison mayn yateem aur na-Baaligh bachay bhi hotay hayn aur un kay hissay say bhi woh akhrajaaat liye jatay hayn, halan kay yateemon ya deegar na-Baaligh wurasa kay hissay say ye khanay paka ker logon ko khilana na-jaaiz o Haram hay balky agar yateem ya koi na-Baaligh waaris ijazat day bhi day tab bhi un ka maal in kaamon mayn isti'mal kerna-jaaiz nahin lihaza nihayat zaroori hay

kay is tarah kay khanay sirf Baaligh wurasa ki riza Mandi say un kay hissay say kiye jayen, nayz ye bhi yaad Rakhiye kay Janazay kay ba'd ka khana aur Soyam ka khana hamaray haan kay 'urf mayn da'wat mayyit kay taur par hota hay aur ye khana sirf faqeroon kay liye jaaiz hay, maal daron kay liye nahin, lihaza agar Baaligh wurasa bhi in khanon ka ihtimam karayn to sirf fuqara ko khilayen.

Note: Isal-e-sawab kay suboot say muta'alliq ma'loomat haasil kernay kay liye Shaikh-e-Tareeqat Ameer Ahl-e-Sunnat داعية تيركائيه العالية ka Risalah "Faatihah aur Isaal-e-Sawab Ka Tareeqah" ka muta'alah farmayen.

Dosri Ghaflat, Yateem aur na-Baaligh wurasa kay hisson say bay ja akhrajat kerna

Yateem bachon ko warasat mayn jo hissah milta hay ya us kay 'ilawah un ki apni kisi jaaiz kamai ya tohfah waghayrah kay zariy'e jo maal unhayn milta hay usay Kharch kernay kay hawalay say 'aam gharon mayn bahut si ghaflatayn aur kotahiyan pai jati hayn, jaysay yateem aur na-Baaligh waarison ka hissah juda nahin kertay balky sabhi kay sath mushtarak rakhtay hayn aur usi mushtarakah maal say sadaqah o khayrat kiya ja raha hota hay, rishtay daron mayn ghami khushi kay mauqa' par layn dayn chal raha hota hay, ghar mayn aanay walay mahmanon ki mahman nawazi ho rahi hoti hay, bhai behan ki shaadi mayn aur ta'leem waghayrah mayn wahi maal sarf ho raha hota hay. Is mushtarakah maal mayn ye sab tasarrufaat na-jaaiz o haraam hayn kyun kay is mayn yateem ka maal bhi shaamil hay jisay in mu'aamlaat mayn Kharch kerna-jaaiz nahin, lihaza 'aafiyat isi mayn hay kay yateem aur na-Baaligh waaris ka hissah juda ker diya jaye, is kay ba'd deegar Baaligh wurasa ba hami riza Mandi say in mua'amlaat mayn maal-e-Wirayat Kharch karayn. Yateem ka maal ghar kay afraad kay liye mushtarakah pakaye gaye khanay aur us say milti julti cheezon mayn mila layna-

jaaiz hay laykin sadaqah o khayrat, mahman nawazi aur rishtay dariyon kay layn dayn mayn dayna har giz jaaiz nahin.

Teesri ghaflat, Baytiyon aur behnon ko Meeras say hissah na dayna

Hamaray mua'ashray mayn baytiyon aur behnon ko Meeras say un ka hissah na dayna bhi aam hota ja raha hay halan kay baap kay maal mayn baytiyon ka haq Quran Majeed kay Nass-e-Qat'i say saabit hay jisay koi khatm nahin ker sakta. Yaad rahay kay larkiyon ko hissah na dayna Haram-e-Qat'i hay lihaza agar walidayn nay Wasiyyat waghayrah kay zariy'e baytion ko un kay hissay say mahroom ker diya ya bayton nay behnon ko un ka hissah daynay kay bajaye sara maal aapas mayn taqseem ker liya ya un ka hissah kisi ghayr waaris ko day diya to ye zaroor zulm hay aur aysay logon par taubah kay sath sath baytiyon aur behnon ko un ka hissah lauta dayna lazim hay aur un ka ye 'uzr ghalat haykay larrki ki shadi dhoom dhaam say ker di thi, is liye woh Meeras ki haqdar nahin.

Chothhi Ghaflat, Baytiyon aur behnon say Wirasat ka hissah mua'f karwa layna

Wirasat ayk aysa maali haq hay jo laazmi taur par waaris ki milkiyyat mayn aa jata hay, woh usay ba har sorat layna hi hay, na usay mua'f kar sakta hay aur na hi us say mua'f karwaya ja sakta hay. Hamaray haan ba'z Auqaat Wirasat ki haq dar 'auratayn jaysay baytiyan aur behnayn apna hissah laynay ki bajaye mua'f kar dayti hayn aur ba'z Auqat deegar rishtay dar unhayn apna hissah mua'f kar daynay ka kahtay hayn aur is par zor daytay hayn. Yeh donon sooratayn ghalat hayn, mua'f kernay ya karwanay say un ka hissah khatm nahin hoga, mardon par laazim hay kay woh haq dar 'aurataon ko un ka hissah dayn aur 'auraton par lazim hay kay woh apnay hissay ko apnay qabzay mayn lay layn, al battah agar apnay

hissah-e-Wirasat par qabzah kernay kay ba'd kisi jabr o ikrah aur zor zabardasti kay baghayr mahaz apni khushi say kisi dusray waaris ko apna hissah dayna chaahay to is ka ikhtiyar unhayn haasil hay.

Paanchvi ghaflat, Baywah dusri shadi kerlay to usay pahlay shauhar ki Meeras say hissah na dayna

Jo aurat shauhar kay intiqal kay waqt us kay nikah ya us ki Iddat mayn ho woh apnay shauhar ki waaris hay, phir agarchay woh Iddat poori honay kay ba'd dusri shadi ker lay jab bhi us ka haq-e-Wirasat baqi rahta hay, khatm nahin ho jata. Hamaray haan dusri shadi ker laynay ki wajah say baywah ko us ka hissah nahin diya jata, ye hukm Ilahi ki sareeh khilaf warzi hay aur na-jaaiz o Haram hay aur is say bachna har Musalman par lazim hay.

Chhati ghaflat, Zindagi mayn walidayn say jayedad taqseem kernay ka jabri mutalbah kerna

Zindagi mayn har shakhs apnay maal aur is mayn tasarruf kernay ka malik hay, woh jis ko jitna chaahay day sakta hay kyun kay ye dayna ba-taur Meeras nahin, Wirasat to marnay kay ba'd taqseem hoti hay, al battah agar koi shakhs apni zindagi mayn aulad kay darmiyan apni taqseem kerna chahta hay to sab baytay baytiyon ko barabar barabar dayna Afzal hay aur agar aulad mayn koi ilm-e-deen seekhnay aur deeni khidmat mayn mashghool hay to usay dusron say ziyadah day saktay hayn. Hamaray haan aulad apnay walidayn ko is baat par Mukhtalif tareeqon say majboor kerti hay kay woh apni zindagi mayn jayedad taqseem ker day. Un ka ye mutalbah na-jaaiz hay kyun kay ye walidayn ki dil aazari ka sabab hay jo kay na-jaaiz o gunah hay.

Saatvin ghaflat, Walidayn ko aulad ki Wirasat say hissah na dayna

Awlad kay intiqal kay waqt agar walidayn mayn say koi ayk ya donon zindah hayn to woh bhi apni aulad kay waaris hayn aur us kay tarakah say hissah payen gay. Hamaray haan ba'z jagah yeh samjha jata hay kay aulad to walidayn kay maal mayn hissah dar hoti hay laykin walidayn aulad kay maal mayn hissah dar nahin hotay, yeh baat waazih taur par ghalat aur Quran o Hadees kay khilaf hay. Ayk dusri ghaflat isi sorat mayn ye hay kay maan ya baap ko waaris to samjha jata hay laykin Wirasat unhayn di nahin jati. Walidayn agar fori mutalbah na karayn to agarchay unhayn foran dayna zaroori nahin laykin 'umoman is tarah kay maqamaat par na daynay ka nateejah bil aakhir kulli taur par mahroom ker daynay ki sorat mayn hi nikalta hay ya'ni walidayn ko bilkul hi Wirasat nahin di jati.

Aathwen ghaflat, Baap ki dusri biwi ko hissah na dayna

Jab baap ki Wirasat taqseem ki jaye to is mayn us ki har biwi ka hissah hota hay agarchay woh aulad kay liye haqeeqi maan ki jagah sotayli maan ho kyun kay sotayli maan hona to aulad kay I'tibar say hay, jab kay shauhar kay I'tibar say to woh us ki biwi hi hay aur biwi ka Wirasat mayn hissah hota hay. Hamaray haan Meeras taqseem kertay waqt ba'z Auqat baap ki dusri biwiyon ya'ni sotayli maaon ko haq-e-Wirasat say mahroom ker diya jata hay halan kay woh bhi biwi ki haysiyat say dusri biwi ya'ni bachon ki haqeeqi maan ki tarah Wirasat ki haq dar hay.

Mazkooarah baala kalam ko samnay rakhtay huway tamam Musalmanon ko chahiye kay maal-e-tarakah ko Quran o Hadees kay bayan kardah hisson kay mutabiq in kay mustahiqqen mayn taqseem kar dayn aur tarakah ki taqseem mayn har giz takheer na

karayn balky jis qadar jaldi ho sakay har shakhs ko us ka hissah day dayn ta kay woh apni marzi kay mutabiq usay isti'mal kar sakay, nayz Meeras ki taqseem mayn takheer ki wajah say waqt guzarnay kay sath sath paycheedgiyan barrhti jati hayn, nasl dar nasl tarakah taqseem na kernay say aam taur par yehi hota hay kay tarakah kaye kaye pushton tak aysay afraad kay tasarruf o istimal mayn rahta hay jin ka is par koi haq nahin hota magar is kay ba wajood woh us say nafa' utha rahay hotay hayn jab kay us maal kay haqeeqi malik bay-charay na sirf bahut parayshan haal hotay hayn balky apni zarooriyaat ko poora kernay kay liye logon kay samnay qarz waghayrah kay liye dast-e-sawal daraz kiye huway hotay hayn aur shayad isi aas mayn rahtay hayn kay kab Meeras taqseem ho aur hamayn apna hissah milay. Magar afsoos! Taqseem kay ba'd bhi un ki ummed dhari ki dhari rah jati hay kyun kay agar kabhi taqseem aati bhi hay to is dooraniyah mayn kaye wurasa kay intiqal kay baai's maal-e-tarakah sahih taur par taqseem nahin ho pata jis kay nateejay mayn bahut say haq daar apnay haq say mahroom rah jatay hayn aur un ka maal ghayr mustahiq afrad kay hathaun mayn chala jata hay. Lihaza 'aafiyat isi mayn hay kay Islam kay diye huway Ahkamaat kay mutabiq jald az jald Meeras ka maal taqseem ker diya jaye. Allah ﷺ say du'a hay kay hamayn is par amal ki taufeeq ata farmaye.

أَمِينٌ بِجَاهِ النَّبِيِّ الْأَمِينِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ

Meeras say Muta'alliq Shar'i Ahkamaat

Suwal: Kisi Musalman kay intiqal kay ba'd us kay chhorray huway maal o asbab say mut'alliq shari'at kay ahkam kiya hayn?

Jawab: Jab kisi Musalman ka intiqal ho jaye to us kay maal o asbab say muta'alliq shari'at nay 4 Ahkam diye hayn.

1. Sab say pahlay mayyit kay maal say sunnat kay mutabiq us ki tajheez o Takfeen aur tadfeen ki jaye.
2. Phir jo maal bach jaye us say mayyit ka qarzah ada kiya jaye, biwi ka mahar ada na kiya ho to woh bhi qarz shumar hoga.
3. Phir agar mayyit nay koi jaaiz Wasiyyat ki ho to usay qarz ada kernay kay ba'd bach janay walay maal kay teesray hissay say poora kiya jayega, haan agar sab wurasa Baaligh hon aur sab kay sab teesray hissay say zaaid maal say Wasiyyat poori kernay ki ijazat dayn to zaaid maal say Wasiyyat poori kerna-jaaiz hay warnah jitnay wurasa ijazat dayn un kay hissay ki ba qadr Wasiyyat par amal ho sakta hay.
4. Wasiyyat poori kernay kay ba'd jo maal bach jaye usay Shar'i hisson kay mutabiq wurasa mayn taqseem kiya jaye.¹

Suwal: Mayyit kay chhorray huway maal kay waaris kaun kaun hayn aur har waaris ka kitna hissah hay?

Jawab: Mayyit kay chhorray huway maal o asbab kay wurasa Quran o Hadees mayn bayan ker diye gaye hayn laykin un mayn Mukhtalif afraad kay Mukhtalif hissay hayn aur yon hi Mukhtalif afraad dusron par muqaddam hotay hayn jaysay behan aur Bayti kay hissay Mukhtalif hay aur bayta pootay par muqaddam hay kay baytay kay hotay huway poota Wirasat ka mustahiq nahin lihaza jab Wirasat ka masalah paysh aaye to Ilm Meeras kay maahir sunni 'aalim say ba qaa'i'dah pooch ker 'amal kiya jaye.

Suwal: Agar shauhar nay biwi ka haq-e-mahar ada na kiya aur shauhar ka intiqal ho gaya to ab biwi ka haq-e-mahar kahan say ada kiya jaye ga? Aur agar biwi ka intiqal ho gaya to shauhar ye haq-e-mahar kisay ada keray?

¹ *Bahar-e-Shari'at, vol. 3, pp. 1111-1112*

Jawab: Agar shauhar nay apni zindagi mayn biwi ka haq-e-mahar ada na kiya aur na hi aurat nay apni khushi say mahar mu'af kiya to is sorat mayn shauhar kay tarakah say biwi ka haq-e-mahar ada kiya jaye ga aur chun kay haq-e-mahar qarz hay lihaza kafan dafan kay akhrajat kay ba'd jab kay Wasiyyat poori kernay aur wurasa mayn taqseem say pehlay hi biwi ka haq-e-mahar ada kiya jaye ga aur is mu'amlay mayn hamaray mu'aashray mayn jo ye Tareeqah raaij hay kay mayyit par haath rakh ker aurat sa zabardasti mahar mu'af karwaya jata hay ye bilkul ghalat hay is ki na to koi Shar'i haysiyat hay aur na hi is tarah mua'f karanay say haq-e-mahar mua'f hota hay. Rahi yeh baat kay agar haq-e-mahar ada kernay say pehlay biwi ka intiqal ho jaye to is sorat mayn haq-e-mahar ki raqam biwi kay tamam wurasa kay darmiyan un kay hisson kay mutabiq taqseem hogi jis mayn shauhar khud bhi hissah dar hoga.

Suwal: Wasiyyat kernay ka Shar'i hukm kiya hay? Aur kitnay maal ki Wasiyyat kerni chahiye?

Jawab: Wasiyyat kernay ka Shar'i hukm ye hay kay agar marnay walay kay zimmah kisi qism kay Huqooq-u-Allah baqi na hon to Wasiyyat kerna Mustahab hay, aur agar is par Huqooq-u-Allah ki adaigi baaqi ho jaysay us kay zimmay kuch namazon ka ada kerna baaqi ho ya hajj farz honay kay ba Wujood ada na kiya ho, ya kuch roozay chhorray thay woh na rakhay hon to asyi sorat mayn Wajib hay kay in cheezon ka Fidyah daynay kay liye Wasiyyat karay. Mayyit par Maali Huqooq-ul-Ibad jaysay logon ka qarzah ho to usay Wasiyat mayn is liye zikr nahin kiya kay Wirayat ki taqseem mayn Wasiyyat say pehlay qarzon ki adaigi ka judaganah hukm maujood hay ya'ni maal chhorr ker marnay wala qarzon ki adayegi ka judaganah hukm maujood hay ya'ni maal chhorr ker marnay wala qarzon ki adaigi ki Wasiyyat karay ya na karay bahar sorat qarz ada kiya hi jaye ga.

Mustahab ye hay kay insan apnay tihai maal say kam mayn Wasiyyat karay khuwah wurasa maal dar hon ya fuqara al battah jis kay paas maal thorra ho us kay liye Afzal ye hay kay woh Wasiyyat na karay jab kay us kay waaris maujood hon aur jis shakhs kay paas Kaseer maal ho who bhi tihai maal say ziyadah Wasiyyat na karay.

Suwal: Kiya kisi waaris kay liye Wasiyyat kerna-jaaiz hay jaysay koi shakhs apnay baytay kay liye hi Wasiyyat karay?

Jawab: Wurasa kay liye Wasiyyat kerna-jaaiz nahin, Huzoor صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ nay Irshad farmaya: Waaris kay liye koi Wasiyyat nahin magar ye kay wurasa chaahayn.¹

Al Battah agar kisi nay apnay waaris kay liye Wasiyyat ki aur deegar wurasa sab Baaligh hon aur woh bhi ijazat day dayn to waaris kay liye Wasiyyat jaaiz o nafiz ho jaye gi. Aur agar wurasa mayn Baaligh o na-Baaligh sab shamail hayn aur ba'z wurasa ijazat day dayn to un ijazat daynay walon mayn say jo Baaligh hayn sirf unhi kay hisson mayn ye Wasiyyat jaaiz o nafiz ho jaye gi jab kay yateem waaris aur na-Baaligh waaris aur ijazat na daynay walay Baaligh wurasa kay hisson mayn ye Wasiyyat jaaiz o nafiz nahin hogi²

Suwal: Kiya Saas sasur kay tarakah mayn damad ya bahu ka hissah hota hay?

Jawab: saas sasur ki jayedad mayn damad ya bahu apnay is rishtay ki waja say kisi tarah waaris nahin haan agar kisi aur rishtah kay taur par waaris banay to mumkin hay masalan damaad bhateeja ho aur deegar muqaddam wurasa na hon to ab yehi waaris hoga.

Chunanchay Fatawa Razawiyyah mayn hay: Damad ya khusr hona aslan koi haq-e-Wirasat saabit nahi ker sakta khuwah deegar

¹ Dar Qutni, Kitab-ul-Faraaid, vol. 4, pp. 113, Hadees 4108

² Fatawa Razawiyyah, vol. 25, pp. 332

wurasa maujood hon ya na hon haan agar aur rishtah hay to is kay zariy'ah say Wirayat mumkin hay masalan damaad bhateeya hay khusr chacha hay to is waja say ba-ham Wirayat mumkin hay ayk shakhs maray aur do waaris chhorray ayk dukhtar aur ayk bhateeya kay wohi is ka daamad hay to damaad ba wajah brother zaadgi nisf maal paaye ga aur agar ajnabi hay to kul maal dukhtar ko milay ga. Damaad ka kuch nahin. ﴿وَاللّٰهُ تَعَالٰى اَعْلَمُ﴾¹

Suwal: Lay palak bacha apnay parwarish kernay walay ka waaris hota hay ya nahin?

Jawab: Islami I'tibar say lay palak bacha apnay haqeeqi walidayn ka waaris hoga jab kay parwarish kernay walay ka waaris nahin hoga. Imam Ahl-e-Sunnat رَحْمَةُ اللّٰهِ تَعَالٰى عَلَيْهِ farmatay hayn: Mutabanna (Ya'ni kisi ka munh bola bayta) hona shar'an tarakah mayn koi istihqaq payda nahin kerta aur agar yeh murad hay kay is sorat mayn zayd apni haqeeqi walidah ya walid kay tarakah say hissah paaye ga ya nahin, to jawab yeh hay kay bay shak paaye ga kyun kay kisi ka usay apna bayuta bana layna apnay haqeeqi walidayn kay baytay honay say kharij nahin karta.²

Suwaal: Kiya munh bola bayta, behin, bhai waghayrah bhi waris hotay hayn?

Jawaab: Imam-e-Ahl-e-Sunnat رَحْمَةُ اللّٰهِ تَعَالٰى عَلَيْهِ Isi tarah kay ayk suwaal ka jawaab daytay huway irshad farmatay hayn: Munh bola Bayta na aysay shakhs ka bayta hota hay aur na hi apnay baap say bay- ta'lluq hota hay Kiyun kay Haqeeqaton mayn taghayyur nahin hota. Shar'I tor per woh apnay baap ka waris hay na keh is dosray shakhs ka jis nay is ko munh bola bayta banaya hay. Agar dosra shakhs chahay tu munh bolay baytay kay haq mayn wasiyat ker day ta keh is ka maal

¹ Fatawa Razawiyyah, vol. 26, pp. 331

² Fatawa Razawiyyah, vol. 26, pp. 84

is kay munh bolay baytay kay hath mayn aa jaey aur ye wirasat na hogi, Khabardar! Waris kay liye wasiyat nahin hoti, aur kisi ka munh bola bayta ban jana is kay liye baap ki miraas say man' nahin hota. (*Fatawa-e-Razawiyah, vol. 26, pp. 179*)

Suwaal: Walidayn ki zindagi mayn jo bayta ya bayti faut ho jaey, is ka hissa hoga ya nahin?

Jawaab: Shar'i i'tibaar say kisi shakhs kay intiqaal kay waqt is kay zindah wurasa hi tarkah kay waris qaraar patay hayn lihazah jo bayta ya bayti apnay waldayn ki zindagi mayn hi is dunya-e-faani say rukhsat ho jaey tu is ka waldayn kay maal mayn koi hissa na hoga albata agar apnay waldayn kay intiqaal kay ba'ad aur tarkah taqseem honay say pehlay kisi waris ka intiqaal ho jaey tu is surat mayn woh waris hoga aur is ka hissa is kay wurasa kay ma-bayn taqseem hoga.

Suwaal: Kiya Sutaylay Behin Bhaiyon ka bhi wirasat mayn hissa hota hay?

Jawaab: Is mayn tafseel ye hay kay agar woh ayk taraf say sutaylay hayn jaysay baap ki taraf say behin bhai hayn jo dosri aurat say paydah huway jinhayn "Allati" kaha jata hay ya sirf Maaⁿ ki taraf say behin bhai hayn jo kisi dosray shohar kay zari'ey paydah huway jinhayn "Akhyafi" kaha jaha hay tu ye apni shara'it kay sath wurasa hotay hayn. Jab kay jo donon taraf say sutaylay hon keh na baap ki taraf hay hon na maa ki taraf say tu woh behin bhai kay rishtay kay I'tibar say wurasa nahin hayn.

Suwaal: Kiya dada ki ja'idad mayn potay ka hissa hota hay?

Jawaab: Agar kisi shakhs ka intiqaal huwa aur is ki aulaad zindah nahin, Pota zindah hay tu yehi apnay dada ki jai'dad ka waris hoga Albata agar mayyit ka bayta aur pota donon zindah hon tu ab pota apnay dada ki jai'dad ka waris na hoga. Aysi surat mayn waris ko

chahiye kay apnay hissay say kuch maal isay dayday. Allah Ta'ala irshad fermata hay:

وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينُ فَأَرْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ﴿٨﴾

Tarjuma-e-Kanz-ul-Irfan: Aur Jab taqseem kartay waqt rishta dar aur yateem aur miskeen aa jayn tu is maal mayn say inhayn bhi kuch day do aur in say achi baat kaho.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 4, Surah An-Nisa, Ayah 8)

Is hukum per 'amal karnay mayn musalmanon mayn buhut susti pa'ie jati hay balkay is hukum ka 'ilm hi nahin hota albata ye yad rahay kay na-baligh aur ghayr mujood waris kay hissa mayn say daynay ki ijazat nahin.

Suwaal: Buhut saaray log apni na-farman aulaad ko apni ja'idad say 'aaq karnay ki wasiyat kartay hayn is ki shar'i haysiyat kiya hay?

Jawab: Jo shakhs kisi shar'i 'uzar kay baghayr apnay maa baap ka jaiz hukum na manay مَعَادَ اللَّهِ عَزَّوَجَلَّ inhayn iza puhnchaey woh dar haqeeqat 'aaq aur shaded wa'eedon ka mustahiq hay agar chay waldayn isay 'aaq na karayn balkay apni fart-e-mahabbat say dil mayn naraz bhi na hon jab kay jo shakhs waldayn ki farman bardari mayn masroof rahay laykin walidayn shar'i wajah kay baghayr naraaz rahayn ya woh kisi khilaf-e-Shar' baat mayn apnay walidayn ka kaha na manay aur is wajah say walidayn na-khush hon tu woh shakhs hergiz 'aaq nahin. Hukm-e-Shar'I ye hay keh koi shakhs 'aaq honay ki wajah say maa baap kay tarkay say mahroom nahin ho sakta agar chay walid ayk lakh bar apnay farman bardar, khuwah na-farman baytay ko kahay keh mayn nay tujhay 'aaq kiya ya apnay tarkah say mahroom ker diya, na is ka ye kahna koi naya asar

paydah ker sakta hay na woh is bina per koi tarkah say mahroom ho sakta hay. Al-bata agar aulaad fasiq-o-fajir hay aur guman ye hay kay intiqaal kay ba'ad woh is kay maal ko badkaari-o-sharaab naushi waghayrah bura'yon mayn kharch ker dalay gi tu is surat mayn zindagi mayn farman bardar aulaad ko sara maal day ker is per qabzah dila dayna ya is jagah ko kisi nayk kaam kay liye waqf ker dayna jaiz hay keh ye haqeeqat mayn miraas say mahroom karna nahin balkay apnay maal aur apni kama'ie ko Haraam mayn kharch honay say bachana hay.

Suwaal: Biwi ki maut kay ba'ad jahayz ka haqdar kon hoga?

Jawab: 'Urf-e-'aam kay mutabiq jahayz ki malik aurat hoti hay lihazah is kay intiqaal kay ba'ad jahayz ka samaan is kay wurasa mayn shar'i hisson kay mutabiq taqseem hoga jis mayn shohar bhi shamil hoga.

Suwaal: Zindagi mayn agar kisi waris ya ghayr waris kay naam apni koi jai'dad kara di laykin is per qabzah na dilaya aur intiqaal ho gaya tu ab is jai'dad ka malik kon?

Jawaab: Jai'dad kisi kay naam karna tuhfa aur shari'at mayn tuhfa kay liye is per qabzah zaroori hay, Lihazah baghayr qabzah kiye tuhfa daynay ka 'amal shar'i i'tibaar say mukammal nahin hota lihazah agar kisi shakhs nay apni zindagi mayn apna koi maal ya jai'dad zabaani ya tahreeri tor per kisi kay naam ker di, laykin tuhfa laynay walay nay is per qabzah nahin kiya tu tuhfa mukammal na hoga balkay woh chez tuhfa daynay walay ki milkiyat per hi baqi rahay gi aur qabzah say pehlay agar in mayn say kisi ayk ka intiqaal ho gaya tu ye tuhfa batil ho jaey ga aur tuhfa daynay walay ki maut kay ba'ad is kay wurasa mayn hi taqseem hoga. Qabzah say muraad kiya hay? Aur kis surat mayn kaysay qabzah kiya jata hay in masa'il mayn kafi tafseel hay is liye in masa'il kay liye kisi mustanid sunni Dar-ul-Ifta mayn rabita zaroor ker layn.

Suwaal: Walid kay intiqaal kay ba'ad wurasa mayn ba'az afraad walid ka karobar sanbhaltay hay tu kiya sab wurasa is karobar aur is kay nafa' mayn hissa dar hon gey ya sirf karobar karnay walay?

Jawaab: Maal-e-Tarkah mayn tamaam wurasa ba-tor-e-Shirkat-e-Milk shareek hayn tamaam wurasa ki ijazat say karobar sanbhalnay ki surat mayn her waris apnay hissa kay mutabiq karobar kay nafa'-o-nuqsan ka haqdar hoga aur agar ba'az wurasa nay degar wurasa ki ijazat kay baghayr karobar sanbhala aur mazeed aagay barhaya tu asal maal jo keh mayyit kay intiqaal kay waqt karobar mayn tha is mayn tu her waris apnay hissa ki miqdar ka malik hoga laykin is maal say hasil honay walay nafa' kay baray mayn hukm-e-shar'i ye hay kay is nafa' mayn degar wurasa shareek nahin hon gey balkay ye nafa sirf inhiyn afraad ka hay jinhon nay karobar barha ker nafa' hasil kiya albata in kay liye sirf apnay hissa kay mutabiq nafa' layna Halaal hay aur degar wurasa kay hisson kay mutabiq hasil shudah nafa' in kay haq mayn maal-e-khabees hay. Inhayn chahiye keh apnay hisson say za'id nafa' degar wurasa ko in kay hisson kay mutabiq dayn ya khayrat karayn apnay kharch mayn na layn, yehi hukum matrukah jai'dad waghayrah kay kirayon ka bhi hay.

(Fatawa-e-Razawiyyah, vol. 26, Hadees 131)

