

## Will Married Son and Daughters Receive Less Shares of Inheritance?

Darulifta Ahlesunnat (Dawateislami)

### Question

What do the noble scholars and jurists of Islamic law say about the following: If someone married off some of his children during his life but some weren't married yet and he passed away, in this situation, the unmarried children say to their married brother, and especially to their married sisters, that our father spent a lot on your wedding and gave you dowry; that was your share, therefore you don't have any share in the inheritance anymore. Or, they say, 'first deduct the amount spent on the wedding and give that to us, only then will we distribute the inheritance.' Please provide Sharī'ah guidance on whether the children whom the father married off will receive any share from the inheritance. If so, will they receive a full share, or will they receive the remaining after deducting the wedding expenses?

### Answer

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the era of ignorance, people would take the inheritance of orphans, women, and the oppressed through different tricks and excuses, and this is explicitly condemned in the Qur'an and hadith. This virus is also found in some individuals of our society; they use different tactics to take over the shares of those whom they can pressurize, even though this isn't the way of Muslims nor the teachings of Islam. Rather, it is necessary to give the full share of inheritance to those for whom Islam has designated a share; otherwise, these people will fill their stomachs with the fire of Hell and be deserving of a painful punishment.

The situation described in the question 'that if a father married off his son or daughter or if he gave them dowry, they will not receive a share from the father's inheritance', is a completely invalid excuse and trick. This is because, firstly, it isn't Wajib upon the father nor is he obligated by Sharī'ah to bear the expenses of the children's weddings, which would be a reason for the expenses to be considered a debt in the inheritance (this isn't the case). Rather, the father bearing these expenses is voluntary (out of kindness), a favor, and moral goodness. Secondly, there are four reasons that an heir will not be given inheritance; if any one of the four reasons is found, one will not have any share in the inheritance. The children being married isn't one of those reasons. Therefore, in the inquired situation, for the unmarried brothers and sisters to not give their married brothers and sisters any share from the father's inheritance due to their wedding expenses, or to give them less share than they are deserving of is impermissible, haram, and unlawfully consuming of others wealth, which have been strictly prohibited in the Qur'an and hadith.

Warnings for those who unlawfully consume others' wealth:

Regarding those who don't distribute the inheritance properly, it is stated in the Noble Qur'an:

﴿وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَ مَا يَدْخُلُهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ﴾

Translation (Kanz-ul-'Irfan): And whosoever disobeys Allah and His Messenger, and exceeds the boundaries of Allah, then Allah will make him enter Fire, he will remain therein forever; and for him there is a most humiliating punishment. (Part 4, Surah Al-Nisa', Verse 14)

Taking over others' shares of inheritance is the practice of the disbelievers, as the Qur'an has stated while mentioning this evils of the non-Muslim:

﴿وَتَأْكُلُونَ التُّرَاثَ أَكْلًا لَمًّا﴾

Translation (Kanz-ul-'Irfan): And you consume all inheritance after amassing it. (Part 30, Surah Al-Fajr, Verse 19)

Under this verse, it is stated in Tafsir Sirat Al-Jinan:

یہاں کفار کی تیسری خرابی اور ذلت کا بیان ہے کہ تم میراث کا مال کھا جاتے ہو اور حلال و حرام میں تمیز نہیں کرتے اور عورتوں اور بچوں کو وراثت کا حصہ نہیں دیتے، بلکہ اُن کے حصے خود کھا جاتے ہو؛ جاہلیت میں یہی دستور تھا۔ اس بیان کردہ ظلم میں بہت سی صورتیں داخل ہیں اور فی زمانہ جو چچا تایا قسم

کے لوگ یتیم بھتیجوں کے مال پر قبضہ کر لیتے ہیں یا روٹین میں جو بہنوں، بیٹیوں یا پوتیوں کو وراثت نہیں دی جاتی، وہ بھی اسی میں داخل ہے کہ شدید حرام ہے۔

Translation: The third evil and disgrace of the disbelievers is mentioned here, which is that 'you consume the wealth of inheritance, don't distinguish between Halal and Haram, and don't give the women and children their share in inheritance, and rather consume them yourselves'. This was the practice in the era of ignorance. Many practices are included in this injustice and oppression. Nowadays, the uncles and similar individuals who take hold of the wealth of their orphan nephews and those who don't give inheritance to their sisters, daughters, and grandchildren, which is quite common, are also included, and this is strictly Haram. (Sirat Al-Jinan, Vol. 10, p. 668, Publ. Maktaba-Tul-Madinah, Karachi)

Any form of depriving the heirs of their shares or giving them less than their share is unlawfully consuming wealth, and Allah Almighty states as a warning:

﴿وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ﴾

Translation (Kanz-ul-'Irfan): And do not consume the wealth of one another unjustly. (Part 2, Surah Al-Baqarah, Verse 188)

It is stated in Tafsir Na'eemi under this verse:

رشوت، غصب، لوٹ، چوری، جھوٹی قسمیں، جوا، کہانت، خیانت وغیرہ ناجائز پیشے، یہ سب باطل آمدنیاں ہیں: یعنی نہ تو تم اپنے مال غلط طرح خرچ کرو اور نہ آپس میں ایک دوسرے کا مال ناجائز طریقے سے حاصل کر کے استعمال کرو۔

Translation: Bribery, usurpation, looting, theft, false oaths, gambling, fortune telling, injustice, and all other impermissible jobs are invalid sources of earning. This means neither spend your wealth in improper ways nor spend others' wealth after attaining it in an impermissible way. (Tafsir Na'eemi, Vol. 2, p. 232, Publ. Maktabah Islmaiyyah, Lahore)

It is stated in a hadith about the one who doesn't give an heir their inheritance:

قال رسول الله صلى الله عليه وسلم من فر من ميراث وارثه قطع الله ميراثه من الجنة يوم القيامة

Translation: The Messenger of Allah ﷺ said: Whoever avoids giving the inheritance to his heirs, Allah will deprive him of his share in Jannah on the day of judgment. (Sunan Ibn Majah, Book of Will, p. 194, Publ. Karachi)  
Not giving someone their inheritance will result in seizing someone else's land, regarding which it is stated in a hadith:

من اخذ شبرا من الارض ظلما فانه يطوقه يوم القيامة من سبع ارضين

Translation: Whoever unjustly seizes a handspan of land, that extent taken from seven layers of earth will be placed around their necks on the day of judgement. (Sahih Al-Bukhari, Vol. 1, p. 454, Publ. Karachi)  
It is stated in Mir'at Al-Manajeeh under this hadith:

پہلے تو اس غاصب کو زمین کے سات طبق کا طوق پہنایا جائے گا، پھر اسے زمین میں دھنسا دیا جائے گا۔۔۔ معلوم ہوا کہ زمین کا غصب دوسرے غصب سے سخت تر ہے۔

Translation: Firstly, this thief will be made to wear the seven layers of earth around his neck. Then, he will be sunk into the ground... We get to know that seizing land is more severe than any other form of usurpation. (Mir'at Al-Manajeeh, Vol. 4, p. 361, Publ. Maktabah Islamiyah, Lahore)

Shaykh Al-Islam Wal-Muslimeen, The Imam of Ahl-Us-Sunnah, Imam Ahmad Raza Khan رحمۃ اللہ تعالیٰ علیہ states regarding the one who unlawfully seizes land:

اللہ تبارک و تعالیٰ کے غضب سے ڈرے، ذرا من دو من نہیں، بیس پچیس ہی سیر مٹی کے ڈھیلے گلے میں باندھ کر گھڑی دو گھڑی لئے پھرے، اُس وقت قیاس کرے کہ اس ظلم شدید سے باز آنا آسان ہے یا زمین کے ساتوں طبقوں تک کھود کر قیامت کے دن تمام جہان کا حساب پورا ہونے تک گلے میں، معاذ اللہ! یہ کروڑوں من کا طوق پڑنا اور ساتویں زمین تک دھنسا دیا جانا۔ وَالْعِيَاذُ بِاللّٰهِ تَعَالٰی!

Translation: Fear Allah, the subduer and omnipotent. Not a 'Man' (a measurement) or two, just hang twenty or twenty-five 'Sayr' (a measurement) of clods of dirt and roam around for an hour or two. Then just contemplate whether it is easier to end this great oppression (of usurpation of land) or to have seven layers of the earth dug up and tied around the neck while the accountability of all the people is taken. We ask for Allah's protection from being tied with the weight of millions of 'Man' and being sunk into the ground! (We seek protection from Allah Most High)!

(Fatawa Razawiyyah, Vol. 19, p. 665, Publ. Raza Foundation, Lahore)

Proof regarding the situation described in the question:

The children who are alive at the time of their father's demise will be heirs to their father. Thus, it is stated in Radd Al-Muhtar:

وشروطه ثلاثة۔۔۔ وجود وارثه عند موته حيا الخ

(Radd Al-Muhtar 'Ala Al-Durr Al-Mukhtar, Book of inheritance, Vol. 10, p. 525, Publ. Quetta)  
Mentioning the reasons an heir will be deprived from their share of inheritance, Shaykh Al-Islam Wal-Muslimeen, The Imam of Ahl-Us-Sunnah, Imam Ahmad Raza Khan رحمۃ اللہ تعالیٰ علیہ states:

وراثت سے محرومی کے صرف چار سبب ہیں کہ وارث غلام ہو، یا مورث کا قاتل، یا کافر ہو، یا دار الحرب میں رہتا ہو، باقی کوئی ناقابلیت اسے اس کے حق شرعی سے محروم نہ کرے گی۔

Translation: There are only four reasons for depriving one from inheritance: The heir being enslaved, being the killer of the deceased, being a disbeliever, and living in Dar Al-Harb. No other reason will prevent him from his Sharī'ah right. (Fatawa Razawiyah, Vol. 26, p. 291, Publ. Raza Foundation, Lahore)

The expenses that a father bears for his children's wedding are a gift and out of kindness as The Imam of Ahl-U-Sunnah, Imam Ahmad Raza Khan رحمۃ اللہ تعالیٰ علیہ stated:

وہ روپیہ کہ زید (باپ) نے ابو محمد (اپنے بیٹے) کی شادی میں صرف (خرچ) کیا، بحکم عرف شائع و عام تبرع و احسان قرار پائے گا کہ زید (باپ خود بھی) اس کی واپسی کا مطالبہ کسی سے نہیں کر سکتا۔

Translation: The money that Zaid (the father) spent on Abu-Muhammad's (the son) wedding is voluntary and a favor, which is the common practice, and Zaid (the father) cannot demand a return from anyone. (Fatawa Razawiyah, Vol. 12, p. 210, Publ. Raza Foundation, Lahore)

If the father didn't marry off a child, the unmarried child cannot subtract the wedding expenses from the inheritance. Thus, the Imam of Ahl-U-Sunnah, Imam Ahmad Raza Khan رحمۃ اللہ تعالیٰ علیہ was asked, 'Khalid says that my father didn't get me married during his life, but he got all the others married, therefore, my wedding expenses should be subtracted from the inheritance and given to me separately. Will Khalid receive these expenses?' Replying to this question, He رحمۃ اللہ تعالیٰ علیہ said:

شادی کا صرف (خرچ) مانگنا محض بے معنی ہے جس کی شرع مطہر میں کچھ اصل نہیں، مصارفِ شادی زید (والد) پر دین نہ تھے کہ اس کے ترکہ سے لیے جائیں، کمالاً یخفی علی أحد ممن له مساس بالعلم۔

Translation: Demanding the expenses of the wedding is meaningless and has no basis in Sharī'ah. The expenses of the wedding weren't a debt upon Zaid (the father), which would allow for it to be taken from the inheritance, as is clear to the one who has connection knowledge. (Fatawa Razawiyah, Vol. 26, p. 170, Publ. Raza Foundation, Lahore)

Similarly, he رحمۃ اللہ تعالیٰ علیہ writes elsewhere in Fatawa Razawiyah that the wedding will not affect the inheritance. Thus, he writes:

بعض اولاد کا باپ کی زندگی میں کنوارہ رہ جانا اس بات کا سبب نہیں بنتا کہ ان کا حصہ شادی شدہ اولاد پر زیادہ ہو جائے، کیونکہ میراث موت کے بعد یا موت کے وقت ثابت ہوتی ہے۔ موت سے پہلے میراث بالاجماع ثابت نہیں ہوتی اور جو کچھ بعض اولاد کو مورث کی طرف سے موت سے قبل بطور تبرع موصول ہوا اس کو میراث میں سے شمار کرنا، ممکن نہیں۔

Translation: Some of the children remaining unmarried during the father's life isn't a reason for their share to be greater than the share of the married children because inheritance is established after or at the time of death. By consensus, inheritance isn't established before death. And whatever some of the children had voluntarily received from the deceased before their passing couldn't possibly be counted in the inheritance. (Fatawa Razawiyah, Vol. 26, p. 76, Publ. Raza Foundation, Lahore)

**Note** – Sometimes, after the passing of the father, the elder brother spends the inheritance of the father on the expenses of the younger siblings' weddings. But the sibling for whom these expenses are being made isn't informed that these expenses

are being made from their share of the inheritance, nor that this amount will be deducted from their share. No such discussion takes place. Then, at the time of distributing the inheritance, these siblings aren't given a share of the inheritance, even though in the case that the siblings' wedding expenses or the sister's dowry was prepared without discussing that these expenses would be deducted, their shares are not eliminated, nor are the expenses to be deducted from their share. Instead, they will receive their full share. However, if this discussion was done beforehand, then guidance should be sought by providing the details to Darul Ifta' Ahl-us-Sunnah or any reliable Sunni Mufti in your locality, and their guidance should be followed. One should not make decisions on their own and usurp someone else's rights.

Regarding when a brother covers the expenses of his sister's wedding after the passing of their father, it is stated in Fatawa Razawiyah:

مصارف شادی : عبارتِ سوال میں مذکور کہ دونوں قاصرہ (ڈلہنیں) وقتِ شادی جوان تھیں اور سائل نے بعدِ استفسار بذریعہ تحریر اظہار کیا کہ مصارفِ عروسی و جہیز سب بکر (بھائی) نے محض اپنی رائے سے کئے، والدہ کا انتقال دونوں قاصرہ کی شادی سے پہلے ہوا، اور بہنیں ان کی شادیوں میں عام بیگانوں کی طرح شریک ہوئیں نہ ان سے دوبارہ صرف کوئی استفسار ہوا، نہ اُن کا کوئی اذن، نہ قاصرات سے کہا گیا کہ ہم یہ صرف تمہارے حصّہ سے کرتے یا جہیز تمہارے حصّے میں دیتے ہیں اور واقعی ہمارے بلاد میں مصارفِ شادی کنواریوں سے پوچھ کر نہیں ہوتے، نہ اُن سے اس امر میں کوئی اذن لیا جاتا ہے، پس اگر بیانِ مذکور صحیح ہے تو جو کچھ مصارف بالائی جس قاصرہ کی شادی میں ہوئے، وہ ڈلہن کے حصّہ سے مجرا (مانس) نہیں ہو سکتے۔۔۔ ان (بہن کی شادی کے) مصارف میں جو کچھ بکر (بھائی) نے صرف کیا، بہنوں کے ساتھ تبرع و احسان ہوا، جو کسی سے مجرا نہ پائے گا۔ (یعنی مانس نہ ہوگا) سب صرف اسی کے حصّہ پر پڑے گا۔ خواہ ضمناً خواہ قاصداً۔ دوسرے ورثہ جنہوں نے نہ خود صرف کیا نہ صراحۃً اذن دیا، (وہ اس سے) بری رہیں گے اگرچہ انہوں نے صرف ہوتے دیکھا۔

Translation: It is stated in the question that both brides were young at the time of their marriage and the questioner informed on further inquiry: Bakr (the brother) made the decisions of the expenses of the wedding and the dowry on his own, the mother passed away before the wedding of both brides, and they attended the wedding as guests; neither where they asked about the expenses, neither were they informed that these expenses are being made from your share, nor that the dowry is being given to them as their share of inheritance. This is the reality that in our communities, the unmarried are not asked about the expenses of their weddings, nor are they asked for permission about it at all. Therefore, if the above-mentioned statements are true, the expenses made in the wedding of the brides will not be deducted from her share...Whatever expenses Bakr made in the wedding (of his sister) are voluntary and a goodness with the sisters for which he will not receive any return. All the expenses are on him, whether as a Daman or as a Qisas. The other heirs whom neither made any expenses nor explicitly gave permission are not responsible either, even if they saw the expenses being made. (Fatawa Razawiyah, Vol. 12, p. 215, Publ. Raza Foundation, Lahore)

It is stated in Fatawa Khaliliyah:

بیٹی کی شادی میں جو کچھ خرچ کیا گیا، اگر ان سے خرچ کے بارے میں کوئی استفسار نہ کیا گیا، نہ اجازت لی گئی، تو یہ رقم دولہن کے حصہ سے مُجرا (مانس) نہ کی جائے گی، بلکہ خرچ کرنے والا اس کا ذمہ دار ہوگا۔۔۔ لہذا یہ خرچ بہن کے ساتھ احسان مانا جائے گا۔

Translation: If the daughter wasn't asked or sought permission regarding the expenses which were made in the daughter's wedding, this will not be deducted from the bride's share; instead, the one who is spending will be responsible...

Therefore, this spending will be considered a favor to the sister. (Fatawa Khaliliyah, Vol. 3, p. 483, Publ. Ziya' Al-Qur'an Publications, Karachi)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰی عَلَیْهِ وَاٰلِهٖ وَسَلَّم

(Allah Almighty knows best and His Messenger ﷺ knows best.)

Answered By: Mufti Muhammad Qasim Attari

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**Dar-ul-Ifta Ahlesunnat (Dawat-e-Islami)**



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