

## IMPEDIMENTS TO INHERITANCE

Impediment in this case means barring an heir from getting his/her share of the deceased's estate due to certain circumstances. These include:

**1. Murder.**

An heir who deliberately murders the deceased will neither inherit from the latter's estate nor from the blood money. If the murder is accidental, he/she will inherit from the deceased's estate but not from the *blood money*.

**2. Difference of religion.**

A Muslim does not inherit from a non-Muslim relative no-matter how close they are, and vice-versa. For instance, a Muslim father who has a non-Muslim son will not inherit from him and the other way round.

**3. Simultaneous death.**

When two or more people who are rightful heirs of one another like father and son, husband and wife, etc die at the same time maybe under a collapsed building or in similar circumstance, and it is uncertain who died first, they will not inherit from each other. But if it's clear that the husband died before the wife for instance, she will be listed among the surviving heirs of the husband and given her share of his estate. Thereafter, her heirs will inherit her estate plus her share of the husband's estate.

**4. *Li'an* (Cursing for adultery).**

This happens when a man denies the fatherhood of his wife's pregnancy and they end up swearing and cursing themselves as prescribed by Allah in the Qur'an (**24: 6 - 9**).

*“And for those who accuse their wives and have no evidence except their own, let each of them testify by swearing four times by Allah that his charge is true, calling down in the fifth time up on himself the curse of Allah if he is lying. But they shall spare her the punishment if she swears four times by Allah that his charge is false and calls down Allah's wrath up on herself if it is true.”*

The child that results will inherit from his mother only.

**5. Slavery.**

A slave and everything he owns belongs to his master. As far as he remains a slave, he will not inherit from his relatives and they will not inherit from him. The logic is that if he inherits, whatever he gets belongs to his master and if his relatives are to inherit from him, they will actually be inheriting part of the master's estate.

**6. “Emergency marriage”.**

This refers to a marriage that takes place when either the bride or groom is in a state of ill-health with a 50:50 percentage of survival and death or the percentage of death is higher. The healthy

partner will not inherit from the sick one if he/she dies as a result of that illness. Conversely, the sick partner will not inherit from the healthy one supposing the latter incidentally dies before the former. But if the sick partner fully recovers, then either of them dies, this rule will not apply