

Only for train
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Sources of Islamic Law

The Koran	Sunnat i.e. Tradition Hadis	Ijma i.e. Consensus of opinion	Qiyas i.e. analogical deduction
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Sects of Islam

Sunni				Shi'a			
Hanafi	Shafei	Maliki	Hambali	Akhna	Ashayias	Ismailyas	Zaidyas

Five Pillars of Islam

Kalema	Namaj	Roja	Haj	Zakat
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Degrees of Obedience

Faraz	Wajeb	Sunnat	Nafal	Haram	Halal
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Categories of Human Beings

Momen	Moshrek	Monafeek	Kafer
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Religion

Religious Side / Sense	Secular Side / Sense
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(2)

MAHAMMEDAN LAW OF INHERITANCE

Q.1 Who is Mahammedan ? What are the different Sects and Sub-Sects of Mahammedan Law?

Aus. A Mahammedan is one who believes in the unity of God and the prophetic character of Mohammed. In order to be governed by Mahammedan Law , two conditions are to be fulfilled namely (a) that he must believe in one God and (b) that Mohammed is His prophet. A person may be Mahammedan by birth or he may be Mahammedan by conversion. It is not necessary that he should observe any particular rites or ceremonies or be an orthodox believer in that religion. No court can test or gauge the sincerity of religious belief. Mahammedans of India are divided into two different classes, namely (i) the Sunnis and Shias. The Sunnis are again sub-divided into four groups - (a) Hanafis (b) Malikis (c) Shafeis and (d) Hambalis

The Shias are again sub-divided into three groups a) Athna Ashavias b) Ismailiyas and (c) Zaidiyas. The Majority of Indian Muslims are Sunnis of Hanafis Sects.

The following presumptions are recognised so far as the law applicable to the Mahammedans is concerned-

- i) That Indian Mahammedan are Sunnis.
- ii) That Sunnis are governed by Hanafi Law.
- iii) That Shias are governed by Athna Asharia Law.

Q2. What are different classes of heirs in Mahammedan Law?

In Sunni Law, there are three kinds of heirs, namely a) Sharers, b) Residuaries and c) Distant Kindred.

a) **Sharers**- That is persons who are entitled to prescribed shares of inheritance (see the Table of sharers). Sharers are entitled at first to receive shares according to the Koran after payment of funeral expenses, debts and legacies.

b) **Residuaries**: if there are no sharers or if there are sharers but there is a residue left after distribution of the property to the sharers, the Residuaries get the remaining property. Residuaries are those persons who succeed to the residue after the claims of sharers are satisfied . Residuaries will include:-

- i) Residuaries in their own right there are all males comprised in the list of residuaries.
- ii) Residuaries in the right of another, which include four females e.g. i) daughter, ii) son's daughters, iii) full sisters and consanguine sisters and iv) Residuaries with others for example , full and consanguine sisters are residuaries with full and consanguine brothers.

c) **Distant kindred** : - Distant kindred, that is, those related by blood who are neither Sharers nor Residuaries; if there are no Sharers or Residuaries , the Distant kindred will succeed. Distant kindred will include :-

a) All cognates, male or female and b) All female agnates, except the four female agnates who are Residuaries e.g. daughter, son's daughter, full sister and consanguine sister. The Distant kindred consists of four classes e.g. a) Descendants of the deceased, other than sharers and Residuaries b) Ascendants of the deceased, other than sharers and Residuaries (c) Descendants of parents, other than sharers and residuaries d) Descendants of immediate grand-parents (ascendants) how high, soever, other Residuaries.

The Distant Kindred succeed to the estate only if there are neither Sharers nor Residuaries ~~and that there is any residue of property left after the sharers are exhausted, but no Residuary~~

(3)

Inheritance.

Q3. What is the doctrine of Increase (Aul)?

Where the total share to be distributed to the shares left by a Mahammedan exceeds unity, the share of each sharer is proportionately diminished by (a) reducing the fractional share to a common denominator and (b) increasing the denominator to make it equal to the sum of the numerator.

Q4. What is the doctrine of 'Return' (Rudd) ?

If there is residue left after meeting the claims of sharers but no Residuary is available, the residue goes to the sharers in proportion to their sharers. This doctrine is the converse of increase or Aul.

The only exception recognises by the Sunni Law is that the Husband or wife is not entitled to a Return if there are other heirs (sharers or Distant Kindred) available. If there is no heir the husband or wife will get by return.

Important Notes on Mahammedan Inheritance Law:-

- 1) The collective share is always divided equally among those to whom it is allotted.
- 2) A Mahammedan can have as many as four wives at a time .
- 3) If there be a son's son and a son's son's daughter, the former is a higher son's son in relation to the latter. If there be a son's son's son and son's daughter , the former is a lower son's son in relation to the latter. And if there be a son's son and a son's daughter or a son's son's son and a son's son's daughter, the former is an equal son's son in relation to the latter, both being equally removed from the deceased.
- 4) 'True Grand Father' - means a male ancestor between whom and the deceased no female intervenes.
- 5) False Grand-Father - means a male ancestor between whom ~~and~~ the deceased a female intervenes. i.e. ~~distant kindred~~
- 6) True Grandmother - means a female ancestor between whom and the deceased no false grandfather intervenes.
- 7) False Grandmother - means a female ancestor between whom and the deceased a false grandfather intervenes. ~~i.e. distant kindred~~
- 8) 'Son's son how low soever' - includes son's son, son's son's son and the son of a son how low soever.
- 9) "son's daughter how low soever " includes son's daughter, son's son's daughter and the daughter of a son how low soever.

when there is no child or child of a son h.l.s. (see Table of Sh., No. 1) The same remarks apply to the case of the true grandfather when he is the sole surviving heir.

D. — Distant Kindred

67. **Distant Kindred.**— (1) If there be no sharers or Residuaries, the inheritance is divided amongst Distant Kindred.

(2) If the only sharer be a husband or wife, and there be no relation belonging to the class of Residuaries, the husband or wife will take his or her full share, and the remainder of the estate will be divided among Distant Kindred.

Sir. 13. It will have been seen from the preceding section that a husband or wife, though a sharer, does not exclude distant kindred from inheritance when he or she is the sole surviving heir. See sec. 66 and illus. (s) and (t) to that section.

In proceedings for substitution of legal representatives, a residuary has preference over distant kindred. *Sk. Akbar Ali v. Smi. Lokman* (1972) 2 C.W.R. 1969

68. **Four Classes.**— (1) Distant Kindred are divided into four classes, namely, (1) descendants of the deceased other than sharers and residuaries; (2) ascendants of the deceased other than sharers and residuaries; (3) descendants of parents other than sharers and residuaries; (4) descendants of ascendants how highsoever other than residuaries. The descendants of the deceased succeed in priority to the ascendants, the ascendants of the deceased in priority to the descendants of parents, and the descendants of parents in precedence to the descendants of ascendants.

(2) The following is a list of Distant Kindred comprised in each of the four classes:—

I. Descendants of the deceased:—

1. Daughter's children and their descendants.
2. Children of son's daughters h.l.s. and their descendants.

II. Ascendants of the deceased:—

1. False grandfathers h.h.s.
2. False grandmothers h.h.s.

III. Descendants of parents:—

1. Full brothers' daughters and their descendants.
2. Con. brothers' daughters and their descendants.
3. Uterine brothers' children and their descendants.
4. Daughters of full brothers' sons h.l.s. and their descendants.
5. Daughters of con. brothers' sons h.l.s. and their descendants.
6. Sisters' (f., c., or ut.) children and their descendants.

IV. Descendants of *immediate* grandparents (true or false):—

1. Full pat. uncles' daughters and their descendants.
2. Con. pat. uncles' daughters and their descendants.
3. Uterine pat. uncles and their children and their descendants.
4. Daughters of full pat. uncles' son h.l.s and their descendants.
5. Daughters of con. pat. uncles' son h.l.s and their descendants.
6. Pat. aunts (f., c., or ut.) and their children and their descendants.
7. Mat. uncles and aunts and their children and their descendants.

and

descendants of *remoter* ancestors h.h.s. (true or false).

— Hadis → Jātakas → Kīrtis
 Safi - Maliki - Hanfī - Rāy়েজের সূত্র (সূরা নিমা) ৫
 [যোবাধের আলি বৈদ্য যুগ্ম অধিকতা (ক্ষতিপূরণ) কর্তৃক সংগৃহীত]

- ১। পুত্র কন্যাদের ছিঙুণ অংশ পাবে।
 - ২। শুধু কন্যা থাকলে, তারা একাধিক হলে ১/৩ অংশ পাবে।
 - ৩। শুধু এক কন্যা হলে, সে ১/২ অংশ পাবে।
 - ৪। পুত্র কন্যা থাকলে, পিতামাতা প্রত্যেকে ১/৬ অংশ পাবে।
 পুত্র বা কন্যা কেহই না থাকলে, মাতা ১/৩ অংশ ও পিতা অবশিষ্ট ২/৩ অংশ পাবে। কিন্তু
 যদি একাধিক ভাই বোন থাকে তবে মাতা ১/৬ অংশ পাবে এবং পিতা অবশিষ্ট ৫/৬ অংশ
 পাবে।
 - ৫। অছিয়ত ও ঝণ দেওয়ার পর অংশ বন্টন করতে হবে।
 - ৬। মৃত শ্রীর পুত্র বা কন্যা থাকলে, শ্রীমী ১/৪ অংশ আর শ্রী নিঃসন্তান হলে শামী ১/২ অংশ
 পাবে।
 - ৭। মৃত শামীর পুত্র বা কন্যা থাকলে, শ্রী ১/৮ অংশ এবং শামী নিঃসন্তান হলে, শ্রী ১/৪ অংশ
 পাবে।
 - ৮। মৃত ব্যক্তির পিতা বা নিজস্ব সন্তান না থাকলে এবং মায়ের পক্ষের বৈপিতীয় ভাই-বোন
 থাকে তবে বৈপিতীয় ভাই-বোনের একজন হলে ১/৬ অংশ এবং একাধিক হলে ১/৩
 অংশ সকলে সদাচ ভাগে ভাগফরে নেবে।
 - ৯। শুধু আপন হাকীকী বোন একজন থাকলে ১/২ অংশ পাবে। একাধিক থাকলে ২/৩ অংশ
 পাবে। যদি ভাই বোন উভয়ে থাকে তবে ২/৩ অংশ পাবে এবং ভাই বোনের ছিঙুণ পাবে।
 অন্য কেহ না থাকে এবং এক বা একাধিক ভাই থাকলে, সমস্ত সশ্পত্তি ভাই পাবে।
- [৯ (ক) মৃত ব্যক্তি এমন কোন পুরুষ বা নারী হয়, যার পিতা, মাদা, সন্তান বা পুত্রের সন্তান নেই —
 আছে ভাই বোন তবে ৯নং অনুসারে হবে হিন্দিস পর্ণীক - বৃক্ষিকুলাখ]
- ১। পুরুষ হোক বা শ্রী হোক, নিকটবর্তীজন বর্তমান থাকলে, দূরবর্তীজন অংশ পাবে না।
 যেমন -
- ক) পিতা থাকলে, ঠাকুরদা পাবেন না এবং ভাই পাবে না।
 - খ) ঠাকুরদা থাকলে, চাচা পাবে না। আর চাচা থাকলে, চাচাত ভাই পাবে না।
 - গ) ভাই থাকলে, ভাতিজা পাবে না।
 - ঘ) ছেলে থাকলে, নাতি পাবে না।
 - ঙ) মা থাকলে, দাদী বা নানী পাবে না।
 - চ) হৃষীকী ভাই থাকলে; বৈমাত্রে ভাই পাবে না।

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१८. उत्तराधिकारीगण तिन शेषीयः यथा— क. श्रीक (अंशीदाव) य. नारद अंशीदावदेव निर्दिष्ट अंश पूर्वप्रेरण पर वाऽन्ति अंश अंशीदावदेव यद्यो अवशिष्ट अंश पाइवेव हक्कनाव निर्दिष्ट अंशीदाव वाऽन्ति अवशिष्ट अंश पाइवेव। उपरोक्त एवंनामत ओविकट आचार्य ना थाकिले दूर आचार्य मृत्युवर सम्पत्ति पाइवेव।

१९. याहोक बोन हानादी घुसलामान मारा गेले ताहाव ताकु सम्पत्ति हत्ते ताहाव बाजन-दाफन एवं बदल, बदल परिशोध एवं असियम घुसप्रेरण पर याहा अवशिष्ट खाविवेव ताहा ताहाव उत्तराधिकारीगण अपन आपन निर्दिष्ट अंश पाइवेव एवं निर्दिष्ट अंश पाइवेव तर यों विचु अवशिष्ट थाके ताहा हहिले उत्तराधिकारीगणेव यद्यो अवशिष्ट पाइवेव ये नियम इतिशुर्वे लिखित हहियाहे सेइ योतावेक अवशिष्ट पाइवेव। निकट आचार्य थाकिते दूर आचार्य ताहाव ताकु सम्पत्ति उत्तराधिकारी हहिते पारिवेव ना। मृत नात्तिर यदि उत्तराधिकारी बोन निकट आचार्य ना थाके देश्वरे दूर आचार्य वा आचार्यवा ताहाव ताकु सम्पत्ति पाइवेव।

मृती आईनेर उत्तराधिकारेव अंशेव विवरण :

उत्तराधिकारेव अंशीदाव	अंश		ये प्रत्येक यासप्रेरण उत्तराधिकार भजन	हिन्दू अवशिष्ट यासप्रेरण लाईवा एवं ये मृत्यु दर्शनाव अवशिष्ट ग्राहि हिन्दू वर्णालीहै उत्तराधिकार द्वा।
	एकवेद	त्रिवेद		
१. शित	१/६ एकवेद दृष्ट अंश	-	मृत्युन यथा सज्जनेव मृत्युन वाहिने	मिति शतान वा शतानेव मृत्युन वा वाहिने एवं बोन उत्तराधिकारी वाहिने ताहाव यांश यावन्ति अंश ग्राहि।
२. निताय॒	१/६ एकवेद दृष्ट अंश	-	मृत्युन यथा सज्जनेव मृत्युन वाहिने एवं निता यावन्ति।	मृत्युन वा मृत्युनेव मृत्युन वा निता वा यावन्ति यावा वाहिनेव यावा ग्राह अवशिष्ट अंश ग्राहि।
३. शूष्मी	१/६ एकवेद दृष्ट अंश	-	मृत्युन वा सज्जनेव मृत्युन वाहिने।	१/६ एकवेद त्रिवेद मृत्युन वा मृत्युनेव मृत्युन वा वाहिने।
४. श्री	१/६ एकवेद यावा अंश	१/६ एकवेद यावा अंश	मृत्युन वा सज्जनेव मृत्युन वाहिने।	१/६ एकवेद यावा अंश निःसज्जन।
५. शा	१/६ एकवेद दृष्ट अंश	-	मृत्युन वा सज्जनेव मृत्युन वाहिने एवं दृष्ट वा अवशिष्ट अंशेव यावन्ति।	१/६ एकवेद त्रिवेद निःसज्जन एवं अवशिष्ट जाई वा बोन वा वाहिने।
६. वातावर्षी	१/६ एकवेद दृष्ट अंश	-	वातावर्षी वा वाहिने डूँगा निको।	-
७. कना	१/६ एकवेद दृष्ट अंश	१/३	मृत्यु वा वाहिने।	मृत्यु वाहिने अश्व वाहिने यावे एवजाव मृत्यु दृङ्गाव नियम ग्राहेव।
८. शूद्रेव कना	१/६ एकवेद दृष्ट अंश	१/३ दृङ्गेव त्रिवेद यावा	शूद्र, कना, शूद्रेव शूद्र वा वाहिने।	एकवेद कना वाहिने एवं शूद्र वा शूद्रेव शूद्र वा वाहिने, शूद्रेव कना मार्गा एवं वा एकवेद दृङ्गे १/६ एकवेद दृष्ट अंश ग्राहि।
९. शूद्रेव कना	१/६ एकवेद दृष्ट अंश	१/३	शूद्र, कना व शूद्रेव शूद्र वा वाहिने।	शूद्र वा शूद्रेव शूद्र वा वाहिने त्रिवेद एकवेद कना वाहिने १/६ एकवेद यावा।
१०. शूद्रेव शूद्रेव कना	१/६ एकवेद दृष्ट अंश	१/३ दृङ्गेव त्रिवेद अंश	शूद्र, कना व शूद्रेव शूद्र वा वाहिने।	शूद्र वा शूद्रेव शूद्र वा वाहिने त्रिवेद एकवेद कना वाहिने एक वा एकवेद शूद्रेव शूद्रेव कना १/६ एकवेद यावा।
११. देवित्य॒ नाई वा एक शित त्रिवेद प्रवाह	१/६ एकवेद दृष्ट अंश	१/३ एकवेद त्रिवेद	मृत्युन, मृत्युनेव मृत्युन, शिता, निताय॒ वा वाहिने।	-
१२. देवित्य॒ वेन वा एक वा यावाना	१/६ एकवेद दृष्ट अंश	१/३ एकवेद त्रिवेद	मृत्युन व मृत्युनेव मृत्युन, त्रिवेद वा वाहिने।	मृत्युनेव जाई वाहिने उत्तराधि मृहित अंश ग्राहि।
१३. यावानेव वेन	१/६ एकवेद दृष्ट अंश	१/३ दृङ्गेव त्रिवेद यावा	मृत्युन व मृत्युनेव मृत्युन, त्रिवेद वा वाहिने।	किञ्चन्मि एकवेद यावानेव वेन वा १/६ एकवेद वा एकवेद दृवात्मेव वेन १/६
१४. देवित्य॒ वेन त्रिवेद वेन	१/६ एकवेद	१/३ दृङ्गेव	मृत्युन, मृत्युनेव मृत्युन, त्रिवेद, त्रिवेद, यावाना	किञ्चन्मि एकवेद यावानेव वेन वा १/६ एकवेद वा एकवेद दृवात्मेव वेन १/६

(7)

(৭)

১৭২

চিরশাস্ত্রিক দিশা

সুন্মী আইন উত্তরাধিকারের ধারাবাহিকভাবে অবশিষ্টের প্রাপ্তি দেখিল:

প্রথম বংশধর :

১. পুত্র, কন্যা-পুত্রের সহিত অবশিষ্ট নাইবে।
২. পুত্রের পুত্র ও পুত্রের কন্যা অনুকূল জাবে লাগিবে।

তৃতীয়তঃ পূর্বপুরুষ :

৩. পিতা
৪. দাদো, দাদোর পিতা - ক্রমিক অনুযায়ী নিকটবর্তী পূর্বপুরুষ পৰ্যন্তে দূরবর্তী পূর্বপুরুষ বাদ যাইবে। অর্থাৎ দাদো থাকিতে দাদোর পিতা পাইবে না।

চতুর্থতঃ পিতার বংশধর :

৫. সহোদর ভাই, সহোদর ভোন-সহোদর বোন ভাইয়ের সহিত অবশিষ্ট লাগিবে, ভাইবোনের দ্বিতীয় পাইবে।
৬. সহোদর বোন - সহোদর ভাই না থাকিলে এবং খন্দের পুত্র কন্যা পিতা ও পিতামহ না থাকিলে সহোদর বোন অবশিষ্ট অংশ নাইবে সে ক্ষেত্রে একটি কন্যা ও পুত্রের কন্যা থাকিলে।
৭. বৈমাত্রেয় ভাই, বৈমাত্রেয় বোন - উভয়ে অবশিষ্ট সব পাইবে। ভাই বোনের দ্বিতীয় পাইবে।
৮. বৈমাত্রেয় ভোন - বৈমাত্রেয় ভাই এবং উপরোক্ত উত্তরাধিকারী না থাকিলে সে অবশিষ্ট সব পাবে যদি এক বা একাধিক কন্যা থাকে বা পুত্রের কন্যা থাকে।
৯. সহোদর ভাইয়ের পুত্র।
১০. বৈমাত্রেয় ভাইয়ের পুত্র।
১১. সহোদর ভাইয়ের ছেলের ছেলে।
১২. বৈমাত্রেয় ভাইয়ের পুত্রের পুত্র।

চতুর্থতঃ পিতামহের বংশধর

১৩. সহোদর চাচা
১৪. বৈমাত্রেয় চাচা
১৫. সহোদর চাচার পুত্র
১৬. বৈমাত্রেয় চাচার পুত্র
১৭. সহোদর চাচার ছেলের ছেলে
১৮. বৈমাত্রেয় চাচার ছেলের ছেলে
১৯. দুর্বলতা পিতামহের পুরুষ বংশধরগণ।

TABLE OF SHARERS—Supp. Law

(1) Sharers	(2) Normal Share		(3) Conditions under which the normal share is inherited	(4) This column sets out: (A) Shares of Sharers Nos. 3, 4, 5, 8 and 12 as vari- by special circumstances; (B) Conditions under which Sharers Nos. 1, 2, 7, 9, and 13 succeed as Residuaries.
	of one	of two or more collectively (b)		
FATHER ..	1/6	..	When there is a child or child of a son h.l.s.	[When there is no child or child of a son h.l.s., the father inherits as a residuary; see Tab. of Res., No. 3.]
MOTHER GRANDFATHER [see 62, cl. (a)].	1/6	..	When there is a child or child of a son h.l.s. and no father or nearer true grandfather.	[When there is no child or child of a son h.l.s., the Tr. G. inherits as a residuary, provided there is no father nearer Tr. G.F.; see Tab. of Res., No. 4.]
HUSBAND ..	1/6	..	When there is a child or child of a son h.l.s.	1/2 when no child or child of a son h.l.s.
WIFE (c) ..	1/8	1/8	When there is a child or child of a son h.l.s.	1/4 when no child or child of a son h.l.s.
OTHER ..	1/6	..	(a) When there is a child or child of a son h.l.s., or (b) when there are two or more brothers or sisters, or even one brother and one sister, whether full, consanguine or uterine.	1/3 when no child or child of a son h.l.s., and not more than one brother or sister (if any); but if there is a wife or husband and the father, then only 1/3 of what remains after deducting the wife's or husband's share.
MOTHER GRANDMOTHER .. [see 62, cl. (e)].	1/6	1/6	A. Maternal—when no mother, and no nearer true grandmother either paternal or maternal. B. Paternal—when no mother, no father, no nearer true grandmother either paternal or maternal, and no intermediate true grand- father.	
DAUGHTER ..	1/2	2/3	When no son ..	[With the son she becomes a residuary; see Tab. of Res., No. 1.]
SON'S DAUGHTER h.l.s. [see 62, cl. (f)].	1/2	2/3	When no (1) son, (2) daughter, (3) higher son's son, (4) higher son's daughter, or (5) equal son's son (d).	When there is only one daughter, or higher son's daughter but no (1) son, (2) higher son's son, or (3) equal son's son, the daughter or higher son's daughter will take 1/2, and the son's daughter h.l.s. (whether one or more) will take 1/6. [i.e., 2/3—1/2].
SON'S DAUGHTER	1/2	2/3	When no (1) son, (2) daughter, or (3) son's son ..	[With an equal son's son she becomes a residuary; see Tab. of Res., No. 2.]
SON'S SON'S DAUGHTER	1/2	2/3	When no (1) son, (2) daughter, (3) son's son, (4) son's daughter, or (5) son's son's son.	When there is only one daughter the son's daughter (whether one or more) will take 1/6. If there be no son or son's son, [With the son's son she becomes a residuary; see Tab. of Res., No. 2.]
ELDER BROTHER SISTER ..	1/6	1/3	When no (1) child, (2) child of a son h.l.s., (3) father or (4) true grandfather.	When there is only one daughter or son's daughter, the son's son's daughter (whether one or more) will take 1/6. If there be no (1) son, (2) son's son or (3) son's son's son. [With the son's son's son she becomes a residuary; see Tab. of Res., No. 2.]
YOUNGER SISTER ..	1/2	2/3	When no (1) child, (2) child of a son h.l.s., (3) father, (4) true grandfather, or (5) full brother.	[With the full brother she becomes a residuary; see Tab. of Res., No. 5.]
CONSANGUINE SISTER	1/2	2/3	When no (1) child, (2) child of a son h.l.s., (3) father, (4) true grandfather, (5) full brother, (6) full sister, or (7) consanguine brother.	But if there is only one full sister and she succeeds as sharer, the consanguine sister (whether one or more) will take 1/6, provided she is not otherwise excluded from inheritance. [With the consanguine brother she becomes a residuary; see Tab. of Res., No. 7.]

The collective share is always divided equally among those to whom it is allotted.

A Mahomedan can have as many as four wives at a time.

If there be a son's son and a son's son's daughter, the former is a higher son's son in relation to the latter. If there be a son's son's son and a son's son's daughter the former is a lower son's son in relation to the latter. And if there be a son's son and a son's daughter or a son's son's son and a son's son's daughter, the former is an equal son's son in relation to the latter, both being equally removed from the deceased.

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TABLE OF RESIDUARIES IN ORDER OF SUCCESSION—Sunni Law

62A

I.—DESCENDANTS.

1. SON.

Daughter takes as a residuary with the son, the son taking a double portion.

2. SON'S SON h.l.s.—the nearer in degree excluding the more remote. Two or more son's sons inherit in equal shares. Son's daughter h.l.s. takes as a residuary with an equal son's son. If there be no equal son's son, but there is a lower son's son, she takes as a residuary with him, provided she cannot inherit as a sharer [see ill. (k)]. In either case, each son's son h.l.s. takes double the share of each son's daughter h.l.s.

Note.—When the son's daughter h.l.s. becomes a residuary with a lower son's son, and there are son's daughters h.l.s. equal in degree with the lower son's son she shares equally with them, as if they were all of the same grade [see ill. (m)].

II.—ASCENDANTS:

3. FATHER.

4. TRUE GRANDFATHER h.l.s.—the nearer in degree excluding the more remote.

III.—DESCENDANTS OF FATHER:

5. FULL BROTHER.

Full Sister—takes as a residuary with full brother, the brother taking a double portion.

6. FULL SISTER.—In default of full brother and the other residuaries above-named, the full sister takes the residue if any, if there be (1) a daughter or daughters, or (2) a son's daughter or daughters h.l.s., or even if there be (3) one daughter and a son's daughter or daughters h.l.s. See Sir. pp. 24-25.

7. CONSANGUINE BROTHERS.

Consanguine Sister—takes as a residuary with consanguine brother, the brother taking a double portion.

8. CONSANGUINE SISTER.—In default of consanguine brother and the other residuaries above-named, the consanguine sister takes the residue, *v. e.g.*, if there be (1) a daughter or daughters, or (2) a son's daughter or daughters h.l.s., or even if there be (3) one daughter and a son's daughter or daughters h.l.s. See Sir. pp. 24-25.

9. FULL BROTHER'S SON.

10. CONSANGUINE BROTHER'S SON.

11. FULL BROTHER'S SON'S SON.

12. CONSANGUINE BROTHER'S SON'S SON.

Then come remoter male descendants of No. 11 and No. 12, that is, the son of No. 11, then the son of No. 12, then the son's son of No. 11, then the son's son of No. 12 and so on in like order.

—DESCENDANTS OF TRUE GRANDFATHER h.l.s.:

13. FULL PATERNAL UNCLE.

14. CONSANGUINE PATERNAL UNCLE.

15. FULL PATERNAL UNCLE'S SON.

16. CONSANGUINE PATERNAL UNCLE'S SON.

17. FULL PATERNAL UNCLE'S SON'S SON.

18. CONSANGUINE PATERNAL UNCLE'S SON'S SON.

Then come remoter male descendants of Nos. 17 and 18, in like order and in like manner as descendants of Nos. 11 and 12.

MALE DESCENDANTS OF MORE REMOTE TRUE GRANDFATHERS—in like order and manner as the deceased's paternal uncles and their sons and son's sons.

(5)

Grand
Father

Grand
Mother

Uncle

Father

Mother

Brother

The
Deceased
(Husband / Wife)

Sister

Son

Daughter

Son

Daughter

Son

Daughter

(II)

(P-10)

EXAMPLE

- 1) Father
Father's father ...
Mother
Mother's mother
Two daughters ...
Son's daughter ...
- 2) Mother
Two sisters
Father
3) Husband
Mother
Father
4) Widow
Son
Daughter
5) Husband
Mother
Son
Daughter
6) Husband
2 full sister

- 7) Husband,
Mother
Daughter
Son's daughter ...

Example on "Auf" (increase)

(12)

- 8) Wife
Two daughters
Father
Mother

Examples on Radd (Return)

- 9) Mother.....
Daughter.....
Son's Daughter....
- 10) Husband.....
Mother.....
Daughter

- 11) Wife,
Mother.....
2 Son's Daughter..

(13)

FARAJI-(Iniqiq)

(12)

Procedure of determination of share amongst the successors, when a muslim (male) dies Intestate in accordance with Mohamadan Law of Succession (Hanafi System).

A—When wife is alive

(a) Wife/wives alive (without any issue)						
Brother	Wife	Sister	Brother	Wife	Wife	Sister
1*	1*	1*	1*	✓*	✓*	1*
·5000	·2500	·2500	·5000	·1260	·1260	·2500

Wife	Wife	Wife
✓*	✓*	✓*
·10,000	·5000	·5000

Generally share of the wife (wives) will not be more than one-fourth of the total share. But when the intestate dies leaving no residuary, the entire share will devolve on the wife/wives.

(b) When sons also alive

One Son		Two Sons		Two Wives and Two Sons			
Wife	Son	Wife	Son	Son	Wife	Wife	Son
✓*	4w/4	✓*	1d	1d	✓*	✓*	1d*
·1260	·8,750	·1250	·4,375	·4,375	·0625	·0625	·4,375

(14)

(c) Wife, Son, Daughter alive

Wife, One Son, One Daughter			Wife, Two Sons, One Daughter		
Wife	Son	Daughter	Wife	Sons	Sons
w/*	11811//	1301//	w/*	1173	1132
-1260	-6834	-2916	1250	-3600	-3600

Wife, Son, Son, Daughter, Daughter

	Wife	Son	Son	Daughter	Daughter
	Wife	Son	Son	Daughter	Daughter
w/*	1291//	1301//	w/*1111	w/*1111	w/*1111
-1260	-2917	-2917	-1468	-1458	-1458

(d) When only daughter(s) surviving

Wife, one daughter				Wife, two daughters				
Brother	Wife	Sister	Daughter	Brother	Wife	Sister	Daughter	Daughter
1*	w/*	w/*	11*	11811//	w/*	127/58	11811//	11611//
-2600	-1260	-1260	-5000	-1389	-1250	-0696	-3333	-3333

Without any Residuary

Wife, one daughter		Wife, two daughters		
Wife	Daughter	Wife	Daughter	Daughter
w/*	w/*	w/*	1d*	1d*
-1260	-8760	-1260	-4376	-4376

When Mother is alive

(15)

FA

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(a) When only son(s) also surviving

Mother	Son	Mother	Son	Son
✓/301/	✓/301/	✓/301/	✓/301/	✓/301/
-1667	-8333	-1666	-4167	-4167

(b) Only Mother

Mother	Mother		Mother	
✓/301/			✓/301/	
-1667		-3333		
Brother	Sister	Brother	Sister	
✓/301/	✓/301/	X	X	
-6656	-2778			

*★ If there be no residuary Sixteen annas share will devolve on mother.

(c) Son & Daughter alive

Mother, Son, Daughter			Mother, Sons, Daughters				
Mother	Son	Daughter	Mother	Son	Son	Daughter	Daughter
✓/301/	✓/301/	✓/301/	✓/301/	✓/301/	✓/301/	✓/301/	✓/301/
-1667	-6656	-2778	-1667	-2778	-2778	-1389	-1388

Mother, Sons, Daughter				Mother, Son, Daughters			
Mother	Son	Son	Daughter	Mother	Son	Daughter	Daughter
✓/301/	✓/301/	✓/301/	✓/301/	✓/301/	✓/301/	✓/301/	✓/301/
-1667	-3333	-3333	-1667	-1667	-4167	-2083	-2083

(16)

(d) When only Daughter is surviving

Mother	Mother	Mother	Mother
-2222	-1111	-1111	-0566
Brother	Sister	Brother	Sister
-1111	-1111	-1111	-1111
Daughter	Daughter	Daughter	Daughter
-6000	-3333	-3333	-3333

C—Son or Son & Daughter or Daughter alive

(a) When only Son is alive

Son	Son	Son	Son
-1111	-1111	-1111	-1111
1.0000	-3333	-3333	-3334

(b) Mother, Wife, Son; Daughter non-existing

Brother	Sister	In absence of brother & sister nearest distant relatives will step in. This type of case will be very rare. If necessary Fara] prepared by Maulavi may be consulted.
-1111	-1111	

(17)

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(c) When son(s) & daughter(s) are alive

Son	Daughter	Son	Son	Daughter	Daughter
1/411//	1/301//	1/311//	1/311//	1/291//	1/301//
-6667	-3333	-3333	-3333	-1667	-1667
Son	Son	Daughter	Son	Daughter	Daughter
1/411//	1/411//	1/301//	1/411//	1/291//	1/301//
-4000	-4000	-4000	-4000	-5000	-2600

(d) When only daughter(s) are alive

Brother	Sister	Brother	Sister	Daughter	Daughter	Daughter
1/411//	1/301//	1/311//	1/311//	1/291//	1/301//	1/301//
-3333	-1667	.2223	-1111	1-0000	-5000	-6000
Daughter	Daughter	Daughter	Daughter			
1/411//	1/301//	1/311//	1/291//			
-5000	-3333	-3333	-3333			

D—Mother & Wife alive

(a) Only son(s) surviving		(b) Dies without any issue				
Mother	Mother	Mother		Mother		Mother
1/291//	1/301//			1/291//		1/301//
-1667	-1667			-1667		-3333
Wife	Wife			Wife		Wife
1/411//	1/411//			1/411//		1/411//
-1250	-1250			-2500		-2500
Son	Son	Son	Brother	Sister		
1/411//	1/301//	1/301//	1/311//	1/291//		
.7083	.3541	.3542	.3889	.1944		

+ The residual 4167 share will devolve in near relatives in absence of which the share will go to mother.

(18)

(c) Son(s) + Daughter(s) also alive

Mother	Mother	Mother						
/✓/✓/✓/	/✓/✓/✓/	/✓/✓/✓/						
-1667	-1667	-1667						
Wife	Wife	Wife						
/✓/✓/✓/	/✓/✓/✓/	/✓/✓/✓/						
-1250	-1250	-1250						
Son	Daughter	Son	Son	Daughter	Daughter	Son	Son	Daughter
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-4722	-2181	-2361	-2361	-1181	-1180	-2833	-2833	-1417
Daughter								
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-3641	-1771	-1771	-1771	-1771	-1771	-1771	-1771	-1771
Mother								
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-1667	-1667	-1667	-1667	-1667	-1667	-1667	-1667	-1667
Wife								
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-1250	-1250	-1250	-1250	-1250	-1250	-1250	-1250	-1250
Son	Daughter	Son	Daughter	Son	Daughter	Son	Daughter	Son
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-3641	-1771	-1771	-1771	-1771	-1771	-1771	-1771	-1771

(d) When only daughter is surviving

Mother	Mother	Mother	Mother
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-1667	-1667	-1667	-1667
Brother	Brother	Brother	Brother
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-1389	-0278	-1250	-0139
Daughter	Daughter	Daughter	Daughter
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-5000	-3333	-3333	-3333
Daughter	Daughter	Daughter	Daughter
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-6562	-3281	-3281	-3281
Daughter	Daughter	Daughter	Daughter
/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/	/✓/✓/✓/✓/
-1281	-1281	-1281	-1281

(19)

Notes on A & B.

1. Every son will get double share of every daughter.
2. When son of the deceased is alive, brother & sister will not come in the order of successor.

Notes on C

1. When a person dies intestate leaving mother, wife & daughter, the residue share will devolve on his brother & sister. The brother will get double share of that of sister. If he has no sister, the entire residue share will devolve on the brother.
2. In cases where there is no residuary i. e. no brother or Sister, the residuary share will be divided equally with the share of mother & daughter in the same proportion as their original shares. The wife is not entitled to any portion of the residual share.
3. When only one daughter is surviving she is entitled to half of the entire share of the deceased. When the number of daughters is more than one two-third share of the deceased will be equally divided amongst them.

Notes on D

- (1) If any person dies intestate leaving no son or daughter and his mother and wife were alive, his estate will devolve on his brothers(s) & Sister(s). The shares will be distributed in the same manner as shown in Notes A, B & C for sons & daughters. (2) If the deceased person without any issue, had no brother and sister, his wife will get only one-fourth of total share of the deceased, the remaining share will be divided amongst residuaries of paternal side.

N.B. :—The more complicated cases should be brought to the notice of the Charge Officer for solution.

CONVERSION CHART

(From Ana-Ganda to Metric System)

Fraction	Anna-Ganda	Reading of column no. 2	Decimalisation
	2.	16 anna	100000
	52.	15 anna	9375
	53.	14 anna	8750
	54.	13 anna	8125
	55.	12 anna	7500
	56.	11 anna	6875
	57.	10 anna	6250
	110/200	10 anna 13 ganda 1 kara 1 kranti	6666
	14.	9 anna	5625
1/2	11.	8 anna	5000
	12.	7 anna	4375
	13.	6 anna	3750
	14.	5 anna	3125
1/4	1.	4 anna	2500
	2.	3 anna	1875
	3.	2 anna	1250
	4.	1 anna	625
1/5	15 14	5 anna 6 ganda 2 kara 2 kranti	3333
1/6	2/8	3 anna 4 ganda	2000
1/7	1/3 14	2 anna 13 ganda 1 kara 1 kranti	1666
1/8	1/3 14 22	2 anna 5 ganda 2 kara 2 kranti 11 til	1428.5
1/9	1/2 21 26	2 anna	1250
1/10	1/22	1 anna 15 ganda 2 kara 13 til	1111
1/11	1/2 13	1 anna 12 ganda	1000
1/12	1/6 12	1 anna 9 ganda 1 kranti 2 til	909
1/13	1/8 14 9	1 anna 6 ganda 2 kara 2 kranti	833
1/14	1/2 4 5	1 anna 4 ganda 2 kara 1 kranti 7 til	770
1/15	1/2 1	1 anna 2 ganda 3 kara 1 kranti 6 til	714
1/16	1.	1 anna 1 ganda 1 kara 1 kranti	666.6
1/17	26 4 29	1 anna	625
1/18	39 4 9	18 ganda 3 kara 17 til	588
1/19	36 4 2	17 ganda 3 kara 7 til	555.5
1/20	26	46 ganda 3 kara 1 kranti 2 til	526
1/21	20 1 29	16 ganda	500
1/22	28 11 20	15 ganda 2 kranti 17 til	476
1/23	26 4 20	14 ganda 2 kara 11 til	454.5
1/24	26 1	13 ganda 3 kara 19 til	435
1/25	22 4 22	13 ganda 1 kara 1 kranti	416.5
1/26	22 1 28	12 ganda 3 kara 12 til	400
1/27	22 4 8	12 gamnda 1 kara 14 til	384.1
1/28	22 1 1	11 ganda 3 kara 1 kranti 4 til	370
1/29	22 4 6	11 ganda 1 kara 2 kranti 3 til	357
1/30	20 1 1	11 ganda 8 til	345
1/31	20 1 29	10 ganda 2 kara 2 kranti	333
1/32	20	10 ganda 1 kara 17 til	320.5
1/33	20 11 5	10 ganda	312.5
1/34	20 1 20	9 ganda 2 kara 2 kranti 8 til	303
1/35	20 1 28	9 ganda 1 kara 1 kranti 19 til	294
		9 ganda 1 kranti 14 til	286

(21)

1/36		8 ganda 3 kara 1 kranti 13 til	277.7
1/37		8 ganda 2 kara 1 kranti 16 til	270
1/38		8 ganda 1 kara 2 kranti 1 til	263
1/39		8 ganda 2 kranti 9 til	256
1/40		8 ganda	250
1/41		7 ganda 3 kara 13 til	244
1/42		7 ganda 2 kara 1 kranti 8 til	238
1/43		7 ganda 1 kara 2 kranti 6 til	232.5
1/44		7 ganda 1 kara 5 til	227
1/45		7 ganda 1 kranti 6 til	222
1/46		6 ganda 3 kara 2 kranti 7 til	217
1/47		6 ganda 3 kara 14 til	212.7
1/48		6 ganda 2 kara 2 kranti	208
1/49		6 ganda 1 kara 2 kranti 15 til	204
	✓ 39 11	2 anna 17 ganda 2 kara 2 kranti	1801
	20	19 ganda	593.7
	26	18 ganda	562.5
	27	17 ganda	531
	28	16 ganda	500
	29	15 ganda	468.7
	30	14 ganda	437.5
	31	13 ganda	406
	32	12 ganda	375
	33	11 ganda	343.7
	34	10 ganda	312.5
	35	9 ganda	281.2
	36	8 ganda	250
	37	7 ganda	218.7
	38	6 ganda	187.5
	39	5 ganda	156
	40	4 ganda	125
	41	3 ganda	93.7
	42	2 ganda	62.5
	43	1 ganda	31.2
	44	3 kara	23.4
	45	2 kara	15.6
	46	1 kara	7.8
	47	2 kranti	5.2
	48	1 kranti	2.6
	49	8 til	1
	50	1 ganda 1 kara 1 kranti	41.6
	51	2 ganda 2 kara 2 kranti	83
	52	3 ganda 3 kara 1 kranti	119.7
	53	3 ganda 1 kara 1 kranti	104
	54	4 ganda 1 kara 1 kranti	135.4

NB: 1 taka is equal to 16 anna
 1 anna is equal 20 ganda
 1 ganda is equal to 4 kara
 1 kara is equal to 3 kranti
 1 kranti is equal to 20 til

Symbol: Anna---- $\wedge(1), \vee(2), \swarrow(3), \downarrow(4)$,
 Ganda---- digit
 Kara---- $\downarrow(1), \uparrow(2), \nwarrow(3)$
 Kranti---- $\downarrow\downarrow(1), \swarrow\swarrow(2)$
 Til---- digit