



DARUL IFTA – DEPARTMENT OF ISLAMIC JURISPRUDENCE

A Division of Jamiah Qasimul Uloom

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Mufti Adam Koya – Head Mufti

Inquiry#: **Category:** Inheritance **Date Received:** 01/12/2021 **Date Answered:** 01/12/2021

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1 QUESTION

Asalamu alaikum wa rahmatullahi wa barakatuu Mufti saab, I hope you are well.

I have friend of mine who wanted me to hold \$10,000 for him. I did not want to but he kept on insisting. He said that he will let me know when he needs it back. He had a stroke and got really sick and now the doctors are going to take him off life support. Normally, I would just give the money to his family but he specifically told me that he did not want his family to know about this money. What do I do in this situation? JazakAllahu Khairan.

2 ANSWER

بِسْمِ تَعَالَى حَامِدًا وَ مُصَلِّيًا وَ مُسَلِّمًا
الْجَوَابُ وَ بِاللَّهِ التَّوْفِيقُ
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Assalamualaikum Brother [REDACTED]

After receiving your inquiry, we have reviewed all pertinent material. Our position in your case is as follows:

The wealth of the deceased is distributed to the rightful inheritors after his deathⁱ. Any wealth the deceased left by someone as a trust must be returned to the family to be distributed to the rightful inheritors. The one whom the trust was left by is not the owner of the wealth, he is just safeguarding it. Therefore, it must be returned.ⁱⁱ

Was Salam,

and Allah All-Exalted knows best

والله تعالى أعلم بالصواب

written by **Zakariyya Momla**, may he and his parents be forgiven

حرره العبد زكريا موملا غفر له ولوالديه

Checked by **Mufti Adam Koya and Abrar Ahmed Koya**
Monday January 11, 2021

حققه و صححه المفتي آدم كويا والمفتي أبرار كويا
(يوم الإثنين، ٢٨ جمادى الأولى، ١٤٤٢)

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١ يبدأ من تركة الميت بتجهيزه ثم ديونه ثم وصيته ثم تقسم بين ورثته (كنز الدقائق ١/٥٢٣)

٢ (وَإِذَا مَاتَ رَبُّ الْوَدِيعَةِ: فَالْوَارِثُ خَصَمٌ فِي طَلْبِ الْوَدِيعَةِ؛ لِأَنَّهُ خَلِيفَةُ لِمُورِثِ، فَائْتُمَّ مَقَامُهُ بَعْدَ مَوْتِهِ (المبسوط للسرخسي - دار الكتب العلمية -

(١٤٠/١١)

إذا مات صاحب الوديعة، فالورثة خصماء المودع في دعوى الوديعة، ويجوز المودع على دفعها إلى الورثة. (المحيط البرهاني - إدارة القرآن - ٣١٥/٨)

وإذا مات رب الوديعة فالوراث خصم في طلب الوديعة كذا في المبسوط (الفتاوى الهندية - دار الكتب العلمية - ٣٩٢/٤)

(فتاوى حقاية ٦/٣٩٩)

