

146186 - His maternal aunt gave him a house then she died, and he wants to sell it

the question

My husband's aunt has died since 45 days, she was a widow with no children, but she has two sisters alive and other dead sisters who have children. Before her death, she has sold the house she owns to her nephew, my husband, since 20 years. That house consists of 4 flats on two floors divided as following:

- 1) One flat for my husband (my family
- 2) One flat for my brother-in-law family
- 3) One flat she herself was living in

She has sold that house to my husband against nothing, I asked her why she had done so although she has many other nephews and nieces, her reply was that my husband is the poorest one in the family.

We can't leave that house as we don't any other dwelling nor enough money to buy alternative one, simply we can't do without that house.

My husband has an ex-wife, from whom he has two daughters, one is 26 years old and the other is 22 years old, and according to Islamic law court, he must spend on both of them. Also, he has three children from me all are at age of school.

Both of my mother-in-law and my brother-in-law (who is our neighbor) want him to sell the house, after death of my husband's aunt, in order to give my brother-in-law a sum of 50 thousand pounds to help him buy a flat and give 30 thousand pounds to his cousin to buy a flat too, then my husband can keep remaining money for himself, which is about 120

thousand pounds. Is that permissible according to Islam (halal) or forbidden (haram)?

Finally, when I have said to my husband: “I will go to the Egyptian Fatwa Council, he cried in my face saying: I will do just what I want”.

Detailed answer

If your husband’s maternal aunt sold the house to him or give it to him for nothing, and he took possession of this gift and it was under his control throughout this long period, then the house is your husband’s property and he can dispose of it however he wishes, by selling it or otherwise. And he may sell it and gave the money mentioned to his brother or to his aunt’s daughter.

The husband has to fear Allah and should not refuse to ask scholars about anything he is confused about, because Allah says (interpretation of the meaning):

“So ask of those who know the Scripture, if you know not” [al-Nahl 16:43].

We ask Allah to help and guide us and you.

And Allah knows best.