

VIRAASAT KE MASAYIL

1)	Ilm miraas insaaf par mabni tariqa hai jis ke zariye har kisi ko Allah ki taraf se haq likh diya gaya hai
2)	Islam se pehle viraasat ke mamilaat zulm wa zyaddati par hote thein jis me 3 tariqe thein 1. qaribi rishtedaar maal par qaabiz hote thein. 2. Kuch log quwwath ki bina par maal ke vaaris ban jaate thein. 3. qabayil aapas me muaheda karte thein ke mera maal tera maal aur mera qoon tera qoon, main kis ko maaf karo to tu bhi ose maaf karna. Ye tino tariqe qatam kar ke Islam ne viraasat ke insaaf par mabnii ehkaam diye.
3)	Islaam me le-palak par koi viraasat nahi hai
4)	Viraasat ke tamaam qawaneen sureh nisa ki 5 ayaat me bayaan kiye gaye hai Ayath 11, 12, 13, 14 aur 176
5)	Miraas ke tamaam hisse Allah ki taraf se tay kiye gaye hai
6)	Virasat ke mamilaat me ijtihaad ki zarurat hee nahi hai is liye ke tamaam hisse Allah ki taraf se tay hai
7)	Viraasat ke mamilaat <ul style="list-style-type: none"> • Allah ki taraf se farz karda hisse hai • Allah ki taraf se takidi hukm hai • Allah ki hudood / ihkaam hai • Ab koi kisi ke haq me na kami kar sakta hai na izafa aur na us ke haq se mehrom kar sakta hai
8)	Miraas ki taqseem ka masla kisi ko bhi bataane ke liye shaqsi tehqiqaat zaruri hai
9)	Kalala us shaqs ko kahenge jis ke na maa baap zinda ho na beta beti. (aise shaqs ke bhai / behen / biwi / shuhar ho sakte hai
10)	Fazayil aur ihmiyat: Ilm miraas ko Nabi (saw) ne ada ilm kaha hai
11)	Ilm miraas ka tallu insaan ki wafaat ke baadh se talluq ha
12)	Nabi (saw) ne irshad farmaya ke ilm miraas ko sikhlo aur sikhao is liye ke is ilm ko utha liya jayega hatta ke log ek zamana aisa payenge ke un mamilaat ka faisla karne waala koi nahi hoga
13)	Ilm miraas ka talluq huququl ibaad se hai yaani logo ko huqooq se
14)	Allah ne jin logo ko waaris bana diya hai un ke liye marne wala wasiyat nahi kar sakta
15)	Miraas ko tarka bhi kaha jaata hai yani mayyit ka chohda hoa maal
16)	Arkaan miraas 3 hai: <ol style="list-style-type: none"> 1. muarris: marne wala 2. waaris: 12 ashabul farayidh hai 3. tarka / miraas: mayyit ka chohda hoa maal
17)	Shuroot miraas 3 hai: <ol style="list-style-type: none"> 1. muarris ki mauth ka yaqini hona (coma me hona ya la pata hona ye yaqini maut nahi hai) 2. waaris zinda hona (hamal ko bhi waaris me shumaar karenge lekin delivery ka intezaar karenge ye dekhne ke liye ke ladka hai ya ladki ta ke us hissab se hisse ki taqseem ho) 3. kya maal chohd kar gaya ye malum hona

18)	<p>Ashaabe viraasat ki qisme:</p> <p>1. nasabi rishte:</p> <p>A . (baap maa dada dadi, nana, nani) b. (aulaad, beta, betiya, potre, potriya) c. (sage bhai behen, baap shareek bhai behen, maa shareek bhai behen)</p>
19)	<ul style="list-style-type: none"> • Nikaah sharayi bhi sabab hai miraas ke liye. • Haraam rishto se paida hone wali aulad ke liye virasat saabith nahi • Nikah ke liye shart wali , meher ki adayegi aur qubuliat nikah hai
20)	<p>(Nikah) ijaab wa qubool ke baadh ruqsati nahi hoi aur khalwat bhi nahi hoi aur ruqsati se pehle intiqaal ho gaya tab bhi biwi waaris banti hai</p>
21)	<ul style="list-style-type: none"> • Shuhar ne biwi ko talaaq di ya biwi ne qula li aur iddat guzar jaaye to rishta khatam, aisi surat me biwi waaris nahi banti • Shuhar ne biwi ko talaaq di aur iddat ke dauraan shuhar ka intiqaal ho gaya to biwi waaris banti hai is liye ke iddat ke dauraan shuhar aur biwi ka rishta qaayam rehta hai, iddat ke takmeel hone par hee rishta khatam hota hai
22)	<p>Al-Walaa: ghulaam ke chohde hoye maal ka waaris us ka maalik banta hai</p>
23)	<ul style="list-style-type: none"> • Miraas ki taqseem me ye shart hai ke qaribi rishtedaar hote hoye door ka rishtedaar us se mehroom ho jata hai • Jaise beta zinda ho to putre ko mehrom kiya jayega
24)	<p>Wasiyat:</p> <ul style="list-style-type: none"> • Marne wala wariseen ke liye wasiyat nahi kar sakta • Le-palak ke liye wasiyat ho sakti hai • Mayyit apne maal me se 1/3 se zyada ki wasiyat nahi kar sakta
25)	<p>Hiba: hiba ke 2 tariqe hai.</p> <ul style="list-style-type: none"> • Hiba karte waqt bhi sab ke saat insaaf karna chahiye • Hiba karte waqt tarke ki taqseem ke hisaab se bhi hiba kiya ja sakta hai lekin wo miraas ka hissa nahi hoga is liye ke miraas ki taqseem sharayi hisaab se marne ke baadh hee hogi, zindagi me nahi • Hiba karte waqt agar taqseem me kisi ko kam ya zyada diya ja raha ho aur sab us par raazi ho to aisa kiya ja sakta hai • Hiba me baap apni aulad ko maal baatne ke baad agar zarurat pade to wo maal wapas le sakta hai • Aulad ke alawa kisi dosre ko jo maal hiba kiya gaya ho wo waapas nahi le sakte • Hiba shuda maal haasil karne ki wajah se waaris tarke se mehrom nahi ho sakta • Hiba me samaan ya maal ka qabza shart hai, sirf zabaani wade qubol nahi
26)	<p>Miraas ki taqseem sharayi hokum ke mutabiq ho sakti ya agar saare wariseen ko apna apna hisse ka waazeh ilm ho jaaye aur us ke baadh sab is baat par ittifaaq karle ke maal ko hum barabar barabar taqseem kar lenge jab ke kisi ko tarke ki sharayi taqseem ki wajah se zyada milta hoga lekin wo shaqs aapasai batware ke hisaab par raazi ho to ye bhi jaayiz tariqa hai, is se ye log gunehgaar nahi honge</p>

27)	<p>Wiraasat se mehrom hone ke 3 tariqe:</p> <ol style="list-style-type: none"> 1. qatal karne wala waaris 2. dosre mazhab par chalne wala 3. ghulaam
28)	<p>Tarke ki taqseem se pehle kiye jaane waale kaam</p> <ol style="list-style-type: none"> 1. wafaat ke baadh kafan dafan ka qarccch mayyit ke maal se liya jaaye magar ye ke koi aur qarcha utha le to haraj nahi 2. mayyit par qarz ho to us ki adayegi ke liye maal nikaale <ol style="list-style-type: none"> a. Allah ke huquq me qarz: zakaat ki adaegi agar nisaab par ho aur zakaat nikalne ka waqt aa chukka ho b. haj ka irada kiya tha aur wafaat ho gayi to haj badal ke liye maal nikala jaaye c. nazar maan liya tha ho to wo maal qarccch kiya jaaye 3. huquq ul ibaad: <ol style="list-style-type: none"> a. logo se qarz ka hisaab liya jaaye b. meher baaqi ho to wo bhi qarz me shaamil hota hai 4 . jin se maal ana ho wo bhi hisaab lagaya jaaye aur un se maal ka mutaliba kiya jaaye Wo maal jin ke waapas aane ki ummid nahi hai unhe hisaab me na liya jaaye
29)	<p>Ashaabul farayidh:</p> <p>Tarke ki taqseem se ye 6 log kabi mehroom nahi honge.</p> <ul style="list-style-type: none"> • Miya biwi • Maa baap • Beta beti <p>Shuhar ki wafaat ke baadh biwi ne dosri shaadi karli tab bhi tarke me se hissa milega</p>
30)	<p>Asaba:</p> <ul style="list-style-type: none"> • Asaba me 14 log hai jo bache hoye maal me se hissa lenge • Ashabul farayidh wo log hai jin ke hisse sharaiyat me tay hai jo 12 hai <p>8 aurto me se 4 mardo me se</p> <ul style="list-style-type: none"> • Aurto me ashabul farayidh: Biwi, maa, dadi, nani, beti, potri, sagi behen, baap shareek behen • Mardo me ashabul farayidh:

	<p>Shuhar, baap, dada, maa shareek bhai aur behen</p> <ul style="list-style-type: none"> • Ashaabul farayidh 12 me se 11 ho to 5 ko muqaddam rakhenge. • Ashabul farayidh me se jo kisi qaribi rishtedaar ki wajah se mehrom ho rahe hai to marne wala marne se pehle un ke liye 1/3 maal me se wasiyat kar sakta hai, aur baqiya ASABA me taqseem jayega. • 12 ashabul farayidh me se agar qaribi 6 mein se sirf 3 zinda ho to phir 7 me se waaris banaya jayega qaribi rishta dekhte hoye
31)	<ul style="list-style-type: none"> • Kisi ki wafaat hoi aur sirf ek beta hai aur koi nahi to sara maal beta le jayega • Kisi ki wafat hoi aur sirf ek beti hai aur koi nahi hai to beti 50% maal legi
32)	<ul style="list-style-type: none"> • Wirasat me dadiyaal ki taraf hissa jata hai • Agar dadiyaal me koi na ho to nanihaal me taqsem hogi • Qarch ki zimmedari dadiyaal walo ki hai isi liye tarka bhi in ke haq me hai • Baap ki wafaat ke baadh aulad ki parvarish dada ko karni chahiye aur wo nahi to chacha • Maa ka intiqaal ho to bacche ki parvarish qala karegi lekin qarcha dadiyaal waale denge
33)	<p>Mayyit ke qarzo ki adayegi:</p> <ul style="list-style-type: none"> • Marne wala ke jo maal bacha ho us me se sab qarzedaaro ko bola kar qarza diya jayega aur bacha hoa maal ka bhi hisaab lagaya jayega • Aur agar qarze ki raqam zyada hai aur bacha hoa tarka kam hai to sab qarzedaaro ko apni qarze ke percentage ke hisaab se tarke me se maal taqseem kiya jayega. • Qarz dene wala apna percentage lene ke baadh baaqi hissa maaf karde to behtar hoga. • Lekin agar maaf nahi karna chahte to wo akhirat me hissab wa kitaab hone wala hai.
34)	<p>Aaq naama ki shar'an koi haysiyath nahi. (misaal: agar baap kahe ke mere is bete ko miraas me se kuch na dena, to ye kehna, us bête ko wariseen se mehroom nahi kar sakta)</p>