APPLICATION OF ISLAMIC LAW OF INHERITANCE IN KWARA STATE *SHARĪ'AH* COURT OF APPEAL: A GENERAL SURVEY

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Abstract
Acquisition of wealth is one of natural phenomenon in human life. It is equally natural that at the point of death, one would leave some of its acquired properties which in turn become properties of other people. Tradition of sharing such estate differs from one culture to another. Islam as a system that determines the totality of Muslim life has distinct itself from other systems in its comprehensive provision for divine system of inheritance. Islamic law of inheritance is a commandment of Allah derived from the verses of the holy Qur'ān, which describes the rightful beneficiaries of inheritance and their portions in details. Among some contemporary Nigerian Muslims internecine scramble for the distribution of the property of a deceased person has become a serious societal problem that requires profound attention. In this regard the Kwara State *Sharī'ah* Court of Appeal has contributed positively on inheritance cases among the Muslims in kwara State. Therefore, this paper aims to appraise the application of Islamic law of inheritance in Kwara State *Sharī'ah* Court of Appeal with a view to determining the level of impact on the Muslims. The study adopts historical and descriptive methods. Though the law remains accurate and standard, yet human imperfection allows some error of calculation and application of the law.

Keywords: Constitution, Estate, Inheritance, *Jāhiliyyah*, *Sharī'ah* Court.

Introduction

Prior to Islam and within the Arabian Peninsula, the system of inheritance was confined to male descendants. Not only that woman did not have any share of inheritance, they themselves were inheritable items. Siblings from the mother's side, like half-brothers or half-sisters, were incompletely excluded. Other Semitic cultures also practiced primogeniture, under which all properties went to the eldest son. [1]

Among the ancient Israelites, the father before his death would have bequeathed all his properties to only his male descendants. In this system, daughters would not inherit. In addition, the eldest son would receive twice as much as the other sons. [2] In Spain, it was typical that all children, both male and female had a part of inheritance but the eldest son also referred to as *Mellorado* would inherit one third or more of the inheritance while the eft over would be shared by the other children. [3] In the Indian sub-continent, the right of nheritance is confined to male agnates. Ascendants including father were completely xcluded by male agnatic descendants. Females in all capacities were generally deprived f hereditary rights. The same thing was applicable to Greek Roman law, Hebrew law

and Jewish law to mention but a few, where they practiced the same rule of primogeniture (i.e. daughters, widows and other female relations have no share in inheritance).[4]

In Nigeria, the patterns of inheritance have variations, as there are various ethnic groups in the country. In the Igbo custom, despite the variation in the inheritance system of various clans, the general principles are the same. Mostly, inheritance devolves on the first male child. This principle determines the right to succeed to property in Igbo land. The first son known as *Okpara* is the one who takes over the whole property, satisfies himself first and then decides what portion goes to who and who should not have anything at all. Under this system, female do not have right at all to inherit landed property. In another development, if the deceased is a polygamist, his estate is distributed in relation to the number of wives who have male children. This is known as *Usoekwu* formula. The general rule is that the eldest son takes the largest share while the youngest takes the smallest. Instead of a daughter to inherit, she will be maintained by the *Okpara* until she is married out or dies.[5]

As for the Yoruba people, there are two main methods of estate distribution. One is called *Idi Igi* (i.e. sharing per stripe) and the second one is known as *Ori o jori* (i.e sharing per capita). The former one is used in a situation where the deceased is a polygamist and the estate is distributed based on the number of wives of the deceased irrespective of the number or gender of the children that each wife has while the latter is an equal share among the children, male and female, old and young, without any discrimination.[6]

In the case of the Hausa Custom, the Islamic rules of inheritance, under Maliki School of law, have been largely absorbed into their indigenous system of inheritance. Among Hausa/Fulani before their Islam for example, the eldest son inherits his deceased father`s cattle, the main assert in those days, out of which he makes presents of some of them to his younger brothers according to their needs.[7] But at present time it may be very difficult to differentiate between its traditional system of inheritance and that of the Islamic Law of inheritance. This is because the Hausa system has been greatly influenced by the Islamic culture from the time immemorial.

The law of inheritance as far as Islam is concerned is based on the Qur'ān, *Sunnah*, and *`ijtihād* (the process of making a legal decision by independent interpretation of the legal sources). In the Qur'ān, there are two categories of verses that are related to inheritance, which are the *mujmal* verses (concise verses) and the *mufassal* verses (detailed verses).[8] The verses in the first category explain the beneficiaries` rights in general without discussing their portions in detail; while the verses in the second category, which are the *mawārīth* verses, explain the details regarding the beneficiaries and the portions or shares for each of the beneficiaries. This study examines the application of Islamic law of inheritance and appraises the contributions as well as the correctness or otherwise of inheritance cases decided upon by the Courts.

Origin and Development of Islamic Law of Inheritance

Inheritance among both Arabs and non-Arabs, especially during the *Jāhiliyyah*[9] period was unsatisfactory; wives, daughters, mothers and other female beneficiaries were not given any inheritance right. Similarly, in some other traditions, children who have not reached the adult age were not given inheritance right. Inheritance was only applicable to those who could fight and defend their families and tribes from the attack of their enemies. Indeed, women in the days of *jāhiliyyah* were considered part of the properties of their husbands.

This system of inheritance of facilitations, relationship, adoption and oath of brotherhood and patron continued even at the beginning of Islam until when a major reform was introduced by the Prophet (S.A.W).[10] The first rule of inheritance in Islamic era was initiated by the Prophet (S.A.W.) as a tentative system of inheritance. It was based on immigration from Makkah to Madinah. The *Hijrah* marks the beginning of Madinah period.[11] After the Prophet`s *Hijrah* to Madinah, he became the head of state of the Muslim community which became a full-fledged state. The state was a divine state as the Prophet (S.A.W) received divine revelation used in governing the Islamic state. The first task he faced in Madinah was to unite the different peoples and consolidate the society. The Prophet (S.A.W) initiated a temporary system of inheritance based on Islamic fraternity called "*Mu' ākhah*".[12]

Mu'ākhah is inheritance based on brotherhood and, in effect, means that when a Makkan immigrant died having no blood relatives in Madinah to inherit him, his Madinite brother in faith will inherit him. This was introduced in order to encourage Makkan Muslims to migrate to Madinah and to establish brotherhood, unity, love and affection among Muslims, especially the *Muhājirūn* (The migrants from Makkah to Madinah) and the `*Ansār* (helpers or hosts in Madinah) [13]This means during the early phase of the development of Islam, a *Muhājir* can inherit his `*Ansār* brother and vice- versa. Some jurists interpreted the action of the Prophet to be in accordance with the following verse where Allah (S.W.T) says:

> Those who believed and adopted exile, and fought for the faith, with their property and their persons, in the cause of God as well as those who gave (them) asylum and aid, these are (all) friend and protectors one of another. As to those who believe but came not into exile, ye owe no duty of protection to them until they come into exile (Q.8:72).

It should be noted, however, that the first Qur'ān revelation on inheritance came to abrogate inheritance on the basis of Islamic brotherhood among the *muhājirūn* and the *ansār.* That is because the Qur`anic revelation upholds the strength and priority of blood relationship without referring to the relationship established between the *muhājirūn* and the *'Ansār.* In its abrogation, the Holy Qur'ān provides; "Blood relations among each other have closer personal ties in the Decree of Allah (regarding inheritance)" (Q.8:75).

The abrogation of the Islamic fraternity as a basis for inheritance was followed by the abrogation of adoption and defense pact as ground of inheritance and in their place; definite rules were ordained to govern inheritance.[14] The rules which regulated the law of inheritance in relation to the estate of the deceased should be devolved on those who, by reason of consanguinity or affinity, have the strongest claim to be benefited by it and in proportion to the strength of such claim, with harmonious distribution of estate among the dominants, in natural strengths of their claim.[15] The elaborate provisions under Islamic law were made where relations entitled to inherit and their shares they have been categorically specified in the Qur'ān. These provisions are contained in three verses of the Qur'ān; 4:11, 12 and 176.

> Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are only daughters, two or more, for them is two thirds of one's estate. In addition, if there is only one, for she is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents alone inherit from him, then for his mother is one third. And if he had male siblings or female siblings, for his mother is a sixth, after any bequest he may have made or debt. Your parents or your children - you know not, which of them are nearest to you in benefit. These shares are obligation imposed by Allah. Indeed, Allah is ever knowing and Wise. And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a female sibling, then for each one of them is a sixth. Nevertheless, if they are more than two, they share a third, after any bequest, which was made, or debt, as long as there is no detriment [caused]. This is an ordinance from Allah and Allah is Knowing and Forbearing. (Q.4:11-12).

These verses brought total reforms on inheritance system and abrogated the previous systems. Testimony for this practice could be found in the following *hadīth*:

> Ibn Jarir reported from Ibn 'Abbas (may Allah be pleased with both of them) saying: when revelation came on inheritance where Allah made shares compulsory for the male child, the female child, and for the two parents, some men did not like it and said: How can a woman be given one quarter (of property), one over eight and even a daughter up to a half and even share a child out of the estate! And these people do not partake in war and don't bring rhome any booty from the war front! Stop talking about this. The Messenger of rAllah will

> soon forget it! Or, do we tell him so that he can rchange the law. Trhey then went to the Prophet (S.A.W) saying: o the Messenger of Allah! Must we share a child (out of inheritance)? He has not been usreful at all. Must wre even share a girl half of what her father left and she has nort been riding on horse-back neither has she participated in fighting any war?).[16]

The above cited *hadīth* indicates that with the descent of the verses of *Mīrāth*, the Islamic law of inheritance introduced some reforms, which accorded women and children recognition. The turning point in the history of women's right of inheritance began with the revelation of the Qur'ān chapter 4:7 which provides: "From what is left by parents and the nearest relations there is a share for men and a share for women whether, the property be small or large determinate share."

However, the reforms were not introduced for the mere heck of it; they were introduced based on certain reasons some of which are brought to limelight in the following *hadīth:*

> The wife of Sa^{c}ad Ibn Rabi^{c} came with her two daughters by Sa^{c}ad Ibn Rabi^{c} to the Messenger of Allah, and she said: O Messenger of Allah! Here are the two daughters of Sa^{c}ad, their father was killed while fighting on your side on the day Uhud, and their uncle has taken their property. He has not left any property for them, and they cannot be married unless they have some property. He (the Prophet) said: Allah will decide about that. Then the verse of inheritance was revealed (i.e Q.4:11) so the Prophet sent for their uncle and said: Give the two daughters of Sa^{c}ad two thirds, give the girls' mother one-eighth and what remains is for you.[17]

According to another report, the verse were said to have been revealed in respect of the case of AbdurRahman bin Thabit whose brother Hasan Sha'ir died and was survived by a wife called Ummu Kahhata and his five other sisters. His surviving male relations seized the entire estate. His wife complained to the Holy Prophet and the three verses on inheritance were revealed.[18] As a result the fundamental reforms were introduced in the Islamic law of inheritance.

Another reason given for the revelation of inheritance verses was the complaint lodged with the Holy Prophet after the death of Aus Bin Thabit Al-Ansari who left behind his wife and two daughters. The two sons of his paternal uncle named Suwaid and Arfaja and in another report, Qatadah and Arfaja took all his property leaving nothing to his widow and daughters. The widow complained to the Holy Prophet, who called them and enquired about the matter. They replied: How can we give them when they do not fight against the enemies and defend our family? The Holy Prophet said to them: Go and wait,

I hope Allah will send a revelation about them, thereafter the verse was revealed. The Holy Prophet sent to them not to distribute the estate of Aus because Allah had given his daughters a part from his property. The Holy Prophet asked them to give the widow 1/8 and the daughters 2/3 and the remaining for them.[19]

The revelation of the three descent verses of *al-māwarīth* marked a turning point in the history of inheritance. It introduced fundamental reforms to the existing practices of inheritance, where Islam recognizes women by giving them the legal status of beneficiaries and their specific shares in the inheritance are determined. Out of the 12 beneficiaries of *'ashāb al-furūd*, eight are female and only four are male.

Succinctly put, the reformations introduced in the Islamic Inheritance Law include:

1) Inheritance rights of beneficiaries are based on the relationship of consanguinity (kinship), marriage contract, *walā'* and Islam.
2) Not to deny the rights to inheritance between male and female, big or small, all of who are entitled to the inheritance left by the benefactor (the deceased).
3) Parents and children are not left out from receiving inheritance in any condition. Their portion of the inheritance might change if there are other beneficiaries.
4) Male and female siblings will not receive the inheritance if the father of the deceased is still alive. The presence of siblings/relatives will reduce the mother's share from 1/3 to1/6.
5) Where there are male and female beneficiaries in a single case, the male beneficiary will take two parts of the female beneficiary's shares, or two parts for the male beneficiary and one part for the female beneficiary.[20]

Islamic Law of Inheritance in Kwara State *Sharī'ah* Court of Appeal

The *Sharī'ah* Court of Appeal is a Superior Court of Record established pursuant to Section 275, Constitution of the Federal Republic of Nigeria, 1999. The Court has been empowered to, in addition to such other jurisdiction as may be conferred upon it by the law of the State, exercise such appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law which the court is competent to decide. In addition to that, the Court has contributed immensely to the estate distributions in Kwara State. The Court has decided on many cases of inheritance and helped in great deal in settling issues and arresting problems that could have caused aggression between two or more parties in the society.[21] The cases are well documented in its Annual reports. The Court has a department called Estate Distribution Department established purposely to reduce, to the barest minimum, litigations among Muslims on inheritance matters.

The Kwara State *Sharī'ah* Court of Appeal, Ilorin opened initially in 1975 under a rented private flat where it operated until 1982 when it had its own court. In 1990, a befitting court complex with three court rooms, a conference room and other facilities was constructed by the Military Governor of Kwara State, Ibrahim Alkali and was commissioned by the then Military President of the Federal Republic of Nigeria,[1] General

Ibrahim Badamasi Babangida (GCFR), on the 21st of November 1990. [22] The Court commands respect in the state. It holds sessions with a court of its own in six local governments' headquarters namely: Lafiagi, Patigi, Offa, Kosubosu, Omu-Aran, and Share as zonal offices. [23]

In 1975, a substantive Grand Kqādi in person of Hon. Justice AbdulKadir Orire (retired pioneer Grand Kādi) was appointed. Hon. Justice Ustaz Yonous Abdullahi (the late pioneer Hon. Grand Kādi of Kogi States) and Hon. Justice Hussein Yahya (late) were the then pioneer Hon. Kādis of the State. Later in 1982, an additional Kādi was appointed in person of Hon. Justice M.A. Ambali (retired Grand Kādi). [24]

In response to the demand of the volume of litigation in the sector of Muslim Personal Law, three Kādis; Hon. Kādis A.K. Imam Fulani, F.I. Muhammad (late) and S.S. Olorunfemi (retired Grand Kādi of Kogi State) were also appointed in 1988. As a result of the creation of Kogi State, three Hon. Kādis who are indigenes of the new state chose to move to the state to lay a solid foundation for the administration of Muslim Personal Law. Efforts to replace them could not materialize until in 1994 when additional Kādis were appointed. The Hon. Kādis appointed were I. A. Haroon, M. A. Oredola (now Justice, Court of Appeal), A.K. Abdullahi (now late) and M.B. Haruna (now Chief Imam of Lafiagi). In 1999, Hon. Kādi S.O. Muhammad was appointed to the bench and in 2008; Hon. Kādis A.A. Idris and S.M. Abdul-Baki were appointed. Furthermore, in 2010 two additional Kādis were appointed; M.O. AbdulKādir and A.A. Owolabi, followed by the appointment of Hon. Kādi AbdulLateef Kamaldeen in 2012, while the last appointment was in 2014 when Hon. Kādi Abdur- Rahim A. Ibrahim moved to the bench. [25] As of today, Kwara State *Sharīᶜah* Court of Appeal has three Hon. Kādis: Hon. Kādi A. L. Kamaldeen, Hon. Kādi Abdur- Rahim A. Ibrahim withHon. Kādi M. O. AbdulKadir as the Grand Kādis.

Estate Distribution Department of Kwara State *Sharīᶜah* Court of Appeal

For the purpose of estate distribution in Kwara State, the *Sharīᶜah* Court of Appeal established an Estate Distribution Department. It was established by justice Abdul-Qadir Orqqqqire in the 1990s[26] in addition to the main jurisdictions assigned to *Sharīᶜah* Court of Appeal by the constitution as an appellate court. During the time of justice Abdul-Qadir Orire when the department commenced operation, the committee used to go to the houses of the people to serve them. It was when justice M.A. Ambali became the Grand kādi of Kwara state in 2000 that the department got full approval of the Estate Revenue Charges from the government.[27] At the same time, the committee secured a place in the *Sharīᶜah* court for the service and stopped going to various houses for estate distributions. The main activity or function of the Estate Department is to maintain peace and harmony among the Muslim populace by distributing their deceased's estates out of litigation as well as arbitrating conflict issues on inheritance between family members.[28] To a large extent, this service has reduced drastically the litigation process on issues related to inheritance in the State.

Modus Operandi of the Department of Estate Distribution, Kwara State _Sharīʿah_ Court of Appeal

The procedure adopted by the Estate Department in distributing estate after receiving the request letter from the family of the deceased seeking the service of the Court on the properties of their deceased Muslim are as follows:

i. **Invitation:** In order to avoid any discord among the heirs during and after the distribution of estate, the Court invites members of the family including heirs as well as witnesses from outside the family circle like friends and neighbuor. This is quite important, as it helps in strengthening the affirmation of the involved parties and confirming not only their awareness but also their consent to the invitation letter sent by the family, requesting the Court to carry out the distribution. This is because the letter may be written not with the consent of all the parties and that may lead to litigation.

ii. **Confirmation:** The Court commences the distribution by identifying and confirming the heirs as well as the properties left behind by the deceased person. The heirs and the properties at this stage will be listed.

iii. **Valuation:** The next procedure is the valuation of the properties by the experts, which will be used for the distribution among the heirs. The panel assigns the family this responsibility.

iv. **Distribution:** The panel, after receiving the valuation report, carries out the distribution based on that report and call for final meeting where the properties will be allocated for individual heir and everyone will sign his/her own portion.

v. **Administrative charges:** Kwara State _Sharīʿah_ Court of Appeal collects certain revenue charges for the Estate Distribution Department based on the grand total of the whole estate, as presently proposed.[29]

SAMPLE AND REVIEW OF THE CASE DECIDED BY KWARA STATE _SHARĪʿAH_ COURT OF APPEAL

ESTATE DISTRIBUTION OF LATE ALH. YAHAYA ADISA`S ESTATE [30]

WORKING PAPER A: LIST OF HEIRS

The list of the legal heirs of the deceased was confirmed as follows:-

GROUP"A'

1.	Alhaji Yahaya S. Ayinla	Father
2.	Alhaja Juwerat S. Ayinla	Mother

GROUP "B'

1.	Mrs Yahaya Rahamat O	Wife
2.	Mukhtar Yahaya	Son
3.	Fatia Yahaya	Daughter
4.	Safau Yahaya	Daughter

WORKING PAPER B: LIST OF PROPERTIES:

The list was also confirmed as it was listed in the valuation report.

CASH IN BANK AND AT HAND: was confirmed as follows

(a) Cash at Hand = ₦4,134,000.00

(b) Cash in Bank =₦2,432,379.00

₦6,566,379.55

(4) **PERSONAL EFFECTS:** Family to take care and report

Distribution /allotment

(a) **Vehicle Distribution**

List of Vehicle

1 No. Toyota Corola = N600,000.00

1/6 of ₦600,000.00 = ₦100,000.00 for the father

1/6 of ₦600,000.00 = ₦100,000.00 for the mother

1/8 of ₦600,000.00 = ₦75,000.00 for the wife

Balance ₦325,000.00 for 1 Son and 2 Daughter

1 Son =2

2 Daughter =2

4

i.e each Daughter will have ₦81.250 worth of the vehicle.

while son will have twice ₦162,500.00 worth of the vehicle.

SUMMARY

1.	Father	=	₦100,000.00	x1	= ₦100,000.00
2.	Mother =		₦100,000.00	x1	=₦ 100,000.00
3.	Wife	=	₦75,000.00	x1	= ₦75,000.00
4.	Son	=	₦162,500.00	x1	= ₦162,500.00
5.	Daughter	=	₦81,250.00	x2	=₦162,500.00
	GRAND TOTAL			=	**₦600,000.00**

WORKING PAPER 'C'

INDIVIDUAL SHARES OF VEHICLE DISTRIBUTION

GROUP 'A'		**ENTITLEMENT**
1.	Alhaji Yahaya S.Ayinla	Father ₦100,000.00
2.	Alhaja Juwerat S. Ayinla	Mother ₦100,000.00
	Total	= **₦200,000.00**

GROUP 'B'		**ENTITLEMENT**
1.	Mrs. Yahaya Rahmat O Wife	₦75,000.00
2.	Mukhtar Yahaya	Son ₦162,500.00
3.	Fatai Yahaya	Daughter ₦81,250.00
4.	Safau Yahaya	Daughter N81,250.00
	Total	=₦**400,000.00**

Physical Sharing of Vehicle Distribution

Mrs. Rahmat Yahaya (Wife) Entitlement = ₦75,000.00
Received = 1 No. Toyota Corola value at ₦600.000.00
Debit Balance = ₦525,000.00

REAL (HOUSE) DISTRIBUTION
LIST OF HOUSE (S) AND FRACTIONAL SHARES

House: uncompleted valued at N4,000,000.00 4 no bedroom located at Offa Garage Area Ilorin.

1/6 of ₦4, 000,000.00= ₦666, 666.66 for father
1/6 of ₦4, 000,000.00= ₦666, 666.66 for the mother
1/8 of ₦400, 000.00= ₦500, 000.00 for the wife
Balance ₦2, 166,666.68 for 1 son and 2 daughters

1 son =2
2 daughter = 2
4 w.f.

i.e each daughter will have ₦541,666.67 worth of the real estate.
while son will have twice ₦1,083,333.34 worth of the real estate.

SUMMARY

1.	Father	= ₦666,666.66 x1	=₦666,666.66
2.	Mother	= ₦666,666.66 x1	=₦666,666.66
3.	Wife	= ₦500,000.00 x1	=₦666,666.66
4.	Son	= ₦1,083,333.34 x1	= ₦1,083,333.34
5.	Daughter	= ₦541,666.67 x2	= ₦1,083,333.34
	Grand Total		= ₦4,000,000.00

INDIVIDUAL SHARES OF REAL DISTRIBUTION

GROUP 'A'		**ENTILTEMENT**
1.	Alhaji Yahaya S. Ayinla	Father = ₦666,666.66
2.	Alhaja Juwerat S. Ayinla	Mother = ₦666,666.66
	Total	₦1,333,333.32

GROUP 'B'			**ENTITLEMENT**
1.	Mrs. Yahaya Rahmat O	Wife	= ₦500,000.00
2.	Mukhtar Yahaya	Son	= ₦1,083,333.34
3.	Fatai Yahaya	Daughter	= ₦541,666.67
4.	Safau Yahaya	Daughter = ₦541,666.67	
		Total	= ₦2,666,666.68

Physical Sharing Of Real House Distribution

Father, Alhaji Yahaya S. Ayinla, Mother Alhaja Juwerat S. Ayinla and Wife Mrs. Yahaya Rahmat O. unanimously agreed to give their shares in the real house distribution to the children of the deceased. The house is an uncompleted 4 no bedroom flat located at Offa Garage Area, Ilorin. Valued at ₦4,000,000.00.

(c) CASH DISTRIBUTION

Available Cash and Fractional Shares

(1) Cash at Hand = ₦4,134,000.00
(2) Cash in Bank = ₦2,432,379.55
₦6,566,379.55

Less = ₦100,000.00 For family use
Balance = ₦6,466,379.55 For distribution.
1/6 of ₦ 6,466,379.00 =₦ 1,077,729.92 for the father
1/6 of ₦ 6,466,379.00 =₦ 1,077,729.92 for the mother
1/8 of ₦ 6,466,379.00 =₦ 808,297.37 for the wife
Balance ₦ 3,502,622.34 = for 1 son and 2 daughter
1 son = 2
2 daughter =2

i.e each Daughter will have ₦ 875,655.58 worth of the cash.While son will have twice ₦ 1,751,311.17 worth of the cash.

SUMMARY

1.	Father	=₦ 1,077,729.92	x 1	=₦ 1,077,729.92
2.	Mother	=₦ 1,077,729.92	x 1	=₦ 1,077,729.92
3.	Wife	=₦ 808,297.37	x 1	=₦ 808,297.37
4.	Son	=₦ 1,751,311.17	x 1	=1,751,311.17
5.	Daughter	=₦ 875,655.58	x 2	=₦ 1,751,311.17
	Grand Total	=		₦6,466,379.55

INDIVIDUAL SHARES OF CASH DISTRIBUTION

GROUP 'A'		ENTITLEMENT
1. Alhaji Yahaya S. Ayinla	Father	₦ 1,077,729.92
2. Alhaja Juweratu S.	Mother	₦ 1,077,729.92
	Total	₦2, 155,459.84

GROUP 'B'			ENTITLEMENT
1.	Mrs. Rahmat Yahaya	(Wife)	₦ 808,297.37
2.	Mukhtar Yahaya	(Son)	₦ 1,751,311.17
3.	Fathia Yahaya	(Daughter)	₦ 875,655.58
4.	Safau Yahaya	(Daughter)	₦ 875,655.58
	Total		= ₦ 4,310,919.71

Review of the Case

This estate of Alhaji Yahaya Adisa contains three properties namely:

1. Toyota Corolla valued at ₦600, 000,
2. Uncompleted building valued at ₦ 400,000 and
3. Cash at Hand and Bank ₦ 6,566,379.55

This case was well decided and the estate was correctly distributed but only observation that we noticed is disorderliness and Compartmentalization of the distribution. This is the situation whereby a single estate of a deceased is divided into various segments and each segment is distributed among the heirs independent of others. As we have seen above Toyota Corolla valued at ₦600,000, despite that it is not distributable, coupled with the fact that only a heir can posses it without causing harm to others, was earmarked as first distribution; while physical sharing of uncompleted building was earmarked as second distribution and the cash as third distribution, all in a single case. The implication of this is that, the compartmentalization makes the allotment of the property very difficult and causes disorderliness in the distributions. Instead of embarking on distributions of these properties one by one, they can be totaled together and distributed. It will be in order and the wrong method of compartmentalization will be avoided.

The following is an abstract of proper way for distributing this estate:

i	**Estate**	
-	Uncompleted House	- ₦4, 000,000.00
-	Toyota Corolla	- ₦600, 000.00
-	Cash at Hand	- ₦4, 134,000.00
-	Cash at Bank	- ₦2, 432,379.55
ii	**Grand Total**	- **₦ 11,166,3779.55**
iii	**Legal share of each heir**	
-	Father	- ₦1, 861,063.00
-	Mother	- ₦1, 861,063.00
-	Wife	- ₦1, 395,797.00
-	Son	- ₦3, 024,277.00
-	2 daughter	- ₦1, 512,113 for each
iv	Detailed share of each heir	

Group A

	1 son and 2 daughters	- ₦6, 048,554.00
-	Uncompleted House	- ₦4, 000,000.00
-	Cash	₦2, 048,453.00
-	Son	₦1, 024,226.5
-	Each daughter	- ₦512, 113.00

Group B

-	**Wife**	-	**₦1, 395,797.00**
-	Corolla		- ₦600, 000.00
-	Cash		- ₦795, 797.00

Group C

-	**Father/Mother**		**₦3,722,130.00**
-	Father -	Cash	₦1, 861,065.00
-	Mother -	Cash	₦1, 861,065.00

Other samples of the cases presided over by the Court are:

Distribution of the estate of Late Asumo Agunbiade [31]

This estate is on pages 147-159 of 2008 Annual Report. The estate left by the deceased worth ₦ 49,200,000.00 which should be shared among three wives who will take 1/8 and twenty seven children eleven son and sixteen daughters who are sharing the remainder between themselves where a son takes double share of a daughter.

Distribution of the Estate of Late Alhaji Sulaiman Oba Carpenter [32]

This estate is on pages 327-335 of 2012 Annual Report. The deceased left behind two wives who share 1/8 equally and fifteen children, five sons and ten daughters who share the remaining property as agnate heirs while the real estate to be shared worth ₦12,200,000.00.

Distribution of the estate of the Late Alhaji Issa Alabi Usman [33]

The deceased Alhaji Issa Alabi Usman left behind a total estate that worth fourty million naira to be shared among three wives that share 1/8 within themselves equally and fourteen children, four sons and ten daughters who share the remainder where a son takes double share of a daughter.

Conclusion

In the light of the above, Islamic System of inheritance is a divinely ordained and the most equitable system of inheritance. It allows both strong and weak relatives of the deceased person to inherit out of his estate accordingly. The system of inheritance under Islamic law is essentially meant to protect the rights of the weak members of the deceased relatives, such as female, minors, insane etc. against the injustices of the pre-Islamic period.

Therefore, the principle of Islamic law of inheritance as a whole is more comprehensive and just and it is more consistent with time and reason and good sense when compared with other systems. This is so because it gives right to those who are excluded in other customs and systems to inherit from their deceased relatives' property. In addition, even in some cases, it has given them priority over other beneficiaries who were accorded better recognition in other customs and systems. As obtainable in various customs and systems, the nearest agnate male inherits all the deceased's properties to the exclusion of others including wives, daughters, younger male children, parents etc. but Islam

introduces a reform which mirrors and emphasizes more on the immediate family of the deceased one. The Holy Qur'ān establishes mutual right of inheritance between a husband and his wife, his parents, his children whether male or females and whether matured or young even if they survived few minutes after the deceased death to the extent that when they were born, they just breathed, cried and then died. Each of these heirs has prescribed fixed fractional shares in Islam.

The contribution of Kwara State, *Sharīᶜah* Court of Appeal to estate distribution in kwara state was also appraised with slight observation for every individual and collective group carry out the estate distributions. Finally we wish to encourage Muslim students, lawyers, judges etc to acquire the knowledge of inheritance, following the instruction of Prophet Muhammad (S.A.W) as reported by Abu-Hurayrah thus: "Learn the knowledge of inheritance and teach it to others because it is half of knowledge and it is easily forgotten and it is first knowledge to be lifted from my *`Ummah.*"[34]

Endnotes

1. Khan M. M. A. "A case for Teaching *Mīrāth* as Independent Courses"in *Islamic Law in Nigeria (Application & Teaching),* ed. Syed Khali Rashid(Lagos: Islamic Publications Bureau, 1988), 187. See also Muhammad, S. O. *Inheritance as it Affects You,* (Ilorin: Olalomi printers 2005), 8.
2. As-Sābūni M.A.*Al-Mawārīth fi-Sharīᶜāti 'l –'Islāmiyyah fi Daw`I 'l-Qur'ān wa 's-Sunnah.*(Damshiq: Dar al-Qalam. 2005), 2-5
3. Khan M.M.A. "A case for Teaching *Mīrāth* as Independent Courses" 187
4. *ibid*
5. Muhammad, S.O. *Inheritance as it Affects You,* (Ilorin: Olalomi Printers 2005),8.
6. *ibid*
7. The Hausa/Fulani people before their Islam the eldest son inherits his deceased but presently they have no other system of inheritance other than the one stipulated by Islam .
8. Muhammad, S. O. *Inheritance as it Affects You,*8
9. *Jāhiliyyah* means 'the state of ignorance' or 'Days of ignorance' referring to the condition in which Arabs found themselves in pre-Islamic Arabia, i.e. prior to the revelation of the Qur'ān to Prophet Muhammad (S.A.W).
10. Idris, S. "An Appraisal of Women's Right of Inheritance under Islamic Law", 13-14
11. *ibid*
12. As-Sābūnī M. A., *Mawārīth fi 'sh-Sharīᶜati 'l-''Islāmiyyah* ..., 20
13. Rahimi, A. *Islamic History*, I.P.B (Lagos Nigeria, 1987),7
14. Gudub, M. *Fizilalil Qur'an*, Dauru Shurug, Vol. 1, (1971), 284
15. *ibid*
16. Al- Bukhārī, Muhammad Abu ᶜAbdullahi, *Sahīhu 'l-Bukhārī, (Vol 12).* Beirut:Dārul-Fiqr, 1430 AH.Hadith 2885, p. 275.*ibid*
17. *ibid*
18. *ibid*
19. *ibid.*
20. Abu-Al-Hamid, M. M. *'Ahkāmu 'l-Mawārīth fi 'sh-Sharīᶜati 'l-'Islāmiyyah 'ala 'l-madhāhibi 'l- 'a'immati 'l-'arbaᶜah.* (Beirut: al- Maktabah al-Asriyyah. 2004), 59
21. *ibid.*

22. C:/ Users/Destop/Kwara Sstate *Sharīᶜah* Court of Appeal.mht. Assesed on 20/8/2017
23. *ibid.*
24. http//en.wikipedia.org/wiki/kwara.states. Assessed on 20/8/2016. And an interview conducted with the former Grand Kaadi, Hon. S.O. Muhammad on 2/7/2016 at Kwara *Sharīᶜah* Court of Appeal, Ilorin.
25. C:/ Users/Destop/Kwara Sstate *Sharīᶜah* Court of Appeal.mht. Assesed on 20/8/2017
26. An interview with the Secretary of the Estate Distribution Department, Mr. Mashood Gbalasa, Kwara State *Sharīᶜah* Court of Appeal, Ilorin, on 29/8/2017
27. An interview with Alhaji AbdulRazaQ Ibiyinka,Kwara State *Sharīᶜah* Court of Appeal, Ilorin, on 29/8/2017.
28. An interview with Honourable Justice Abdur- Raheem Ibrahim of Kwara State *Sharīᶜah* Court of Appeal, Ilorin on 8/8/2017..
29. An interview with Honourable Justice Abdur- Raheem Ibrahim of Kwara State *Sharīᶜah* Court of Appeal, Ilorin on 8/8/2017.
30. *Sharīᶜah* Court of Appeal, 2015 Annual Report, 197 – 205
31. *Sharīᶜah* Court of Appeal, 2008 Annual Report, 147-159
32. *Sharīᶜah* Court of Appeal, 2012 Annual Report, 258-296
33. *ibid* 327-335
34. Ibn Mājah, *Sunanu Ibn Mājah* (Hadīth 2790, Vol 2). (Beirut: Dāru 'Ihyā'I 't-Turāthi 'l-ᶜArabi (ND), 908.

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Khan M. M. A. "A case for Teaching *Mīrāth* as Independent Courses"in *Islamic Law in Nigeria (Application & Teaching),* ed. Syed Khali Rashid(Lagos: Islamic Publications Bureau, 1988), 187. See also Muhammad, S. O. *Inheritance as it Affects You,* Ilorin: Olalomi printers 2005.

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