



When a couple are newly-wed, they are excited to embark on their journey of married life. As they are still 'starting out' in life, there is a lot that they still require. Accommodation... furniture... appliances – and the list goes on.

Most couples will start out gradually, acquiring the absolute essentials first, thereafter obtaining the other items that they require. Perhaps a portion of the monthly salary will be set aside for this purpose, while gifts given by family and friends will also contribute towards this cause. As time passes, they get more settled into their new home, until the time arrives when the windows that were once covered with brown paper are now covered with curtains or blinds.

At this juncture, the question which arises is, "Who does this all belong to?" In other words, if the husband and wife are asked, "Who does the bed belong to? The fridge? The lounge suite? The curtains? The crockery? Etc, etc, etc?" then what will they reply?

In many cases, the couple will respond, "It belongs to 'the house'." However, this is simply not possible, as a house cannot own anything. Instead, each and every item has to have a specific owner.

The relevance and pertinence of this discussion will be most clearly understood in the event of the demise of one of the spouses. As we all know, when a person passes away, all their belongings will form the estate which has to be distributed among their heirs according to the shares stipulated by sharee'ah. However, how will we know which items form part of the estate and which items do not, when we do not even know which items belong to who???

Certain items are such that it can be safely concluded that they belong to the husband or wife

e.g. his clothing and her clothing belonging to each respectively. In some cases though, they may own an item in partnership. One example is where the husband and wife both contributed money to purchase a certain item. In this instance, the deceased spouse's share of that item will also have to be included in the estate and distributed among the heirs. If a certain well-wisher gifted an item, was it gifted to both the husband and wife or just one of them? Who does it belong to?

As we can see, the aspect of ownership is one that many of us take for granted, even though it has 'grave' implications on the deceased and bereaved. If the estate is not distributed correctly, many parties – including the deceased – will bear a sin that could have been easily avoided with proper prior planning.

The first step is to compile an inventory of all the items owned by the husband and wife, clearly specifying the owner of each item. If the couple encounter an item which is such that they are unsure and uncertain regarding its owner (e.g. they can't remember whether it was gifted to one or both of them, or they cannot remember how much each contributed when purchasing the item, etc.), then they should resolve the issue immediately. This can be done, for example, by the husband gifting the item to his wife, or vice versa. If the husband was the initial owner, completely or partially, then she will now be the complete owner, and if he had no initial ownership in the item, then she is still the owner of the item. Either way, the purpose of achieving clarity has been achieved.

It should be borne in mind that there are many important masaa-il related to gifting. If these masaa-il are not taken into consideration, the entire process of gifting can be rendered invalid, preventing the transfer of ownership from taking place. Hence, it is advisable that we refer to experienced, knowledgeable 'Ulama and take guidance from them when resolving these issues (e.g. if the husband wishes to gift the house to his wife).

*May Allah Ta'ala favour us all with a blessed death and save us from departing while our issues are unresolved.*