

Article 914.

If, owing to the existance of several persons entitled to 'shares', the estate of the deceased be not sufficient to satisfy all of them, the deficiency falls on the daughter or tetwho daughter; and if, after deduction of the portion of those entitled to 'shares' there still remains something, and there be no heirs entitled to take the remainder by way of relationship, this remainder will be divided among the persons entitled to 'share' in accordace with the provisions of the preceding Articles; but the husband and the wife in all cases, and the mother if she comes after someone else, will take no part of the remainder.

Article 915.

The ring which the deceased used to wear, and also the 'qur'an' and the personal clothes and the sword of the deceased go to the eldest son, without being reckoned as part of his portion, unless the estate of the deceased consists of nothing else.

پژوهشگاه علوم انسانی و مطالعات فرهنگی
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Article 910.

If the deceased has sons or daughters, even if only one person, his grandchildren do not inherit.

Article 911.

If the deceased leaves no sons or daughters, his grandchildren are the legal representatives of his sons or daughters, and in this way are reckoned as belonging to the first degree of descendants, and take inheritance with each one of the parents who are alive.

The division of the inheritance among the grandchildren will take place in accordance with their sex; that is to say, each individual will take the portion of the person through whom he claims descent from the deceased; hence, the children of a son take twice as much as the children of a daughter.

In the division among individuals of each sex, a boy takes twice as much as a girl.

Article 912.

Children's children, to whatever generation they extend, take inheritance in the way recorded in the previous article, subject to this, and those nearer to the deceased exclude those more remote from him.

Article 913.

In all the conditions mentioned in this subsection, whichever of the married pair is the survivor takes his or her 'share' and this 'share' means one half of the estate for the surviving husband and one quarter for the surviving wife, provided that the deceased left no children or grandchildren; and it means one quarter of the estate for the husband and one eighth for the wife if the deceased left children or children's children. And the remainder of the estate is to be divided among the other heirs in accordance with the preceding Articles.

alone, takes the whole estate; and if the father and mother of the deceased are both alive, the mother takes one-third and the father two-thirds. But if the mother comes after someone else, one-sixth of the estate belongs to the mother and the rest to the father.

Article 907.

If the deceased leaves no parents, but has one or more children, the estate will be divided as follows:-

If the offspring consists of only one, whether son or daughter, the whole of the estate belongs to that child.

If there are several children, (but all are sons or all daughters, the estate will be divided equally among them.

If there are several children, some being sons and some daughters, each son takes twice as much as each daughter.

Article 908.

If the father or the mother of the deceased, or both parents, are alive, together with one daughter, the 'share' of each one of the father and the mother will be one-sixth of the estate; and the 'share' of the daughter will be one halfthereof.

The remainder must be divided among all the rest of the heirs in proportion to the 'share' of each; unless the mother comes after someone else, in which case the mother takes no portion of the remainder.

Article 909.

If the father or the mother, or both the parents of the deceased are alive, together with several daughters, the 'share' of the whole of the daughters will be two-thirds of the estate, which is to be divided equally among them,; and the 'share' of each one of the father and the mother will be one-sixth. And if there be a remainder it will be divided among all the heirs in proportion to their 'shares' unless the mother comes after someone else, in which case she will not take any portion of the remainder.

- (1). Two daughters or more, provided there are no male offspring.
- (2). Two or more sisters of the full or the half blood on the father's side, if there are no brothers.

Article 903.

Two categories of heirs take a one-third 'share':-

- (1). The mother of the deceased, provided that the deceased has no offspring or brothers or sisters.
- (2). The mother's relations (Kalaleh), provided that they are more than one in number.

Article 904.

Three categories of heirs take a one-sixth 'share':-
the father, the mother, and the mother's relation (Kalaleh)
if only one.

Article 905.

Each of the persons entitled to a 'share' takes his portion from the estate of the deceased; and then rest remains for those entitled by 'relationship'; and if the person entitled to take by 'relationship' be not equal in that category to the rank of the person who takes by a 'share', the rest is returned to the person entitled by a 'share', except in the case of a husband or a wife, to whom it will not be returned; nevertheless, if there be no heir to the deceased except the husband, the balance of the estate remaining after abstraction of the 'share' is returned to him.

SECTION 6

ON THE PORTIONS OF INHERITANCE OF THE VARIOUS DEGREES

OF HEIRS SUB-SECTION I

ON THE PORTIONS OF INHERITANCE OF THE FIRST DEGREE

Article 906.

If the deceased has left no living children, and no living children's children of whatever degree, either of the parents, if

Article 897.

The persons who take partly by 'share' and partly by 'relationship' consist of the father, the daughter or the daughter or the daughters, and the sister or sisters on the father's side or of the full blood, and cousins (Kalaleh) on the mother's side.

Article 898.

All other heirs, other than those mentioned in the two preceding articles, take their inheritance only by 'relationship'.

Article 899.

Three categories of heirs are entitled to a 'share' of one half of the estate:-

- (1). The husband, on condition that there be no children from the deceased wife, whether from that husband or from another husband:
- (2). A daughter, if she be the sole offspring.
- (3). A sister of full blood or half blood on the father's side, provided that she be the only one.

Article 900.

Two categories of heirs are entitled to take one-quarter of the estate as their 'share':-

- (1). The husband, if the woman dies having children.
- (2). The wife or wives, provided that the husband has died without offspring.

Article 901.

A 'share' of one-eighth belongs to the wife or wives, provided the husband has died having children.

Article 902.

A two-thirds 'share' of the estate belongs to two categories of heirs:-

(2). Whenever the deceased had brothers or sisters. In that case the mother of the deceased is restrained from taking more than one-sixth, provided that:

- (a). There be at least two brothers, or one brother with two sisters, or four sisters.
- (b). Their father be still alive.
- (c). She be under no incapacity for inheriting, except for reasons of murder: and
- (d). The brothers and sisters of the deceased be of the full-blood or on the father's side, not mother's.

SECTION 5

ON 'SHARES' OF INHERITANCE AND THOSE ENTITLED TO THE SAME

Article 893.

The heirs take their inheritance sometimes by 'shares' and sometimes by 'relationship', and sometimes by both 'shares' and by 'relationship'.

Article 894.

Persons who take 'shares' are those whose portions of the estate are fixed; and persons who take by 'relationship' are those whose portions are not fixed.

Article 895.

The fixed portions which are termed 'shares' are defined as a half, a quarter, an eighth, two-third, and onesixth of the estate.

Article 896.

The persons who take inheritance by 'share' consist of the mother, the husband, and the wife.

Article 889.

As between the heirs of the first degree, if there be no children of the deceased, the children's children, to whatever extent they go down, are the representatives of their father or their mother, and take an inheritance with remaining parent but, as between the children, the nearest to the deceased deprives the farther ones from inheritance.

Article 890.

As between the heirs of the second degree, if there are no brothers or sisters of the deceased, the children of his brothers or sisters, however far down they go, are the representatives of their father or mother, and take an inheritance with whichever of the ancestors of the deceased has survived; but, as between the ancestors or the brother's or sister's children, the nearer to the deceased deprives the remoter from an inheritance.

The provisions of this Article will also be applied in the case of the heirs of the heirs of the third degree.

Article 891.

The following heirs are not subject to exclusion from an inheritance:-

Father, mother son, daughter, husband, and wife.

Article 892.

Partial exclusion from inheritance of a share occurs in the following cases:-

(1). Whenever the deceased has children or grandchildren. In that case the parents of the deceased may not take more than one-third of the estate, except in accordance with Article 908 and 909, in which case it is possible for either of the parents to take, by way of relationship or remainder, more than one-sixth; and similarly the husband is restrained from taking more than one-quarter, and the wife from taking more than one-eighth.

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(20) Iranian Civil Code

SECTION FOUR

NO EXCLUSION FROM INHERITANCE (HUIB)

Article 886.

Exclusion from Inheritance (hujb) is the name given to the state of an heir who is completely or partially excluded from taking an inheritance owing to the existence of another heir.

Article 887.

Exclusion from inheritance consists of two parts:-

First, when the heir is deprived of the inheritance totally, e.g. a brother's son is deprived of the inheritance owing to the existence of a brother or a sister of the deceased: or, a half-brother of the father's side is deprived of an inheritance owing to the existence of brothers of the full blood.

Second, when the portion of an heir is lessened; as for instance when the share of a husband is lessened from a half to a quarter when ever there are children from his wife; and similarly when the share of the woman is reduced from a quarter to an eighth whenever there are children from her husband.

Article 888.

The determining factor in total exclusion from inheritance is the nearness of relationship to the deceased; hence, each degree of heirs deprive the next degree of taking any inheritance, except in the case mentioned in Article 936 and in case where the more remote heir is able to take inheritance by way of representation of another, in which case both take an inheritance.