

Feasibility of Grandchildren's Inheritance after the Death of Grandparents if there is a first heir

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Abstract

The issue of grandchildren's inheritance in case of grandparent's death and the existence of the first heir is one of the cases that has been neglected by the legislator despite its high importance especially in preventing family disputes and financial problems. Currently, based on the rule of closer relative, when a person dies earlier than her/his parents, her/his children will be deprived of their grandparents' inheritance if the grandparents have any other children which are alive at the time of their death. Although Imāmī jurisprudence accepts the inheritance of grandchildren as the successors of their parents or *Qaem Maqam*, in order to respond to this question whether *Qaem Maqam* is being able to inherit in case of the existence of their aunts or uncles, this research has been done based on hadiths and jurisprudential sources and indicated that none of the evidence can be in the contrary with the assumption of avoidance of grandchildren's inheritance along with the other heirs, in case of the death of one of their parents. Therefore, such inheritance could be considered for them.

Keywords: inheritance, grandchild, *Qaem Maqam* (successor), children, rule of closer relatives, consensus.

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