



Understanding Estate Planning: Insights from the Court of Appeal's Decision in the Case of Mohammed v. Mohammed

On August 23, 2024, the Court of Appeal in Kano State delivered a significant judgment in *Mohammed & Ors v. Mohammed & Anor* (2024) LPELR-62831(CA), addressing the complex interplay of Islamic Personal Law and estate administration in Nigeria.

Background of the Case

Major Mohammed Adeniyi, a Muslim, passed away without a will (intestate), leaving behind multiple wives—the first wife married under the Marriage Act and other wives married under Islamic Law. The key legal issue was whether his estate should be administered according to Islamic Law or the statutory provisions under the Administration of

Estates Law of Kwara State. The second respondent, his wife married under the Marriage Act, argued that she and her children were the sole heirs under the Administration of Estates Law. On the other hand, the appellants, representing his Islamic wives and children, argued that Islamic Law should govern the estate's distribution.

Key Highlights from the Judgment

The Court of Appeal's judgment clarified the following:

- **Islamic Law as Governing Personal Law:** The court reaffirmed that Islamic Law is considered the



personal law for Muslims, meaning it governs personal matters such as estate succession, unless it has been explicitly waived, renounced, or there is clear evidence of intent to no longer be governed by Islamic Law.

- **Marriage Act's Influence on Estate Administration Under Islamic Law:** The court held that a marriage under the Marriage Act does not invalidate the application of Islamic Personal (Estate) Law unless the individual formally renounces their Islamic faith.

- **Islamic Law vs. Customary Law Distinction:** The court emphasized that Islamic Law is distinct from Customary Law, noting that Islamic Law has universal applicability for Muslims, unlike Customary Law, which is community-based.

Broader Implications for Estate Planning

- **Legal Framework Considerations for Estate Planning:** It is important to understand how different legal frameworks—including Islamic personal law, customary Law and law of domicile—may influence inheritance rights and property distribution in estate planning.

- **Balancing Different Factors:** Estate planning must consider factors including legal requirements, religion (where applicable), lifestyle and domicile. Ensuring compliance with these factors will help avoid conflicts during the administration of estates.

- **Financial Considerations Across Legal Systems:** Different legal systems may impose various tax obligations related to inheritance and estate transfer. Estate planning must account for the potential financial implications of these obligations to ensure that beneficiaries are not burdened with unexpected liabilities.

- **Cross-Jurisdictional Estate Challenges:** Estate planning becomes complex for individuals with assets in multiple jurisdictions, as each jurisdiction has its own rules on inheritance, taxes, and succession. This makes it necessary to plan for how these various systems interact.

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 This judgment from the Court of Appeal highlights the importance of understanding how different legal systems impact estate planning in Nigeria. For expert advice and support in navigating these complexities, reach out to us at info@scp-law.com or visit our website at www.scp-law.com.