

Salam Alaikum

I bought a house 10 years ago. The money for the purchase of this house came from my wife. This money has always been regarded as our money. After 5 years I sold the house as we needed the money to build our own home. We used the complete purchase price of the house but the profits that I made when selling the house I used to purchase an apartment for the purpose of renting to bring in another income. For the past 5 years I have been using the rent of this apartment for family requirements. This apartment is in my name and my wife is now asking that I put it in both our names.

I have never had any intention to steal money from my wife but I never regarded this as haram. Please let me know whether I have a right to keep this apartment for myself although it is only my intention to further provide for the family or do I have to share the apartment with my wife or should I give her back the profits from the sale of the original house.

Please advise as I don't want haram on me.

**Reply by Ahmed Fazel Ebrahim, Johannesburg, South Africa**

**31 Oct. 08**

1. You need to admit that, at the inception of the entire process, you had no money.
2. Your wife and yourself have began with an incorrect transaction since there is no clarity whether
  - 2.1 she had lent you her money to buy the family a home due to which you owe her the money, or
  - 2.2 she had trusted you with the money to buy a home for both of you due to which she actually owns the house purchased except that, as in the normal course of events, husbands and wives consider each of their properties as also belonging to the other due to consideration and love.
3. For you to thus consider the first house purchased to be your sole asset is thus Haraam (impermissible) especially since you, for whatever valid or invalid reason, had failed to acknowledge debt to your wife nor made any attempts towards repayment. You arrogantly claim this house to be yours and thus when it was sold, you then claimed that the profits were yours and thus you own any asset, property or apartment that was purchased with it.
4. You had no clear contract with your wife when she paid for the house, and despite the fact that you might have very spitefully or presumptuously placed the house under your legal ownership and title. Why should we regard the purchase of the house as a purchase made my you for your person with your

assets when there is no loan agreement at the inception of the contract for the money between you and your wife?

5. It is thus that the first house purchased, be rightfully considered as your wife's ownership.
6. Thus the proceeds of the sale of the first house belong to your wife. Any income generated from the apartment which you used for the family, unless approved by your wife, was her money that you used, and which has to be paid to her
7. The apartment thus belongs to her.
8. It is unwise, considering your crooked financial nature, for your wife to have the apartment in both your names.
9. Ensure that you have the second house transferred on to your wife's name since you do not own it.