

Thus, among the
sunnis and the shias,
a



Thus, gift to an unborn person, one not in ease, either actually or presumably, is invalid. Under the Shia law a gift to an unborn person can be validly made provided the gift commences with a person in esse.

For instance, if a gift is made to a person for life, then, under the Hanafi law, A will take absolutely, the condition being void, while under the Ithana Ashari law, A will take a life estate and, on the death of A, the estate will revert to the donor. Both among the Sunnis and the Shias, a gift to A and his children generally, or to his descendant 'line after line', would take effect as an absolute estate to A, the conditions limiting the estate being void. However, a gift to a child in womb is valid, if the child is born within six months of the gift.

In such a case Muslim law presumes that the child was actually in existence as a distinct entity in the womb of the mother. When a gift is made to a minor or a person of unsound mind, the gift will be complete by the delivery of possession to the guardian of the minor or of the person of the unsound mind. Muslim law allows gifts to be made jointly to two or more persons but where the gift of a property capable of division is made to two or more persons without specifying their shares or without dividing them, then the gift is invalid. However, such a gift will be valid if separate possession is taken by each one of the donee by mutual arrangement or in accordance with the deed.