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Marzul Maut (Death bed gift)

Marzul Maut is a gift of an amphibious nature. It is not exactly a gift nor a legacy. In Muslim law the rules are to be taken from the law of gifts and the law of wills. Marzul Maut means 'the disease death'. The person under disease must have an apprehension of death or cause of death.

Conditions:

It must cause apprehension of death in the mind of the person. (ii) There must be some external indication of a serious illness. The above is a question of fact. (Hi) The illness must cause the death.

Gift takes place only when the donor dies. If the donor lives after making the gift, the question may be Whether it is an ordinary valid gift or not.

The gift must have been made under pressure of imminent death. The crucial test is the subjective apprehension of death in the mind of the donor.

The nature of the illness cannot be specified with exactitude. If a person had suffered for *a* year, he had become familiar with the disease, therefore his gift will not be niarzul maut (Hedaya).

The gift must satisfy all the formalities of Hiba. Delivery of possession is necessary. If no delivery is given the gift is void, (ii) It must satisfy all the restrictions laid down for wills.