

قانون مدنی ایران با انگلیسی

(22) IRANIAN CIVIL CODE

SUB - SECTION 4

ON THE INHERITANCE OF HUSBAND AND WIFE

- Article 940.** A married pair, married permanently, and not restrained from inheriting, take inheritance one from the other.
- Article 941.** The portions of inheritance of a husband and a wife follow the provisions of Articles 913, 927 and 938.
- Article 942.** If there be more than one wife, the fourth or eighth part, which belongs to the wife, will be divided equally among them.
- Article 943.** If the husband has divorced his wife in such a way that the divorce is revocable, either one of them who dies before the expiry of the "Uddah", period will inherit from the other; but if the death of one of them takes place after the expiry of the "Uddah", period, or if the divorce was irrevocable, they will not inherit from one another.
- Article 944.** If the husband divorces his wife when he is ill, and dies of that same disease within a year from the divorce' the wife takes inheritance from him, even if the divorce were irrevocable; provided that the wife has not taken another husband.
- Article 945.** If a man marries a woman when he is ill, and dies of that disease before consummation of the marriage, the wife does not take inheritance from him; but if he

dies after consummation, or after recovery from that disease, the wife takes inheritance from him.

**Article 946.** The husband takes inheritance from the whole of the effects of the wife; but the wife takes only from the following effects :

- (a) From the movable property, of whatever kind.
- (b) From buildings and trees.

**Article 947.** The wife takes inheritance from the price of the buildings and trees, and not from those things themselves; and the method of valuation is this, that the buildings and trees are valued on the supposition of their being worthy to remain in the ground, but without allowance for earnings.

**Article 948.** If, the circumstances of the previous article, the heirs refuse to pay the price of the buildings and the trees, the woman may realise her right on those things from the things themselves.

**Article 949.** If there be no other heir apart from the husband or wife, the husband takes the whole of the estate of his late wife; but the wife takes only her portion, and the rest of the estate of the husband is considered as the estate of a man without any heir, and will be dealt with in accordance with article 866,

**Article 950.** " Replaneable things ,, ( Misli ) mentioned in this law mean things which are such that similar things are well known and exist in great quantities such as seeds; and priceable things ( qaimi ) are the counterpart of ( misli ) things. Nevertheless, the determination of this theory depends upon custom.

**Article 951.** Excessive use ( ta'addi ) consists of conduct surpassing the limits of permission or ordinary usage, in relation to a thing or a right belonging to another.

**Article 952.** Waste ( tafrit ) consists of not doing something which, in virtue of an agreement or by ordinary usage, is necessary for the protection of another's property.

**Article 953.** Fault includes excessive use and waste.

**Article 954.** All optional contracts ( jaiz ) are cancelled by the death of one of the parties; similarly they are cancelled by imbecility, in matters where adolescence is a necessary condition.

**Article 955.** The provisions of this law are validly applicable to all circumstance which took place before this law.

## VOLUME 2. DEALING WITH INDIVIDUALS

### BOOK 1. GENERAL TERMS ( KULLIAT )

**Article 956.** The capacity to possess right with the birth of a human being and ends with his death.

**Article 957.** A child in the womb will enjoy civil rights provided that it comes in to the world alive.

**Article 958.** Every human being is entitled to civil rights but nobody can utilise and employ these rights unless he possess legal capacity for so doing.

**Article 959.** Nobody can alienate himself entirely from the enjoyment or use of the whole or part of his civil rights.

**Article 960.** Nobody can dispossess himself of his liberty or forego the enjoyment of his liberty so long as it is within the limits of decency and his action is not contrary to the law.

**Article 961.** Foreign nationals are also entitled to the enjoyment of civil rights with the following exceptions:

1. In respect of rights which are recognised by law as being explicitly and exclusively for Iranian subjects or explicitly denied to foreign nationals.
2. In respect of rights concerning personal status which are not accepted by the law of the Government of the foreign national.
3. In respect of special rights created solely from the point of view of the Persian people.

**Article 962** Determination of the capacity of any person to contract is to be in accordance with law of his own country;

nevertheless, in the case of a foreign national who carried out a civil contract in Iran for which, according to the law of his own country, he did not possess capacity or possess only a partial capacity, and if, apart from his foreign nationality, he can be recognised according to Iranian law as possessing the capacity to make that contract, he will in fact be recognised as having capacity in respect of that contract.

The foregoing recognition will not include civil contracts concerning family rights, rights of inheritance or the transfer of real estate situated outside Iran.

- Article 963.** If husband and wife are not nationals of the same country, their personal and financial relations with one another will be subject to the laws of the country of the husband.
- Article 964.** Relations between parents and their children are subject to the law of the country of the father unless the only certain parentage of the child is that of its mother, in which case the relations between the two follow the laws of the country of the mother.
- Article 965.** Legal guardianship and the appointment of a guardian for minor children will be in accordance with the laws of the country of the ward (the person on whose behalf the guardianship or the executorship or the must be exercised - translator ).