

OPEN PEER REVIEW

Appeal of Court Rulings on the Distribution of One-Third of an Estate Issued by Provincial Courts of Appeal

Ghader. Nouri¹, Jalal. Jafari^{1*}¹ Department of Law, Shq.C., Islamic Azad University, Shahr-e Qods, Iran

* Corresponding author email address: J.jafari56@iau.ir

Received: 2026-02-18	Revised: 2026-06-03	Accepted: 2026-06-10	Initial Publish: 2026-06-11	Final Publish: 2027-03-01
EDITOR: Tahereh Ebrahimifar Head of Sociology Department, Faculty of Arts, Helwan University, Cairo, Egypt. Email: Tah.Ebrahimifar@iauctb.ac.ir				
REVIEWER 1: Mustafa Kaan Tuysuz Institute of Social Sciences, Siirt University, Siirt, Turkey. Email: AhmetKılıç@siirt.edu.tr				
REVIEWER 2: Mustafa Kaan Tuysuz Institute of Social Sciences, Siirt University, Siirt, Turkey. Email: AhmetKılıç@siirt.edu.tr				

1. Round 1

1.1. Reviewer 1

Reviewer:

The paragraph on “The Concept of Cassation Appeal” refers to historical legislation but lacks comparative context with other jurisdictions; adding a comparative table with French or Swiss cassation practices could strengthen the argument.

The description of estate distribution and one-third allocation could be enhanced by a flowchart showing the procedural steps from will execution to distribution, which would clarify the distinction between estate inventory and actual allocation.

In Section 4.1 on judicial practice, the authors state “Judicial practice in dealing with a claim by one of the heirs to ownership of part of the estate may be summarized in two major approaches”; it would be helpful to include the proportion of cases following each approach to indicate prevalence.

The discussion of “impossibility of separation” lacks citations to specific jurisprudential doctrines; adding references to authoritative Iranian legal treatises would increase rigor.

The manuscript would benefit from including visual aids such as timelines or flow diagrams for each judicial stage, especially for complex cases like Judgment No. 9109983461301432, to allow readers to track procedural steps effectively.

Some sentences are lengthy and compound multiple ideas, e.g., “The action for distribution of one-third of the estate is a legal instrument through which the testamentary portion of the decedent’s assets... is separated from the estate before division of inheritance”; breaking them into shorter sentences would enhance clarity.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In Section 4.4, the paragraph on heirs' claims and divergent views could benefit from a clear table contrasting the two theories, citing the relevant court cases, dates, and outcomes to aid clarity.

The recommendation to amend Article 322 should be supported with an analysis of potential legal consequences or challenges, including how courts might implement the note requiring immediate division of undisputed property.

In the analysis of the first appellate case, the distinction between "asset-identification stage" and "will-execution stage" is insightful, but the paragraph could be improved by explicitly stating the procedural timeline for readers.

The presentation of multiple case examples (First, Second, Third, Fourth) would benefit from a comparative summary table including judgment numbers, dates, courts, and the main legal point, improving readability.

The manuscript occasionally uses complex legal terminology such as "cassation-barred" and "extraordinary remedies" without providing a glossary or footnotes; adding these explanations would enhance accessibility for interdisciplinary readers.

In several paragraphs, the authors reference jurisprudential opinions and Supreme Court rulings but do not discuss potential dissenting opinions; including these would provide a more nuanced view of legal debates.

On page 5, the discussion of "separation theory" versus "impossibility of separation" should include discussion on procedural efficiency and costs, perhaps citing statistical data on case durations if available.

The text repeatedly mentions the lack of uniform precedent; adding a brief historical analysis of why this gap exists in Iranian jurisprudence would enhance the reader's understanding.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.