

Question 987) - If he says, ?I owe him 1000 Dirham for a slave I bought which I did not take possession of,? must he pay anything?

A: If he mentions a specific slave then it will be said to the seller, "If you wish, give him the slave and take the 1000, or else there is nothing for you." If he does not mention a specific slave, then according to Imaam Abu hanifa RAH.? He owes the 1000.*

* And his addition, "which I did not take possession of," will not be accepted, whether he says it immediately or after a pause. It will be treated as a recanting after having confessed to owing the money. Abu Yusuf RAH. said that if he said it immediately it will be accepted and he does not owe anything. If he pauses then it will not be accepted if the seller denies it is from that sale.

~ al-Quduri ~