

Question 1303) - The usurper became liable to pay for the missing usurped item whether through the word of the owner; the proof of the owner; the refusal of the usurper to take an oath; or the oath of the usurper. The item is then found and its price is more than the amount he took liability for. Has the owner any right over the difference?

A: If the usurper took liability through his own word under oath then the owner can let go of further liability or he can take his item and return the compensation paid.

If he took liability because of the word of the owner or the proof the owner presented, or his refusal to take an oath then the owner has no choice - the usurper owns it.

~ al-Quduri ~