

Question 2161) - What will the judge do once the claim is established?

A: The judge will then question the mudda'a 'alayhi. If he confesses, then the judge will rule according to the mudda'i's claim. If he denies the claim, the judge will ask the mudda'i to produce evidence. If he can present the evidence and witnesses he will receive the ruling in his favour. If he is unable to present evidence, and demands an oath-taking, the judge will first make him take an oath. If the mudda'a 'alayhi takes an oath to the contrary the judge will refuse the claim. If the mudda'a 'alayhi refuses to take the oath the judge will rule in the mudda'i's favour. It is appropriate for the judge to first say, "I shall present the oath-taking to you thrice. If you take it, well and good. If you refuse to, I shall rule against you according to what he claims." If he then refuses after the presentations, the judge will rule against him.

~ al-Quduri ~