

Question 2192) - How are disputes regarding price and commodity between buyers and sellers settled?

A: There are various scenarios, with different rulings:

1. When the seller claims a higher price than the buyer admits to, or the buyer claims a greater quantity of the commodity than the seller admits to; whichever produces evidence will have the ruling in his favour.
2. If both produce evidence, then the ruling will be according to the greater amount.
3. If neither can produce evidence then the buyer will be told, "Either accept the price the seller claims or the sale is cancelled." The seller will be told, "Either accept the quantity the buyer claims or the sale is cancelled." If neither wishes to concede, then each will have to take an oath concerning the other's claim. The buyer will begin taking the oath. Once both have taken their oaths, the court will rescind the sale. If one of them refuses to take the oath, the court will rule in favour of the other's claim.
4. If the dispute is about the time given for payment, or *Shartul Khiyar* then there is no mutual oath taking. The word of the one who denies the time given or the option of rescinding will be accepted, but he must take an oath.
5. If the commodity perishes and they dispute the price, then they will not take oaths according to *Imaam Abu Hanifah RAH.* and *Imaam Abu Yusuf RAH.*. The price which the buyer claims will be accepted. According to *Imaam Muhammed RAH.* both will take oaths and the sale will be cancelled based on the market value of the commodity.
6. If one of two slaves perished, and they dispute the price, they will not take oaths according to *Imaam Abu Hanifah A.RAH.* unless the seller agrees to give up his claim on the perished slave. According to *Imaam Abu Yusuf RAH.* and *Imaam Muhammed RAH.* both will take oaths. The sale with reference to the surviving slave is cancelled and the perished slave is valued at market price.

~ al-Quduri ~