

Question 2225) - Will the judge detain the mudda'a 'alayhi if found guilty?

A: If the mudda'i demands his right the judge should not hasten to detain the mudda'a 'alayhi. He should order him to pay what he owes. If he refuses the judge will detain him for any liability which was incurred by acquiring wealth in his hands such as the price of goods or loans; as well as for any debt incurred by transaction, such as deferred dowry and Kafalah. He may not be detained for other liabilities if he says he is poor.

~ al-Quduri ~