

# Can Someone's Debt Be Paid Without Their Permission

## Darulifta Ahlesunnat

(Dawateislami)

### Question

What do the scholars of Islam say about the following:

A man is in debt and unable to pay it back. Will his debt be cleared if someone repays it for him without his permission?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

It is permissible to pay someone's debt without the permission of the debtor. In this scenario, the debt will be paid, and the act of clearing the debt is a good deed for which there is hope of reward.

It is stated in *Majma' al-Damānāt*: لو قضى دين غيره بغير امره جاز – “If someone pays the debt of another without the debtor's request, this action is permitted.”<sup>1</sup>

Shaykh Zayn al-Dīn, Ibn Nujaym al-Hanafi رَحْمَةُ اللَّهِ عَلَيْهِ said: لو قضى دين الحي ان قضاها بغير امره يكون متبرعا - “If someone clears the debt of a living person, without the debtor's request, he will be deemed as having performed a rewardable action.”<sup>2</sup>

Paying off a debt without the consent of the debtor will clear the debt.

Regarding this, it is stated in *al-Fatāwā al-Hindiyyah*<sup>3</sup>:

لو قضى دين الفقير بزيادة ماله ان كان بامرته يجوز وان كان بغير امره لا يجوز وسقط الدين

Imām Aḥmad Razā Khān رَحْمَةُ اللَّهِ عَلَيْهِ explains:

Whether Sayyid Muhammad Ahsan paid off this debt with his own money or borrowed money, it was a debt on one brother, which another paid off of his own accord. He showed good conduct with his brother, for which there is hope of reward. However, there is no entitlement of recompense; so a person who shows good conduct cannot demand reimbursement. Books of jurisprudence have explicitly stated on this issue that whoever clears the debt of another, without the debtor requesting him to do so, will not have the money returned to him.

It is mentioned in *Uqud al-Durriyyah*: المتبرع لا يرجع بما تبرع به على غيره كما لو قضى دين غيره بغير امره - “Someone who does an act of kindness cannot demand for the return of that which he contributed; like someone clearing another's debt without his request.”<sup>4</sup>

وَاللَّهُ أَعْلَمُ عَزَّوَجَلَّ وَرَسُولُهُ أَعْلَمَ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ

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<sup>1</sup> *Majma' al-Damānāt*, vol. 2, p. 921, published in Cairo

<sup>2</sup> *Al-Baḥr al-Rā'iq*, vol. 2, p. 424, published in Quetta

<sup>3</sup> *Al-Fatāwā Hindiyyah*, vol. 1, p. 190, published in Egypt

<sup>4</sup> *Al-Fatāwā al-Razawiyyah*, vol. 18, p. 274, Raza Foundation, Lahore

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