

Ruling on a Deal Between a Bread Maker and a Hotel

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What do the scholars say regarding this issue: we provide bread to those who sell curry and tell them to sell our bread along with their curry and keep five rupees per bread for themselves. So, they sell the bread for 20 rupees and keep five rupees for themselves. Is it permissible for us to conduct business in this way?

Also, please clarify that if the bread does not sell by the time the shop closes, who owns it?

If the shopkeeper forgets the bread in the shop overnight, causing it to spoil, then who bears the loss according to Islamic law?

Note: The questioner has clarified that, whether or not all the bread is sold, the restaurant owner pays us for all the bread by evening at the rate of 15 rupees per bread.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الجواب بعون الملك الوهاب اللهم هداية الحق والصواب

The details provided in the question make it clear that this arrangement between the parties constitutes a sale. The restaurant owner buys the bread for 15 rupees and sells it for 20 rupees. If this is the case, it is clear that once the bread is in the possession of the restaurant owner, he is responsible for any profit or loss from it.

Once a sale transaction is completed and the buyer has taken possession of the item, the profit or loss of the item becomes the buyer's responsibility. As stated in Baday-us-Sanay:

“ان المبيع انما يدخل في ضمان المشتري بالقبض”

Translation: The sold item comes under the buyer's liability once he acquires possession of it.

(Baday-us-Sanay, Volume 5, Page 240, Beirut edition)

The possession of an item by a buyer causes transfer of responsibility from seller to him as well, as it is stated in Tabyeen-ul-Haqaiq:

”ان القبض فيه ناقل للضمان من البائع الى المشتري، فان البيع قبل التسليم مضمون على البائع بالثمن ثم ينتقل ذلك الى المشتري بالقبض“

Translation: Possession transfers liability from a seller to a buyer. Before delivery, the item remains the responsibility of a seller against the price, but with possession, that liability shifts to a buyer.

(Tabyeen-ul-Haqaiq, Volume 6, Page 63, Cairo edition)

Imam-e-Ahle-Sunnat Imam Ahmad Raza Khan (رحمة الله عليه) states:

”اس (بائع) نے بعض یا کل ثمن لینے سے پہلے بیع اس کے قبضہ میں دے دی تو اس سے جو کچھ منافع حاصل ہوں گے ملک مشتری ہیں۔“

Translation: If the seller gives possession of the item before receiving part or all of the payment, any benefits derived from it belong to the buyer.

(Fatawa Razawiyya, Volume 17, Page 89, Raza Foundation Lahore edition)

والله اعلم عز وجل ورسوله اعلم صلى الله تعالى عليه وآله وسلم

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