



Fatwa no. 17398

Q: The following process takes place in car agencies: a car is brought to the auction area and it is offered for public sale through loudspeakers without mentioning its defects. People check it while it is stationary and they do not test drive it. When the deal is concluded, the agency immediately receives the down payment from the purchaser and stipulates some public conditions on the purchaser that the car is full of defects. Then an employee of the agency drives the car to the agency where it is registered without being examined by the purchaser. Moreover, the purchaser may be prevented from driving it until the ownership is transferred. Thereby, the car is given to the purchaser regardless of the defects it contains even if these defects appear later on.

Could you kindly advise me about the validity of this sale. If it involves unlawful violation, I hope that you will write to the competent authorities to set the proper Shari` regulations in this regard.

A: A seller must show the defects of the commodity

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because the Prophet (peace be upon him) said: (Both parties in a business transaction have the right to annul it so long as they have not separated; and if they speak the truth and make everything clear they will be blessed in their transaction; but if they tell a lie and conceal anything the blessing of their transaction will be wiped out.) Even if a seller says the commodity is full of defects, it is not enough until he shows the real defect of the commodity so that the buyer will be aware of the defect. Allah knows best.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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