

In the mentioned situation, when Mudarabah terminated between the Rabbulmaal and Mudarib, it was essential for the Mudarib to return the capital to the Rabbulmaal, and it was not permissible for the Mudarib to invest the capital in his trade without Rabbulmaal's permission, but, when he did not return it the ruling of Ghasb applies.

Therefore, now it is compulsory for the Mudarib to return the amount of the capital to Rabbulmaal, and the profit that he has attained from Rabbulmaal's capital must be given in charity and can not be utilized by him due to it having the ruling of Milk-e- Khabith.

May this point be clear that if Mudarib returns the profit to Rabbulmaal himself then this amount of profit is lawful for Rabbulmaal, but, Rabbulmaal has not the right to claim for it.

لما في جميع الضمانات: (٢٣٤)

”ولو استعمل المغصوب بأن كان عبدا فأجره فالأجرة له ولا تطيب له
فيتصدق بها وكذا لو ربح بدراهم المغصوب كان الربح له ويتصدق به
ولو دفع الغلة الى المالك حل للمالك تناولها كما في الهداية.“

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21/6/1429





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Most Distinguished Teacher

RE: TRADING WITH CAPITAL OF RABBULMAAL

1. A mudarabah for a limited period has been terminated.
2. The mudarib has refused to return the capital **owned** by the rabbulmaal ("the capital").
3. Instead, the mudarib has wrongfully employed the capital in his own business, that is, he is trading with the capital, as a ghaasib.
4. Is the rabbulmaal entitled to claim the **profits** generated by the wrongful use of his capital by the ghaasib.
5. On the old (qadim) Shafei view, and the Hanbali view (as recorded in Mugni, chapter on ghasb), the owner appears to be entitled to the profits, in the situation, where the ghaasib trades with the liquid funds, belonging to the owner.
6. Your considered views are deeply appreciated.

Salaams and Best Regards

*Dear Brother**Ass... One of my colleagues has ably dealt with this question.***M. S. OMAR***His fatwa is enclosed. According to this fatwa, answer to your question is*

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CLOSED SATURDAYS

as follows: