



Writing, "We do not replace sold goods nor return their price."

Fatwa no. 13788

Q: What is the legal ruling on writing this statement on goods: "We do not replace sold goods nor return their price"? Some store owners write this statement on their invoices. Is this condition of sale permissible in Shari`ah? What is your advice in this regard?

A: It is not permissible to sell a commodity with the condition that it will not be replaced and that its price will not be returned. The reason for this is that it is an invalid condition. This condition involves causing the purchaser to incur losses and be deceived. Moreover, through this condition the seller forces the purchaser to take the commodity even if it is defective. This condition does not absolve him of responsibility for the defects found in the commodity. If the seller sells the purchaser a defective commodity, the latter will have the right to replace it with another one that is free of defects or else take compensation for accepting the commodity with its defect. This is because the price is paid entirely for a commodity that is free of defects. The seller then does not have the right to take all the price

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for a commodity that is not entirely free of defects. Also, in the Shari`ah a convention is similar to a written condition, so the purchaser may receive the commodity free of defects and be able to return it should he detect any defects in it. This guarantees that the purchaser receives a commodity that is free of defects by convention; exactly as he receives it by written conditions.

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

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