

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

LESSONS FROM AHÂDEETH SHAREEF

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COMMENTARY ON

40 AHÂDEETH | ARBA'EEN | OF IMAAM NAWAWI رحمه الله عليه

WITH EMPHASIS ON PERFECTING ONE'S CHARACTER

| LESSON THIRTY-FOUR |

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الْحَمْدُ لِلَّهِ نَحْمَدُهُ وَنَسْتَعِينُهُ وَنَسْتَغْفِرُهُ وَنُؤْمِنُ بِهِ وَنَتَوَكَّلُ عَلَيْهِ ،
وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ أَعْمَالِنَا، مَنْ يَهْدِهِ اللَّهُ فَلَا مُضِلَّ لَهُ وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ ،
وَنَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ ، وَنَشْهَدُ أَنَّ سَيِّدَنَا مُحَمَّدًا عَبْدَهُ وَرَسُولَهُ

Verily all praise is for Allah, we praise Him and seek His aid and ask for His forgiveness and we believe in Him and we place our trust upon Him, and we seek refuge with Allah from the evils of ourselves and our evil actions. Whomsoever Allah guides there is none who can misguide him, and whomsoever Allah misguides there is none who can guide him, and we bear witness that none has the right to be worshiped except Allah alone, having no partner, and we bear witness that Muhammad is His slave and His Messenger

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اللَّهُمَّ صَلِّ عَلَى سَيِّدِنَا مُحَمَّدٍ ، وَعَلَى آلِ سَيِّدِنَا مُحَمَّدٍ وَبَارِكْ وَسَلِّمْ

Allahumma Salli 'ala Sayyidina Muhammad Wa'ala Aali Sayyidina Muhammadin Wa Baarik Wa Sallim | Oh Allah shower blessings and peace upon our Master Muhammad Sallallahu Alayhi Wa Sallam and upon the family of Muhammad Sallallahu Alayhi Wa Sallam

ISLAMIC JURISDICTION

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "لَوْ يُعْطَى النَّاسُ بِدَعْوَاهُمْ لَادَّعَى رِجَالٌ أَمْوَالَ قَوْمٍ وَدِمَاءَهُمْ، لَكِنَّ الْبَيِّنَةَ عَلَى الْمُدَّعِي، وَالْيَمِينَ عَلَى مَنْ أَنْكَرَ

"حَدِيثٌ حَسَنٌ، رَوَاهُ الْبَيْهَقِيُّ [في "السنن" 252/10]، وَغَيْرُهُ هَكَذَا، وَبَعْضُهُ فِي "الصَّحِيحَيْنِ"

Ibn ‘Abbas *Radiallahu Anhum*a said that Rasullullah *Sallallahu Alayhi Wa Sallam* said:
*Were people to be given according to their claims, some would claim the wealth and blood of others.
But the burden of proof is upon the claimant and the taking of an oath is upon the one who denies
(the allegation).*



| BRIEF EXPLANTION |

In this Hadith Rasullullah *Sallallahu Alayhi Wa Sallam* has laid down the principle for any Qaadhi (Judge), for giving a decision when any claimant puts forth a claim in front of a judge. The مُدَّعِي (claimant) will not receive anything simply on the basis of his claim, no matter how pious/honest he may be. Unless his claim is proven true by him producing witnesses. If he is unable to present any credible witnesses, then the defendant will be asked to swear an oath. Apart from taking an oath, the defendant will not be asked to provide any evidence that the particular possession regarding which the claimant has made any claim upon, is his or not. The responsibility of providing evidence falls upon a *claimant* and the swearing of an oath is upon a *defendant*.

There is an incident mentioned in Saheeh Bukhaari between two people who had a dispute regarding a well. Ash’ath bin Qays mentions : “There was dispute between myself and another man regarding a well. So we took the case to Rasullullah *Sallallahu Alayhi Wa Sallam*. Rasullullah *Sallallahu Alayhi Wa Sallam* requested me (the claimant) to produce two witnesses (to support the claim), else he (the defendant) has the right to take an oath refuting the claim”. Ash’ath bin Qays then said to Rasullullah *Sallallahu Alayhi Wa Sallam*, “In that case, he will swear and he will not care that it is false”. Rasullullah *Sallallahu Alayhi Wa Sallam* said :

مَنْ حَلَفَ عَلَى يَمِينٍ يَسْتَحِقُّ بِهَا مَالًا هُوَ فِيهَا فَاجِرٌ، لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ غَضَبَانُ

“Whoever swears an oath by which he demands property as his right and in which he is lying, he will meet Allah and Allah will be angry with him”. (Saheeh Buhkaari)