

Question 1340) - If someone borrowed land to build thereon or plant a tree, he has done so when the owner demands it back; what happens to the tree/building?

A: If the 'Ariyah was given for a specific time and the owner demands it back before the allotted time expires then the owner is liable to compensate the borrower for his losses in uprooting the tree/removing the building.

If there was no specified time then he can force the borrower remove the building/tree. In this case he has no liability.\*

\* That is according to al-Quduri. According al-Hakim ash-Shahid the owner is liable to pay the borrower the cost of the tree/building and he will own it, unless the borrower wishes to remove them. He will not be liable for the price because it is his property. [al-Hidayah]

In al-Kafiyah: If the price of the building at the time of expiry of the time would have been 10 Dinar and presently at the time of removal it is 2, then he is liable for 8.

~ al-Quduri ~