

## **272160 - Ruling on accepting the compensation estimated by the owner of the car showroom**

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### **the question**

Someone hit my parked car, which damaged a large part of it. The traffic police attended the site of the accident, and that driver was 100% at fault, because he was speeding. When I asked the traffic police for advice, they advised me to go to the claims adjuster office, and after the adjuster examined it, he stated in his report that its repair would be costly. He sent me to the manager of the car showrooms for an estimation of the car's value, and it was evaluated by three showrooms; before the accident it would have been worth 35,000 riyals, and after the accident it was worth 14,000 riyals, so the difference was 21,000 riyals. These papers were then submitted to the traffic police, and in this case the person who caused the accident is obliged to pay this amount to me. The person who caused the accident contacted me and offered to repair the car for me, but I refused because it will never go back to the way it was, and its market value would drop because of this accident, so I decided to sell it for scrap. My question is: what is the ruling on accepting the compensation as worked out by the manager of the showrooms, which is 21,000 riyals? Please note that I bought this car approximately one and a half years ago for 26,000 riyals and I spent money on necessary repairs, nothing cosmetic, and I do not know what the market value of the car will be if I sell it for scrap.

### **Detailed answer**

There is nothing wrong with you taking the sum worked out by the manager of the showrooms, because this matter can only be decided by people with experience. The basic principle is that the one who causes damage to someone else's car is liable for the damage he caused, in addition to the loss of value of the car as a result of the accident.

It says in al-Mawsoo'ah al-Fiqhiyyah (1/226): We do not know of any scholarly difference of opinion regarding the fact that in the case of damage, if the item damaged is something that could be replaced, the one who caused the damage is liable for its replacement, and if its value

can only be estimated, then he is liable for its estimated value. Similarly, we do not know of any scholarly difference of opinion regarding the fact that with regard to estimation of the value, attention should be paid to where the damage occurred. End quote.

It also says (28/233): There is no difference of opinion among the fuqaha' regarding liability for loss of property as a result of it being usurped, damaged, or destroyed entirely, and the like, whether that damage was done deliberately, by mistake or out of negligence. End quote.

Shaykh Ibn 'Uthaymeen (may Allah have mercy on him) said: The issue is not the issue of replacing the damaged part of the car; rather it is the issue of replacing the damaged parts and also the resulting drop in value of the car as a result of the collision. This is something that many people may not pay attention to, but everyone knows the difference between the value of a car that has been in a collision, even if it has been repaired, and the value of a car that has never been in a collision.

End quote from Fataawa Noor 'ala ad-Darb

Based on that:

There is nothing wrong with you accepting this money, even if you are able to get the car repaired for less, because of what we have mentioned about the necessity of taking into consideration the drop in the value of the car as a result of the accident.

There is also nothing wrong with you keeping your car, or selling it for scrap, in addition to accepting this compensation.

And Allah knows best.