



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Bava Metzia Daf Kuf Yud Tes

#### MISHNA

- When there are 2 neighboring gardens, with one garden elevated at a higher level than the other, and there are vegetables that grow out of the vertical ground between them, **R' Meir** says they belong to the upper garden (they are growing from its earth) and **R' Yehuda** says they belong to the lower garden (they grow in its airspace).
  - **R' Meir** explains, if the upper garden takes its earth away, there cannot be any vegetables growing! **R' Yehuda** said, if the lower garden fills up his garden with earth (to the height of the other garden) there also cannot be any vegetables! **R' Meir** said, since both of them can prevent them from growing, we look to see where they get their nourishment from (and therefore they belong to the upper garden).
  - **R' Shimon** says, any vegetables that can be reached by the hand from the upper garden belong to the upper garden. The rest belong to the lower garden.

#### GEMARA

- **Rava** said, with regard to the roots of the vegetables all would agree that they belong to the upper garden. The machlokes is with the leaves that grow out of the earth. **R' Meir** says the leaves follow the roots, whereas **R' Yehuda** says that is not an automatic rule, rather each part of the plant is determined separately.
  - There is this machlokes in a Braisa as well. The Braisa says, if something grows from the trunk or roots, **R' Meir** says it belongs to the owner of the land, not to the owner of the tree. **R' Yehuda** says, if it grows from the trunk it belongs to the owner of the tree and if it grows from the roots it belongs to the owner of the land.
  - They argue about this regarding orlah as well. **R' Meir** says that when it grows from the trunk or the roots it is subject to orlah, whereas **R' Yehuda** says it is not subject to orlah unless it grows from the roots.
    - These 2 cases are necessary. If we would only have the first case, we would say that **R' Yehuda** holds that way regarding monetary questions, but for questions of issur (like orlah) maybe he follows **R' Meir**. If we would only have the second case, we would say that **R' Meir** only holds that way there, but would agree with **R' Yehuda** in monetary cases.

#### AMAR R' SHIMON KOL SHEHA'ELYON YACHOL LIFSHOT...

- In the yeshiva of **R' Yannai** they said, this is as long as he does not need to stretch to reach the vegetables.
- **Q: R' Anan** (or **R' Yirmiya**) asked, what if he can reach the leaves, but not the roots, or visa-versa? Who would they belong to? **TEIKU**.
- **Efraim** the sofer, the talmid of **Reish Lakish** said in the name of **Reish Lakish**, that the halacha follows **R' Shimon**. When **R' Shimon's** halacha was reported to Shvor Malka, he praised **R' Shimon**.

**HADRAN ALACH PEREK HABAYIS V'HA'ALIYAH!!!**

**HADRAN ALACH MESECHTA BABA METZIA!!!**

**MAZAL TOV!!!**