



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

Bava Basra Daf Lamed

- There was a person who went to another, who was living in a house, and said "What are you doing in my house!?" The one living there said, "I bought it from you and have already lived here long enough to establish a chazaka!" The original owner said "I was living in the inner rooms of this house during the 3 years, and would constantly walk through the area that you were living in, therefore there was no reason for me to protest". They went to **R' Nachman**, who told the one living in the house to bring proof that he lived there alone (without the original owner there) during the 3 years, and that would create a chazaka. **Rava** said to **R' Nachman**, we pasken that "hamotzi meichaveiro alav haraya", so the burden of proof should be on the original owner, not the one who lived there for 3 years!?
 - **Q:** We can ask a contradiction between this statement of **Rava** and another that he made, and we can ask a contradiction between this statement of **R' Nachman** and another that he made, based on the following story. It once happened that a seller sold to a buyer and said that he was selling him "all the property that I have bought from a person named Bar Sisin". There was one piece of land that was called "a land of Bar Sisin", but it was unknown if it was truly from Bar Sisin (in which case it was sold to the buyer), or if it was simply called by that name (and therefore remains with the seller), and the seller claimed that the latter was the case. They went to **R' Nachman**, who told them that the land is to go to the buyer (and the seller would have to prove his case if he wanted the land returned). **Rava** asked, we pasken that "hamotzi meichaveiro alav haraya", so the burden of proof should be on the buyer to take the land from the seller!? In the earlier case **Rava** paskened for the buyer and here he paskened for the original owner, and in the original case **R' Nachman** paskened for the original owner and here he paskened for the buyer!? **A:** **Rava's** statements are not contradictory, because in both cases he paskened for the person who is currently occupying the land. The statements of **R' Nachman** are not contradictory for the following reason. In this case, since he said he is selling everything of Bar Sisin, and this land is called Bar Sisin, the seller must prove that it was actually not purchased from Bar Sisin. However, in the first case, if the occupant had an actual purchase document, we would tell him to validate the document and then keep the property. Therefore, we tell him to validate his chazaka as well.
- A person said to another, "What are you doing in my house!?" The other person responded "I bought it from you and have been here for 3 years and therefore have established a chazaka". The original owner said "I have been away for the last 3 years and didn't even know that you were in my house!" The other person said, "I have witnesses who can testify that you were in town for 30 days every year". The original owner answered, "During those 30 days I was totally busy with my business, and therefore did not even realize that you were in my house". **Rava** said, it is normal that someone can be totally busy with his business for 30 days, and he is therefore believed when he says that he did not know anyone was in his house, and the chazaka is not effective.
- A person said to another, "What are you doing in my field!?" The other person responded "I bought it from someone who told me that he bought it from you (and I still have my document of purchase from this person)". The original owner said, "You admit that this field was originally mine, and that you did not buy it from me, so leave, because you have no standing here!" **Rava** said, that is a valid response, and the original owner gets possession of his field.
- A person said to another, "What are you doing in my field!?" The other person responded "I bought it from someone, and have been here for 3 years and have a chazaka!" The original owner said, "That person that you bought it from is a thief!" The person using the field

responded, "I have witnesses who can testify that before buying the field from him I asked you about it, and you told me to go ahead with the purchase!" The original owner said, "I said so, because you are easier for me to deal with in Beis Din for me to get my field back, but not because it was actually owned by that seller". **Rava** said, that is a valid response, and the original owner gets possession of his field.

- **Q: Rava's** view seems to only follow the minority view of **Admon**!? A Mishna says, if one disputes someone's ownership of a field, but the plaintiff himself had signed on the field being transferred from a third person to the current occupant, **Admon** says the plaintiff can claim that he signed on the transfer because he felt he has a better chance at removing the field from the current occupant than from the third party. The **Chachomim** say that by signing on the transfer he has lost any claim to the field. **A: Rava** can even follow the **Rabanan** of that Mishna. In that Mishna the plaintiff did an action which shows that he no longer owns the field. In our case he only spoke words, and someone would speak words that may undermine his claim if he thinks it will help him in the long run.
- A person said to another, "What are you doing in my field!?" The other person responded "I bought it from someone, and have been here for 3 years and have a chazaka!" The original owner said, "That person that you bought it from is a thief!" The person using the field responded, "I have witnesses who can testify that you came to me last night and asked me to sell the field to you!" The original owner said, "I offered to buy it just so that I shouldn't have to go through a court case to get it back". **Rava** said, that is a valid response, and the original owner gets possession of his field.
- A person said to another, "What are you doing in my field!?" The other person responded "I bought it from someone, and have been here for years and have a chazaka!" The plaintiff said, "I have a document showing that that seller sold the field to me four years ago (which is longer than your 3 years of chazaka and therefore the sale to you must be invalid)!" The other person responded, "when I said that I have been here for years of a chazaka, I did not mean that I was only here 3 years, I meant that I have been here for many more years!" **Rava** said, people do refer to "years of chazaka" when it is a lot more than 3 years, and therefore the one in possession of the land retains possession.
 - This is only if he said that he has been in the land for 7 years, so that he had an established chazaka before the document of the plaintiff ever came into being. However, if he had only been there for 6 years, then the act of the seller selling the field with someone having occupied his field for the last 2 years serves as the greatest form of protest.