

Can a Case be Dismissed from Bais Din Like in Secular Court?

Rabbi Shmuel Honigwachs

Question: In secular court and in the Supreme Court, if the plaintiff does not have standing, the case is thrown out. Is the same thing true for *Bais Din* as well, and how often does this occur?

Answer:

This question is indeed a major issue within halacha. In fact, some of the most difficult cases for *Bais Din* to adjudicate are those where the defendant claims "*lav ba'al devarim didi at*," "you have no claim against me," and I do not know you.

Here is an example that we once dealt with at the Bais Havaad: Reuven was hired to help do some renovations on Shimon's house. After concluding the work, since Shimon had already owed money previously to Reuven, they made a deal to offset the charges.

Shortly thereafter, Shimon receives a summons to *Bais Din* from Levi, who claims that he was a partner with Reuven on the renovations. He insisted that he laid out all of the money for the materials, workers, and the like for the renovations, and Shimon and Reuven had no right to cancel out the debts, since he was the one who was owed money for the work. So Shimon responds, "I don't know you and need not respond to your claim." What is the halacha in such cases where the plaintiff (Shimon) essentially claims to Levi, "*lav ba'al devarim didi at*"?

In one case discussed by the *poskim*, Reuven gave Shimon money to invest and Shimon then lent that money out to Levi or invested it with him.

Although Levi, the final recipient of the money does not know Reuven, the halacha is that Reuven can make a claim on him to return the money, as Levi directly benefited from Reuven's money even though he received it from Shimon. Although this case is somewhat similar to the example described, the question is whether it is sufficiently comparable to our case of hiring a worker and paying for materials to rule that Shimon must pay Levi.

There are also many other factors that must be considered in this example in order to issue a ruling. In fact, this case was one of the most complicated *dinei torah* at the Bais Havaad.

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