

Can a Plaintiff Who Lost in Secular Court Pursue His Claim in Bais Din?

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Question: If a plaintiff sued someone in a secular court and lost, can he now bring his claim to bais din?

Answer: In this sense, Halacha does accept the concept of double jeopardy.

The Rema cites two opinions regarding this case where someone lost a case in court and now wants to bring it to bais din. He says that the common custom is to follow the opinion that a Bais Din should not reopen the case. The Poskim add that a case cannot be transferred to bais din only after a ruling was issued in a secular court. Whereas, if the case is still pending and no ruling has been issued as of yet, the plaintiff can always do *teshuva* and transfer the case to bais din. However, the Poskim add that he must first drop the case in the secular court, and some add that he must also reimburse the defendant for the court costs he incurred as a result of being called to secular court.