

If the Two Parties Live in Different Cities, Where Should the Din Torah Take Place?

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Question:

Reuven received a *hazmanah* for a *din torah*. He lives in Lakewood and the other party, who lives in Brooklyn, is summoning him to a bais din in New York. Reuven doesn't want to travel and would prefer having the case heard by a bais din in Lakewood. Does he have a right to demand this?

Answer:

The general rule is that if the two parties live in two different cities, the one who is being summoned can demand that the *din Torah* be held in his city. The Vilna Gaon says that this is simply a matter of logic- if you want something from me, you'll have to come and get it [as it were].

There are some exceptions to this rule. For example, if a businessman has a dispute with a customer and then moves to another city, the customer can demand that he return for a *din Torah* to the city where the incident took place. Similarly, if someone damages another in one city, even if the perpetrator lives in another city, he can be forced to come to a *din Torah* in the place where the damage occurred. Furthermore, if someone has assets in one city, even if he does not live there, it is possible that he may be forced to appear at a *din Torah* in that city. This is because there are times when bais din can seize assets by placing an injunction on them until after a dispute is settled. In such cases, it is possible that the defendant could be forced to appear before a bais din in the city where his assets are being held.