

THE LAW OF RETURN

The Ketzos (354:4) writes that the only way something not in one's physical control can be considered birshuso is when it is held as a pikadon, in trust, on his behalf. Even if a sale was rendered null and void (e.g., via mekach ta'us), and the buyer is going to return the item, it's still not in the reshus of the seller—because the buyer is holding it for himself, not for the seller. The Ketzos understands this to be the view of Tosafos, which would place Tosafos at odds with Tosefos Rid and the Ritva in Kiddushin 56b. The Chasam Sofer, however, rules in accordance with Tosefos Rid and the Ritva and understands that to be the view of Tosafos as well.