

It is usual for a person to call many years, years of חזקה – עבד איניש דקרי לשני טובא שני חזקה.

Overview

The מערער originally claims he was in the field for שני חזקה. The מערער presents a שטר from the original owner to the מערער dated four years ago. The מחזיק brings עדים that he is occupying the field for the past seven years; three years prior to the שטר. The ruling is that the מחזיק retains the field since the statements of שני חזקה and שבע שנים can be reconciled.

However if it were not usual to refer to many years as years of חזקה, then –

even though the מחזיק **has עדים** – אף על גב דאית ליה סהדי

that he utilized the field for seven years¹, nevertheless – דאכלה שבע שנים

we do not believe him that he was there for seven years; which would have given him a valid חזקה. The reason we do not believe him is –

for he contradicts these witnesses who claim that he was in the field for the last seven years. תוספות explains how he is contradicting the עדים –

for the מחזיק admits that he did not utilize the field – דמודה שלא אכלה

only for the required חזקה years – אלא שני חזקה

which are three years, and no more. If we were to assume that שני חזקה means only three חזקה years, then the מחזיק by stating that he was occupying this field for שני חזקה is implying that he was there for only three years, not more. בי"ד accepts the testimony of an individual, to his detriment, more than the testimony of עדים. Therefore his testimony of a three year occupation contradicts and cancels the testimony of the עדים of a seven year occupation.

Summary

שני חזקה maintains that if it were not usual to refer to seven years as שני חזקה, then the claim of שני חזקה would contradict any testimony of more than three years occupation.

Thinking it over

What is the חידוש of תוספות; seemingly the גמרא is saying this clearly?!

¹ One may have (mistakenly) assumed that if there were עדים that he lived there for seven years, then it would be irrelevant whether עבד איניש וכו' or not.