

And Rav Bibi concluded it, etc.

ורב ביבי מסיים בה כולי -

Overview

רב related from the name of הונא that even if the גזלן brought proof that he bought the field (a שטר), nevertheless the proof is insufficient and he does not get to retain the field. The גמרא stated that רב ביבי concluded in the name of ר"נ that (even though) the גזלן does not receive the field, but he receives back the money¹ which he paid for the field.²

קצת קשה הלשון דהא רב ביבי פליג כדאמרין לקמן -

The language is somewhat difficult to accept, for ר"ב argues with ר"ה as the גמרא states later -

ורב הונא לא מיירי בהכי⁵ אלא בהודה ולא במנה :

Since ר"ה is not discussing this case but rather only a case where the owner admitted to receiving money, but not a case where the money was counted in the presence of עדים; in that case it is a valid sale

Summary

Seemingly רב ביבי and ר"ה disagree; so how can we say בה מסיים?!

Thinking it over

Why does תוספות write קשה; it seems to be a very strong קשיא?!

¹ The fact that he receives his money back, indicates that witnesses saw the גזלן pay the owner; otherwise he would not receive the money back, for how are we sure that he paid the owner.

² This seemingly indicates that רב ביבי heard from ר"נ this ruling in the name of ר"ה.

³ The גמרא states דר"נ משימה בה מסיים; indicating that he added something to what ר"נ taught from הונא. This indicates that ר"ה ascribes to this statement of אבל מעות יש לו.

⁴ מח"א. The גמרא clearly states there that רב הונא לא סבירא ליה.

⁵ See footnote # 1. רב ביבי is discussing a case where the money was counted בפני עדים therefore he gets it back; however ר"ה is only discussing a case where the owner (only) admitted to receiving payment that is when we say אין (but he does not get any money back), however in a case where מנה בפני עדים, the rule is that the גזלן is תלוי וזבין זביניה זביני קונה, since