

4/9/2019
(5)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF: -

M. Siddiq (D) Thr. Lrs. ... Appellant

VERSUS

Mahant Suresh Das & Ors. etc. etc. ... Respondents

AND
OTHER CONNECTED CIVIL APPEALS

RESPONSE TO EXHIBITS RELIED UPON BY
NIRMOHI AKHARA ON 26.09.2019

BY
DR. RAJEEV DHAVAN, SENIOR ADVOCATE

ADVOCATE-ON-RECORD: EJAZ MAQBOOL

RESPONSE TO EXHIBITS RELIED UPON BY NIRMOMI AKARAHAKA ON 25.06.2019

S.NO	EXHIBIT NO.	RELIED FOR	COMMENT
1.	Ex.133, Suit No. 5 Extract from the book of description, Historical and Geographical, of India by Joseph Tieffenthaler, pages 252-254.	He relied on this document to show that Sita Rasoi etc was there since times immemorial and even Tieffenthaler noticed it. [See pg. 40 of Written Submissions]	It is relevant to note that Tieffenthaler also mentions a bedi (cradle) and states that it was on this where Beshan (Vishnoo) was born in the form of Ram. [Pg. 3089-3090 @ pg. 3090 of Vol. III of Impugned Judgment]
2.	Ex. 5, Suit no. 5 Photocopy of pages 739 to 740 of the gazetteer of the territories under the Govt. of East India Company by Edward Thornton 1854.	Again, relied to show that Bedi (Cradle) noticed by Tieffenthaler was also noticed by Edward Thornton. 42 of Written Submissions]	This has to be read with statement of DW 3/18 who states that Ram Chabutara was also called Bedi. This shows that the Hindu belief was that Lord Ram was born on Chabutara. [Pg. 10663/Vol. 58]
3.	Ex. A13, Suit No. 1 Copy of application dated 25.9.1866 by Mohd. Afzal, Mutwalli, Masjid Babri, Oudh.	Relies on this document to show that the possession on the Chabutara/Kothari was of Nirmohi Akhara. 42 of Written Submissions]	It is relevant to note that the suit of Nirmohi Akhara is confined to the disputed structure & the inner outer courtyard. Further, this document records the existence of Babri Masjid near Janamshtan, which falsifies the claim of Nirmohi that there was always a temple at the disputed site. [Pg. 1396-97/Vol. 2 of the Impugned Judgment]
4.	Ex.29, Suit No. 1 Copy of the order dated 12.10.1866 of Deputy	Abovementioned complaint was consigned to record. [Pg. 42 of Written	

Commissioner, Faizabad in Case No. 223	Submissions]	
5. Ex. 49, Suit No. 5 Photocopy of pages 5, 6, 7 and 19, 20, 21 of the Photograph of the structure at Janam Sthal with the frontispiece of the book "Historical Sketch of Faizabad" with the old capitals Ajodhya and Fyzabad by P. Carnegie officiating commissioner and settlement officer 1870 Awadh Govt. Press.	This document has been used to aver that prior to 1855, the Janamshtan was in possession of the Hindus, which was only temporarily taken over by the Muslims but thereafter the Hindus regained it. [Pg. 43 of the Written Submissions]	It is relevant to note that this document itself mentions that British had put up railing within which in the Mosque, the Mohammedans used to pray while Hindus created a platform outside the fence on which they made their offerings. It is relevant to note that the Suit of Nirmohi was confined to inner courtyard and therefore this document is irrelevant as much as it reinstates that Hindus were only praying outside on the platform i.e. the Ram Chabutra. [Pg. 43 of Written submissions & Pgs. 4052-4062 at pg. 4062 of Vol. 3 of the Impugned Judgment]
6. Ex. 30, Suit No. 1 Copy of memo of appeal dated 13.12.1870 before Commissioner against order dated 03.04.1877 passed by Dy. Commissioner.	On 13.4.1877, permission granted for construction of a gate on the Northern Side, i.e. the Singh Dwar. This permission was challenged by Mohd. Asghar. Subsequently, a report was called for by the Deputy Commissioner who took the view that the permission should not be cancelled. Ultimately, the appeal was rejected.	It is relevant to note that the permission was not cancelled on the grounds of 'public safety'. This is evident from the following facts:- a) The Report of the Commissioner mentions that if the other door is not opened then human life would be endangered as there was great rush. [See pg. 65 of Vol. 87] b) The of the Commissioner states that the other door was required in the interest of Public Safety. [See pg. 68 of Vol. 87]
7. Ex. 15, Suit No. 1 Copy of the report of Deputy Commissioner in Faizabad in compliance of	Nirmohi Akhara is relying on the said document to show that they were in possession and that	In any event, all these documents pertain to outer courtyard which is beyond the scope of the suit filed

	Commissioner's order dated 14.05.1877 in Misc. Appeal No.56 decided on 13.12.77.	Muslims were denied relief, showing that they were not in possession. [Pgs. 43-44 of Written Submissions]	by Nirmohi.
8.	Ex. 16, Suit no. 1 Copy of the order of the Commissioner dated 13.12.1877 in Mohd. Asgar Vs. Khem Das, Misc. Appeal No. 56		
9.	Gazetteer of the province of Oudh. (Annexure D, Submissions by Mr. Sushil Jain, Sr. Adv	Again, relied to show that Bedi (Craddie) noticed by Tieffenthaler & Edward Thornton was mentioned here as well. [Pg. 44-45 of Written Submissions] Further it has been stated that the attempt to seize the disputed structure by Molvi Amir Ali of Methi failed and for which Pg. 4072/Vol. 3 of the Impugned Judgment was shown.	This has to be read with statement of DW 3/18 who states that Ram Chabutara was also called Bedi. This shows that the Hindu belief was that Lord Ram was born on Chabutara. [Pg. 10663/Vol. 58] It is relevant to note that this document itself mentions that British had put up railing within which in the Mosque, the Mohammedans used to pray while Hindus created a platform outside the fence on which they made their offerings. [Pg. 44 of Written Submissions] It is relevant to note that the Suit of Nirmohi was confined to inner courtyard and therefore this document is irrelevant as much as it reinstates that Hindus were only praying outside on the platform i.e. the Ram Chabutara. Further as far as the attempt of Maulvi Amir Ali is

			<p>concerned, the reliance on that incident is misplaced as Maulvi Amir Ali had attacked Hanuman Garhi (which is mention on pg. 4072/Vol. 3). Moreover, at pg. 4072 itself, it has also mentioned that:-</p> <p>"It is said that upto this time both Hindus and Musalmans used to worship in the same building, but since the Mutiny an outer enclosure has been put up in front of the Mosque and the Hindus who are forbidden access to the inner yard, make their offerings on a platform which they have raised in the outer one"</p> <p>This shows that Hindus were only praying on the Ram Chabutara on the outer courtyard and this also affirms that the Mosque has been existing since 1528 and namaz was continuously being offered there.</p>
10.	<p>Ex. 24, Suit no. 1</p> <p>Copy of the plaint dated 22.10.1882 of Suit No. 374/943 of 1882 Mohd. Asghar Vs. Raghubar Das in the Court of Munsif Faizabad</p>	<p>This was suit filed against Raghubar Das for sharing of rent regarding user of Chabutara during the Kartik Meila.</p> <p>Nirmohi has stated that since the suit was filed against Raghubar Das of Nirmohi, it is apparent that Nirmohi was in possession and that Nirmohi was the shebait.</p> <p>[Pg. 45 of the Written Submissions]</p>	<p>Relevant to note that Nirmohi has distanced itself from Mahant Raghubar Das. [Para 17-19 of the Replication filed by Nirmohi Akhara at pgs. 69-70 of the Pleadings Volume- Running Volume 72 and the Written Statement of Nirmohi Akhara in Suit 4 at Para 6 at pg 110 of the Pleadings Volume-Running Volume 72.]</p> <p>However, subsequently, during the course of arguments Nirmohi Akhara accepted that Mahant Raghubar Das was a Mahant of the Nirmohi Akhara and this has been recorded in the impugned judgment at Para 964/Pg. 797 of Vol. 1.</p>

			Further in this document itself the description of claim notes the existence of Babri Masjid, which completely demolishes the case of Nimrohi that there was no masjid and that the disputed site was always a mosque. [Pg. 110 of Vol 87]
11.	Ex. 17, Suit No. 1 Copy of judgment dated 18.6.1883 passed by Sub Judge, Faizabad in case no. 1374/943, Syed Mohd. Asghar Vs Raghubar Das.	This is an order dismissing the aforementioned suit.	
12.	Ex. 18, Suit No. 1 Copy of the application of Mohd. Asghar dated 2.11.1883 in the Court of Assist. Commissioner Faizabad Mohd. Asgar Vs. Raghubar Das.	This application was filed by Mohd. Asghar to seek permission for carrying out repair and whitewash of the Masjid. It has been relied upon by Nimrohi Akhara to show that in this plaint the possession of Nimrohi is admitted qua the Chabutara and the Sita Rasoi. [Pg. 45 of the Written Submission]	This document shows that Raghubar Das was Mahant of Chabutara Janamsthan which negates the case of Nimrohi that there was another temple in the inner part. It shows that Nimrohi has been acting as Shebait, if at all, only with respect to the Ram Chabutara. [Pg. 83-85 of Vol. 87]
13.	Ex. 34, Suit no. 1 Copy of the order dated 12.1.1884 passed by Asstt. Commissioner, Faizabad in Case No.	Relying on this document, it has been averred that permission sought by Mohd. Asghar to carry out repair & whitewash was rejected.	It is relevant to note that this order directs that the outer door shall be left open and also directs maintenance of status quo in order to maintain neutrality.

	19435 in respect of Najool of Ram Janam Bhumri Pargana Haveli Awadh, Faizadl Mohd. Asghar Vs. Raghubar Das	[Pg. 45-46 of the Written Submission]	[Pg. 164 of Vol 87]
14.	Ex. 27, Suit No. 1 Copy of the order dated 22.1.1884 in case no. 19435 by Asstt. Commissioner, Faizabad.	In this document, the Junior Assistant Commissioner passed an order restraining Raghubar Das from carrying out repairs in the internal as well as the outer part of the compound and Mohd. Asghar was advised not to lock the door of the mosque. [Pg. 46 of the Written Submission]	This document does not show either possession or title of Nirmohi on any part of the disputed site.
15.	Ex. 28, Suit No. 1 Copy of the application of Raghubar Das dated 27.6.1884 before Asstt. Commissioner, Faizabad.	This is an application by Mahant Raghubar Das asking for a spot inspection of the site, alleging the Muslims were doing whitewash despite not being permitted. [Pg. 46 of the Written Submission t/w P g. 130 of Vol, 87]	This also does not show any possession/title of Nirmohi on any part of the disputed site.
16.	Ex. A22, Suit No. 1 Copy of plaint dated 19.1.1885. Raghubar Das Vs. Sec. of State (case no. 61/280(1885).	This exhibit is the Plaint filed in the 1885 suit wherein it was averred that the place of birth situated in Ayodhya is a holy place of worship for Hindus. It was further clarified that a small Chabutara 17X21ft., wherein the Charan Paduka was	It is submitted that a perusal of this plaint, makes it clear that the Chabutara was being prayed as the place of birth. The map annexed to this suit shows the Masjid and states that only the outer courtyard is in the possession of Hindus while the inner courtyard

		affixed was being worshipped. It was therefore requested that a construction of temple maybe permitted on the said Chabutara. It was averred by Nirmohi that this suit was filed by Mahant Raghubar Das in individual capacity. [Pg. 46 of the Written Submissions]	along with the masjid is in the possession of the Muslims. It is further relevant to note that while Nirmohi first relies on suits filed against Mahant Raghubar Das for showing that they were in possession of the disputed site, they now state that this suit was filed in individual capacity. It is submitted that the cause title of the suit states Mahant Raghubar Das, Mahant Janmsthan. [Pgs. 51-54/Vol. 3]
17.	Ex. A26, Suit no. 1 Judgment dated 24.12.1885 Raghubar Das Vs. Secy. of State from the Court of Sub Judge, Faizabad Case No.61/280.	This is the judgment dated 24.12.1885 passed by the Sub-Judge rejected the prayer of construction of temple at the Chabutara. It was averred by Nirmohi that this suit was filed by Mahant Raghubar Das in individual capacity. [Pg. 46 of the Written Submissions]	It is relevant to note that this judgment held that the Muslims were praying inside in the Masjid and the Hindus were praying outside at the Chabutara. Between the Masjid and Chabootra is well built wall with railings. It was also recorded that before this a controversy had arisen both Hindus and Muslims were worshipping in the place and therefore in 1855, a wall in the form of railing was erected to avoid controversy, so that Muslims worship inside it and Hindus worship outside it. It was further erroneously recorded that Chabutara was in the possession of the Plaintiffs and belonged to Hindus. However, this finding was set aside in the appeal. [See pgs. 63-70 @ pg. 68-69/Vol. 3]
18.	Ex. A27, Suit No. 1 Copy of judgment dated	On one hand Nirmohi has stated that the 1885 suit and all the	The appeal filed by Mahant Raghubar Das, was rejected on 18/26 March 1886. In this judgment, the

	18/26.03. 1886 of F E A Chemier D J Faizabad in C A No. 2/1885	proceedings related thereto were filed by Mahant Raghubar Das in individual capacity, however, on the other hand	Hon'ble District Judge made two important observations:- a) The Chabutara is said to indicate the birth place of Ram Chandra b) The finding that Chabutara belonged to the Hindus was set aside. [See pgs. 4200-4201/Vol. III at pg. 4201]
19.	Ex. 8, Suit No. 3 Original- Qabuliyat (consent) by Jhingoo S/o Gaya in favour of Mahant Nirmohi Akhara regarding Sita Koop on 4 Annas Stamp executed on 11.6.1900 along with its translation.	This document is an agreement pertaining to provision of water to the visitors from the Sitakup. This has been relied upon by Nirmohi Akhara to show their possession. [Pg. 47 of the Written Submissions]	It is relevant to note that this agreement pertains to Sitakup, which is outside the disputed premises. The other inference which has been drawn from this document this arrangement was made to serve water to the Pilgrims. It is submitted that this document no where shows that these pilgrims were praying inside the disputed structure or in the inner courtyard and is hence irrelevant. [Pg. 70 of Vol. 90]
20.	The Gazetteer of United Provinces of Agra and Oudh by H Nevill	Certain pages of Nevill's Gazetteer were cited wherein it was recorded that- "They formerly held the Janamshtan temple in Ramkot, the remains of which still belong to them" It was therefore submitted that Nirmohi Akhara was always acting as a Shebait in the Janamshtan Temple.	It is relevant to note that the same paragraph which has been extracted by Nirmohi Akhara in its written statement further mentions that the Janamshtan Temple was destroyed by Musalmans and thereafter Nirmohi Akhara shifted from Ramkot to Ramghat. [Pg. 47 of the Written Submissions] It is further relevant to mention that Nevill's Gazetteer, the following points are clear:- a) Babri Mosque was built by Babur [Pg. 4071 of Vol. III of the Impugned Judgment] b) The said mosque had two inscriptions, one

		[Pg. 47 of the Written Submissions]	outside and other on the pulpit, both are in Persian and bear the date of 935 Hijri. [Pg. 4071 of Vol. III of the Impugned Judgment] c) Hindus who were forbidden access to the inner yard, made their offerings on a platform which they raised in the outer yard. [Pg. 4072 of Vol. III of the Impugned Judgment]
21.	Exhibit A-49, Suit 1 A true copy of the order dated 12.5.1934 passed by Milner White regarding cow slaughter question at Shahjahanpur and Ayodhya Riot No. XV-162,1929-30 to 1934-35	This document was mentioned to just acknowledge the existence of the 1934 riots. [Pg. 47 of the Written Submissions]	Thus, the theory of Nirmohi Akhara that there has been a temple which has been existing at the Disputed Site since times immemorial and that there was no Babri Mosque, cannot subsist in view this document. It is relevant to note that this document is the order wherein, it has been recorded the Mohammedans were permitted to start the work of cleaning of the Babri Mosque. Further, it was also recorded that Muslims were asked to give estimate of cost for the repair of the mosque. It was also stated that once the Mosque is cleared up it would be possible to use it for religious services. [Pg. 124 of Volume 3]
22.	Ex. 49, Suit No. 4 Copy of the Tammimikhasra Mohalla Ramkotayodhya District Faizabad 1931 from the record of	This is the Nakal Khasra of Arazi No. 583. Relying on this document Nirmohi Akhara submitted that though in these records, the Masjid is identified but the possession has been noted of Mahant Raghunath Das.	Thus again, the theory of Nirmohi that the temple was always there and the mosque was never in existence, cannot subsist. It is relevant to note that the details mentioned in entry 16, show that this possession was limited to Chabutara. Further the said entry also records that the Chabutara is famous as the Janambhoomi, once again indicating that it was the Chabutara which was all along being worshipped as the birthplace of Lord Ram.

	Nazool along with Hindi translation.	[Pg. 47-48 of the Written Submissions]	[Pg. 48 of the Written Submissions; Also at pg. 1435 of Vol. II of the Impugned Judgment]
23.	Ex 9, Suit no. 3 Original agreement (Theka) dated 29.10.1945 of the Shop of Janam Bhumi Remkot Ayodya in favour of Gopal S/o. Babu Kurmi by Narottam Das dated 13.10.1942 on 1 rupee stamp along with its translation.	Both these documents are agreements regarding shops. However, it has been agreed by Nirmohi Akhara that both these shops are outside the disputed premises.	Both these documents are irrelevant for the present dispute as they pertain to area outside the disputed site. Further, it is relevant to note that the Hon'ble High Court has categorically stated that these documents do not help the Plaintiff (i.e. Nirmohi) as they pertain to area outside the disputed premises.
24.	Ex. 10, Suit No. 3 Original agreement (Theka) 29.10.1945 of shop of Janam Bhumi executed in favour of Mata Prasad by Mahant Raghunath Das, Nirmohi Akhara on a stamp of rupees 1 and 4 Annas along with translation.	[Pg. 48 of the Written Submissions]	[See Pgs 1664-65 @ para 3001/Vol. II of the Impugned Judgment]
25.	Ex. A63, Suit no. 1 Naqul report Mohd. Ibrahim Waqf Inspector dated 10.12.1949 for	An extract of the report dated 10.12.1949, of the Waqf Inspector which stated that no one goes to the Masjid to pray Namaz Isna,	It is submitted that reliance on one line of the letter is misplaced as it does not give a clear picture of the entire letter, which goes on to state as follows:-

11	protection of mosque.	<p>was relied upon to aver that no namaz was taking place inside the three domed structure.</p> <p>[Pg. 48 of the Written Submissions]</p>
		<p>"On investigation in Faizabad city it was revealed that because of the fear-of-Hindus-and Sikhs no one goes into the Masjid to pray Namaz Isha. If by chance any passenger stays in the Masjid he is being put in trouble by the Hindus. Out of the Sahar of Masjid there is a temple where many Pandas reside and they harass the Muslims whosoever visit inside the mosque. I went at the spot and from inquiries it was revealed that the said allegations are correct. Local went on saying to the extent that there is great danger to mosque from Hindus that there may harm its wall etc. Seems proper that a written complaint be sent to the Deputy Commissioner Faizabad so that nobody harasses the Muslims, going into the Masjid to offer Namaz. The Masjid is a Shahi monument and it should be preserved"</p> <p>[Pg. 1739 at Vol. II of the Impugned Judgment]</p> <p>The above extract shows:-</p> <ol style="list-style-type: none"> Muslims were only scared to offer Isha Namaz in the Babri Mosque as that was the last Namaz of the day, and possibly could be after sunset and they were being harassed by the Hindus at that time. Active steps were being taken to prevent the harassment. There was a likelihood that the harassers could damage the walls of the Mosque. Babri Masjid was a Shahi Monument and hence ought to be preserved.

			This document does not establish that no prayer whatsoever was taking place in the Mosque.
26.	Ex. A64, Suit no. 1 Naqul report Mohd. Ibrahim Sahab Waqf Inspector dated 23.12.1949 for protection of mosque.	<p>This is the report of the Wakf Commissioner dated 23.12.1949 and it has been relied upon by Nirmohi Akhara to allege that:-</p> <p>a) Since Police was posted outside the disputed site, the desecration of the mosque on December 22-23, 1949.</p> <p>b) No namaz is held.</p> <p>c) Name of Mahant Raghubar Das is mentioned in the report, showing possession of Nirmohi Akhara.</p> <p>d) No mention of placing of idols on the night of December 22-23, 1949.</p> <p>[Pg. 48-49 of the Written Submissions]</p>	<p>It is submitted that the conclusions drawn from the report are completely misplaced as:-</p> <p>a) Though the report of the Wakf Inspector is of 23.12.1949, it is based on his visit of the Babri Mosque on 22.12.1949, therefore no question of mentioning of desecration arises as the desecration had not taken place then.</p> <p>b) The Wakf Inspector mentions that Friday prayers were being regularly held.</p> <p>c) He further stated that Bairagis were forcibly trying to take possession of the Masjid. This observation shows that the desecration which followed was a planned one.</p> <p>d) He also noted that previously, Hindus had tried to destroy the inscriptions on the Masjid.</p> <p>[Pgs. 1742-43/Vol. II of the Impugned Judgment]</p> <p><i>Para 3104 (Bairagi)</i></p>
27.	Ex. 3, Suit No. 4 Certified copy of the Inventory dated 05.01.1950 in case No. 1/3/15 of 9 U/s. 145 Cr.p.C. P.S. Ayodhya of the Court of city Magistrate	<p>The Nirmohi Akhara is relying on this document to show that it was in possession of the Chabutara.</p> <p>[Pg. 49 of the Written Submissions]</p>	<p>It is submitted that showing possession of the Chabutara is irrelevant for the suit of Nirmohi as the same was filed only <i>qua</i> the disputed structure & the inner courtyard.</p> <p>Further, it is interesting to note that while translating the said document, Nirmohi Akhara has itself introduced the word Ram Janambhoomi in the</p>

			translation which is not present in the original.
28.	Ex. C2, Suit no. 5 Certified copy of order dated 3.8.57 by 1st Addl. Sessions Judge Faizabad in criminal appeal no. 50/51 Bhaskar Das Vs. State.	This was the judgment passed by the Sessions Judge, Faizabad in Criminal Appeal No. 50 of 1951 (<i>Bhaskar v State</i>) whereby appeal of the appellant Bhaskar Das was allowed and the conviction order and sentencing of one month simple imprisonment awarded to the Appellant on charges that appellant had written names of Hindu saints on the graves around Masjid was set aside on the ground that there were no evidence to establish the fact that the structures in the form of graves to the North and South of the building known as Janam temple or Babri Mosque are graves of Muslims. [Pg. 49 of the Written Submissions]	[Compare pg. 9 with page 12 of Vol. 91] The Hon'ble High Court has declared this document to be inadmissible as well as irrelevant [Para 3013A & 3014 at pgs. 1669-1670]
29.	Ex. 6, suit No. 3 Certified copy of the written statement of Baba Baldev Das dated 29.12.50 in the Court of City Magistrate, Faizabad in case no. 1/2/18, U/s 145 Cr.P.C	This is the written statement filed by Nirmohi Akhara in Section 145 proceedings. They have relied on this to show that they had participated in the Section 145 proceedings. [Pg. 49 of the Written Submissions]	This document is the statement of Nirmohi Akhara pursuant to the order of attachment passed by the City Magistrate. It is relevant to note that this document is 29.12.1950 acknowledges that a suit has been filed <i>qua</i> the temple. Till this time only Suit 1 had been filed and no suit had been filed by Nirmohi Akhara. In fact Nirmohi Akhara was not even a party to Suit 1 until 1990 and Nirmohi

			<p>Akhara's own suit was filed on 17.12.1959. If Nimohi Akhara was truly the shebait, it ought to have moved the Hon'ble Court when it saw that a suit had already been filed.</p> <p>[Pgs. 57-59 in Volume 90]</p>
30.	<p>Ex. 3, Suit No.3</p> <p>Original Certificate of erection/re-erection of the building file no. 289/59 in the name of Mahant Raghunath Das Chela Dharam Das, Ramkot Ayodhya along with the map.</p>	<p>Documents wherein Permission was sought for construction to be made in outer courtyard, which permission was later granted [Pg. 50 of the Written Submissions]</p> <p>These documents were relied upon to show that since Nimohi has possession over the outer courtyard, the inner courtyard being landlocked by the outer courtyard ought to belong to Nimohi.</p>	<p>This document is completely illegible as has been recorded in the impugned judgment. However, the impugned judgment also records that the said document contains the following remark:- <i>"(3) There will arise no right of ownership over the land from this certificate on which permission is granted to build the house or building but the applicant himself will be responsible for all sort of dispute whatever may arise in respect of title."</i></p> <p>In any event the document pertains to Outer Courtyard, which is immaterial for this suit.</p> <p>In view of foregoing, this document is not relevant.</p> <p>[See para 3000(I) @ pgs. 1664/Vol. II of the Impugned Judgment]</p>
31.	<p>Ex. 4, Suit No. 3</p> <p>Original map/plan for the erection of the building file no. 397 dated 6.9.1963 in the name of Mahant Raghubar Das Chela Dharam Das resident of Ramkot, Ayodhya along with the certificate for the construction of the building.</p>		
32.	<p>Ex. 5, Suit No. 3</p> <p>Copy of the application</p>	<p>An application was submitted by Vedanti Rajaram Chandracharya</p>	<p>All these documents pertain to property outside the disputed site.</p>

	<p>moved by Vedanti Raja Ram Chandra Charya dated 6.2.1961 before City Magistrate Faizabad</p>	<p>to the City magistrate complaining that despite being permitted by the Nagar Palika to place a tin shed on the outer side of Janambhumi, police was preventing the same and was asking an order from the Magistrate. It was therefore prayed that the Police may be directed not to create any obstruction in the said function</p>	
33.	<p>Ex. 2, Suit No. 3 Certified copy of the order dated 9.2.1961 passed by City Magistrate, Faizabad</p>	<p>Order dated 9.2.61 passed by the Court of City Magistrate, Faizabad permitting replacement of covers or sikri covers by the sheets on applicant's own land uncovered by attachment provided it is in accordance with laws of municipality.</p> <p>[Pg. 50 of Written Submissions]</p>	<p>Pertains to land belonging to Nirmohi Akhara and is unconnected with the disputed site.</p> <p>This document has been held to be irrelevant for the present case, even by the Hon'ble High Court.</p> <p>[Para 3000H @ pg. 1664/Vol 2 of the Impugned Judgment ; Pgs. 45-46 of Running Volume 90]</p>
34.	<p>Ex. C8, Suit No. 5 Certified copy of commission report dated 13.10.1973 in R.S. No. 9/73, Nirmohi Akhara Vs. Ram Lakhani in the Court of Civil Judge, Faizabad</p>	<p>This suit pertained to cancellation of Akhand Path at Chabutra. In the Map prepared in this suit, the possession of Nirmohi Akhara is indicated</p> <p>These documents were relied upon to show that since Nirmohi</p>	<p>The Hon'ble High Court has declared this document to be inadmissible irrelevant.</p> <p>[Para 30J3(E) & 3014 @ pgs. 1670/Vol. 2 of the</p>

	with map.	has possession over the outer courtyard, the inner courtyard being landlocked by the outer courtyard ought to belong to Nirmohi. [Pg. 50 of the Written Submissions]	Impugned Judgment; Pgs. 70-97 of Running Volume 92]
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