

IN THE HON'BLE HIGH COURT OF JUDICATURE AT  
ALLAHABAD LUCKNOW BENCH LUCKNOW

Other Original Suit No. 4/1989

Sunni Central Board of  
Waqfs U.P. and Others -----Plaintiffs

Versus

Gopal Singh (deceased)  
and Others -----Defendants

Club Together

Other Original Suit No. 1/1989

Other Original Suit No. 3/1989

and

Other Original Suit No. 5/1989

D.W.No. 17/1

EXAMINATION IN CHIEF BY WAY OF AFFIDAVIT OF  
RAMESH CHANDER TRIPATHI DEFENDANT NO.16  
UNDER ORDER 18 RULE 4 OF CODE OF CIVIL  
PROCEDURE.

I, Ramesh Chander Tripathi, aged about 66 years,  
son of late Shri Parshuram Tripathi, permanent resident of  
Village Bhagwanpatti, Sub-division –Mijhora, Tehsil –  
Akbarpur, District – Ambedkar Nagar (erstwhile District –  
Faizabad), plaintiff No. 17 of this Suit, hereby do solemnly  
affirm on oath as under:

Para -1 That I, deponent, am a permanent resident of  
Village Bhagwanpatti, Sub-division –Mijhora, Tehsil –  
Akbarpur, District – Ambedkar Nagar (erstwhile  
District –Faizabad). I was born here and my

ancestors had been permanently living here since generations.

Para -2 That I, deponent, and my family members and my ancestors have been the followers of Sanatan Hindu Religion. I, deponent, have complete faith in Hindu Religion since the time of my ancestors.

Para -3 That I know the disputed site very well and have been visiting Ayodhya with my father and my family since my childhood and later, alone, from time to time, particularly at the religious festivals, for taking darshan, worship and bath in Saryu River in Ayodhya.

Para -4 That according to the established immortal faith and traditions of Hindu religion, God Vishnu has taken incarnation as a son of the King Dasratha and born to Kaushaliya in Ayodhya.

Para -5 That Ayodhya City is situated in District Faizabad and the place where God Shri Rama, in accordance with the faith, belief and tradition, was born, is being worshipped by the followers of Hindu religion as a birthplace of God Shri Rama. The place where God Shri Rama had taken birth is known by the name of Mohalla Ramkot and is under the Municipality and in Revenue Records, it is known by the name of Village – Kotramchander.

Para -6 That although festival gathering of the followers of Hindu religion are organized at a number of religious occasions such as Sawan Jhula, Akshay Navami (Chaudah Kosi Parikrama), Probodhini Ekadashi (Panch Kosi Parikrama), Puranmasi of the

month of Kartika etc. on different dates, for holy bath, devotion, darshan, worship etc. in Ayodhya. However, the festival gatherings of devotees and pilgrims on the birthday of God Rama i.e. on Navami of Shukla Paksha of Chaitra month is the biggest fair of Ayodhya.

The devotee pilgrims from the different parts of India are gathered there in lakhs. In addition to this, people from abroad also comes there and take the darshan of birthplace of God Shri Rama and an idol of God Shri Ramlalla at that place and consider themselves as fortunate. This day is known as Chaitra Ram Navami.

Para -7 That I, the deponent, has been taking darshan of an idol of God Ramlalla, sitting in Ramjanm Bhoomi temple, Ayodhya, every year regularly since the age of 7 years. My father used to tell me that his father and grandfather had been taking bath in Saryu River at the Chaitra Ram Navami and traditionally taking darshan of God Ramlalla, sitting in the temple situated at Ramjanambhoomi and God Rama had taken incarnation in Tretayug and this place is being recognized as a Shrine since then.

Para -8 That above temple situated at the above site has been worshipable as God Shri Ram Janambhoomi and God Shri Rama was being worshipped there regularly and is being worshipped to day also.

Para -9 That there was no Babri Masjid or any other Mashid ever existed at the disputed site. There was a Bhawan of God Shri Ram Janambhoomi temple at

the disputed site. An idol of God Shri Rama had been therein since earlier time.

Para -10 That according to my knowledge no follower of Islam Religion had gone at the disputed site or around it, since 1934. Neither any body had ever read Namaz at the disputed site, nor the disputed site or area is in close proximity ever been under the occupation of Muslim Community or Muslim person. This place has been under the Poojaries and Saints of Hindu Community continuously and worship and darshan etc. of God Shri Rama and his birthplace has been going on.

Para -11 That disputed site is situated in Ayodhya City of District Faizabad and Ayodhya is a famous Shrine of the followers of Hindu Religion. There are a number of ancient temples in Ayodhya, where idols of various deities are installed.

Para -12 That there were three domes in the temple situated at the disputed site and an idol of God Ramlalla had been under the middle dome. Sita Rasoi and Chhatti Pujan site is in the north of the Bhawan with three domes, where Chauka, Chulha, Belan and footsteps are constructed. Visitors and pilgrims, have been taking regular darshan and worship of Sita Rasoi and Chhatti Pujan site and Chauka, Chulha, Belan and footsteps, constructed therein along with the darshan and worship of an idol of God Shri Rama, sitting in the birthplace, Janambhoomi temple. For entry into the premises of disputed site, there was a main gate in the east side, known as "Hanumat Dwar" and second entry gate was in the north, known as "Singh Dwar", from where



Saints, Sanyasies and devotees used to visit. Above three domes constructed at the said disputed site were fallen on 6<sup>th</sup> December 1992 but an idol of God Shri Rama is still at that place, which is being worshipped by Hindu devotees, pilgrims and visitors regularly. Pujaries have been offering Rag-bhog, Poojan etc. to God Shri Rama in accordance with the procedure prescribed in the religious books.

Para -13 That there was a wall with grill in the east of the building with three domes and Ram Chabutra was in the east-south of this building. Idols of Ram Darbar were therein and continuous Kirtan used to be conducted there. There was a tree of Pipal and a tree of Neem in the south-east corner inside the outer wall of the premises and family of Mahadev Shankarji i.e. idols of Shankarji, Parvati ji, Ganesh ji, Kartikeya ji and Nandi were therein. Devotees used to take their darshan and worship these.

Para -14 That there was a place for performing Parikrama by the devotee around the outer boundary situated at the disputed site. Devotees and pilgrims after performing worship and darshan, used to take Parikrama of the entire premises. Saints-Vairagies were used to live in the tin-shed in the east, opposite to wall with grill and used to perform Kirtan-Bhajan.

Para -15 That there were a few Samadhies in the north of the disputed premises. Devotees were used to worship these as Samadhies of Saints.

Para -16 That disputed site has been under the occupation of the followers of Hindu Religion.

Para -17 That there was never a "Mosque" constructed by Babar and any other mosque constructed as such, at the disputed site. Muslims have not ever read Namaz there.

LUCKNOW

Dated 9.5.2005

DEPONENT

Sd/-

(RAMESH CHANDER TRIPATHI)

**Verification**

I, above mentioned deponent, Ramesh Chander Tripathi, Defendant No. 17, do solemnly hereby affirm that I have read and understood the facts written in my affidavit, very well and that contents of Para 1 to 17 of my affidavit are true according to my individual knowledge. Nothing is false and no material has been concealed. May God help me. Verified to day, dated 9<sup>th</sup> May 2005 at the premises of High Court, Lucknow Bench Lucknow.

LUCKNOW

Sd/-

Dated 9.5.2005

DEPONENT

(RAMESH CHANDER TRIPATHI)

I know the above mentioned deponent Shri Ramesh Chander Tripathi, personally. He has put his signature on the affidavit before me, after reading it.

Lucknow

Sd/-

(VIRESHWAR DWIVEDI)

Advocate

Dated 9.5.2005

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**Before: Commissioner, Shri Hari Shankar Dubey, ;  
Additional District Judge/Officer on Special Duty,  
Hon'ble High Court, Lucknow Bench, Lucknow.**

**Sunni Central Board of  
Waqfs U.P. and Others -----Plaintiffs  
Versus  
Gopal Singh Visharad  
and Others -----Defendants**

**Other Original Suit No. 4/1989  
(Regular Suit No. – 12/1961)**

**Dated 9.5.2005**

**D.W. 17/1, Shri Ramesh Chander Tripathi**

(Commissioner appointed by the Hon'ble Full Bench  
vide order dated 6.5.2005 in Other Original Suit No. -  
4/89).

Examination in chief Affidavit of Ramesh Chander Tripathi,  
aged about 66 years, son of late Shri Parshuram Tripathi,  
permanent resident of Village Bhagwanpatti, Sub-division  
-Mijhora, Tehsil – Akbarpur, District – Ambedkar Nagar  
(erstwhile District –Faizabad), page 1 to 9, was submitted  
and taken on record.

(Cross-examination, on an Oath, by Shri Ranjeet Lal  
Verma, Advocate, on behalf of Nirmohi Akhara, plaintiff of  
Other Original Suit No. -3/89 begins).

XXX      XXX      XXX      XXX

I have used the word "Dharma" in second line in Para  
-2 of my Examination in chief affidavit. From the word

*www.vadaprativada.in*

"Dharma", I mean "Right living" and "Right thinking", including "Right conduct". In my view if a person follows these facts in life, it will be said that he is following "Dharma". Thus all the human creation is under the "Dharma" and "Dharma" is above all. Dharma is above all i.e. it is essential for every community to follow it.

Question: If anyone acts (behave) as a Persian or Christian, just opposite to the definition of Dharma, as stated or established by you, would be called an irreligious person?

(Upon this question, Learned Advocate, Shri Vireshwar Dwivedi, on behalf of Plaintiff No. 17 in Other Original Suit No. 4/89, has raised an objection that this question is irrelevant because the witness, in Para -2 of his statement has written about the Sanatan Hindu Religion and he neither in his statement nor in his Cross-examination stated about promotion of any Religion).

(In reply to above objection, Learned advocate Shri Ranjit Lal Verma cross-examining has said that Learned Advocate is wasting the time of this Court through this question and wants to divert the witness, whereas Cross-examination is being conducted about the entire contents of affidavit).

Answer: I have stated the definition of religion for myself. I am not a Dharm Guru of the world.

I have, in second line of Para -2 of my Examination in chief affidavit, used the words "Sanatan Hindu Dharma". From this, I mean the definition of Dharma as I have stated above in my statement. If a follower of "Sanatan Hindu Dharma" even if he does not act in accordance to

above stated conduct, he will be treated as Hindu and not an atheistic.

I went to Ayodhya in 1946 for the first time after attaining the age of understanding. At that time I was 7 years old. My date of birth, as recorded in my High School Certificate is 18th July 1939. I came to Ayodhya from my village. None of my family lives in Ayodhya. I came to Ayodhya for the first time with my father, at Chaitra Ram Navami. Guru of my father had a house in Ayodhya. My Guru has no house in Ayodhya. I do not remember, at which place, Guru of my father used to live. I did not stay at Ayodhya, when I came to Ayodhya for the first time. I stayed at Maudaha, near railway station, with my father. Maudaha is in Faizabad. There was my ancestral house, constructed by my grandfather. I stayed there. This ancestral house was constructed prior to the year 1900. My father was literate and he obtained his education while living in this house. I also obtained my education, while residing in this house. I have seen my grandfather but I was not conscious at that time. My father has studied up to High School but failed in the High School examination. My father used to study Ramcharitmanas and Vedic literature regularly. He used to tell about Ramayana. He also used to organize Akhand Path of Ramayana and Bhagwat. Sometimes he used to live in Faizabad and sometimes in the village. I have gained knowledge from such discussions and I tend towards religious subjects. I became interested towards religious subjects at the age of 7-8 years. I used to go to Ayodhya for taking darshan, once or twice in a month. I did not go alone. I used to go to Ayodhya with my brother and father. After being an adult i.e. after getting service, I used to go to Ayodhya alone. I became adult at the time when I joined service. I was appointed to the post of

Auditor in Accounts Department in Defence. At that time I was 18 years and 4 months old. By that time I had passed the B.A. examination. I have passed B.A. in 1957 from Allahabad University. I had passed High School and Intermediate Exam. From Faizabad. I had been posted at Allahabad at the time of my first appointment. I sometimes, used to go to the house situated in Maudaha in Faizabad and sometimes to my village, while studying in Inter and B.A. I stayed at my house in Maudaha regularly, till I was studying in Intermediate. My elder brother was also used to live with me. My father used to come from village. During the period when I was studying in Inter, whenever I used to go to Ayodhya, I used to take bath in Saryu River and seek darshan of Ramjanambhoomi and Hanumangarhi. Occasionally, I used to go to Kanak Bhawan for darshan. I used to take bath at Naya Ghat at Saryu River. There was a temple behind the Naya Ghat. Stairs at the Ghat were constructed later. I do not remember whether there were stairs at Naya Ghat during the period when I was 7 years old and upto 18 years. There were temples behind the place where Saryu River flows at that time. I did not go to these temples as I always had the paucity of time. I have visited the temples, Hanumangarhi and Kanak Bhawan, other than Ramjanambhoomi. Besides I used to take darshan of Dasratha Bhawan, Kekai Bhawan, Gokul Bhawan from outside but I did not go inside. Besides, I used to go for darshan of Nageshwar Nath Temple, Swargdwar temple, Treta Ke Thakur, Chhotti Chhawani, Valmiki Bhawan. Volunteer : that I used to go there for the darshan of Saints. The temples referred above are of my particular inclination, where I used to go for darshan. Ayodhya is a house of temples. Amawan Temple and Murav Temple are among the temples of Ayodhya. I have been to the temple- Digambar Akhara of Ramchander Paramhans.

Digambar Akhara in my view is a famous temple. My father used to go there earlier. Guru of my father had no house there. I went to that temple in 1946, when I went to Ayodhya for the first time with my father. I have no knowledge if my father had taken Guru-Mantra from Paramhans Ramchander Das or not. However, I know that he used to go there. Ramchander Paramhans Das met me in 1946 in Ayodhya at that place.

I came to know about the Suit concerning to Janambhoomi in March 1969 for the first time. Before that I have no information about this Suit. Further said, that I came to know about the Suits concerning to this case in March 1969. However, I already have the knowledge about the dispute. I have heard about it before March 1969 but not heard about the particular facts concerning to this. I have seen before 1969, at the disputed site that inner part of the disputed Bhawan was attached but outer part was open. I have made an application in April 1969 for becoming a party in the case and order for accepting my request for becoming a party to the suit was issued on 14<sup>th</sup> July 1969 only after examination. After examination I came to know that a Suit No. 12/61 is *subjudice*. I did not come to know about other Suits even after examination. I made an application for becoming a party in Suit No. 12/61 after this examination. I got a copy of this Suit only after I became a party to. I have given the copy to the Suit to the Lawyer. I myself had examined the Suit. I get a copy of the Suit within one month after becoming a party. I have read it. I even after reading this Suit did not come to know that if there were other related Suits or not. I have obtained the information about defendants of Suit No. 12/61. I was made defendant No. 17 in the Suit. Other people became a party later on. On receipt of a copy of the suit, I went at my job after arranging for

filing of counter-suit but later I came to know that counter-suit was not filed from my side. I have deputed Shri Pundrik Mishra, Advocate to file counter-suit. I have also given some money to Shri Pundrik Mishra for filing counter-suit. During my service, I was initially posted at Allahabad and then from Allahabad to Kanpur and Kanpur to Jammu headquarter. During 1960-61, I was posted in Allahabad. Thereafter I was transferred to Manauri. I remain there for one and half to two years. From Manauri, I was transferred to Kanpur. I remain there up to 1965. From Kanpur, I was transferred to Jammu headquarter. I remain there up to 1968. Thereafter I proceeded on leave and again in the year 1972 I went to Jammu headquarter in connection with the job. After staying there for about one year, I was again transferred to Allahabad. During 1969 to 1972, I was in Faizabad because my father was admitted in a private ward in Faizabad hospital. I was not aware that Shri Pundrik Mishra was a party in Suit No. 12/61 or not. Later on I came to know about this.

We are three brothers. My two brothers are elder to me. My father is no more. We, all the three brothers were living with my father, till he was alive. My elder brother had been looking after the work of farming. I have told to Pundrik Mishra about the counter-suit, he has to file. I do remember that I have asked Shri Pundrik Mishra to file a counter-suit on my behalf. However, I do not remember what other facts I have told to him. I do not remember whether Shri Pundrik Mishra had obtained my signature on the counter-suit or not. I did not enquire from Shri Pundrik Mishra, after meeting him in Allahabad, whether he filed counter-suit on my behalf or not. I did not receive any summon-notice up to 1975. I received a notice from High Court in 1989. At that time I was in Lucknow. I received this summon in regard to Suit No. -12/61. Beside, this I



received notice in Suit No. -236/89. Both the summons was delivered to me in my individual capacity. I do not remember whether a copy was attached to the summons or not. After receiving the summon, I asked Shri Hari Shankar Jain, Advocate to file counter-reply on my behalf. I filed the reply in 1992. I have filed the reply in Suit No. -12/61. I have also filed reply in other Suit, but I do not know the date on which I have filed this reply. I have appointed Shri Jain as my Advocate in Suit No. -12/61 and Shri J.N. Mathur, Advocate in other Suit. In addition to this, I have appointed Shri Vireshwar Dwivedi, as an Advocate. I do not remember if I had appointed anyone else as my advocate other than these three persons or not. I have not made any application against Pundrik Mishra, Advocate Bar Council because it was thing of past and nothing can be done now. I have filed my reply in Suit No. -5/89 (Other Original Suit No. -236/89) through Shri K.P. Singh, Advocate. I sometimes used to go to pursue the case, after filing of reply on 14<sup>th</sup> August 1989. I do not know if K.P. Singh, Advocate was a lawyer of any other party in the suit or not. I have written in Para -2 and 3 of the counter-reply that I accept the contents of Para 1 to 39 of this Suit.

Learned advocate cross-examining draw the attention of the witness towards document No. 33 A -1/1 of his counter-reply and asked what does he mean by the word "Ramanandiya Vaishnav" used in Para -4. Witness said that I cannot explain its meaning. First, I have perceived the contents of counter-reply prepared by Lawyer Shri K.P. Singh and then signed it. Shri Devkinandan Aggarwal was a plaintiff No. -3 in this Suit. I do not know him since earlier i.e. from the time of my appointment at Allahabad. I did not go to his residence at

Allahabad. I have seen Shri Devkinandan Aggarwal for one or twice, but I have not talked to him personally.

Learned advocate cross-examining draw the attention of the witness towards document of Other Original Suit No. -5/89. Witness after seeing it said that I had got a copy of this very Suit. I have read it and after that I filed a counter-reply through Shri K.P.Singh, Advocate.

Learned advocate cross-examining draw the attention of the witness towards Para -6 of Suit document of Other Original Suit No. -5/89 and read out the contents of this para to witness. Witness said that I came to know about Suit No. -26/59, for the first time, when I received a copy of Other Original Suit No. -5/89. I have not read the book written by Shri Devkinandan Aggarwal in this regard. I know about the qualification and designation of Shri Devkinandan Aggarwal. I have no knowledge that he was a Deputy Chairman of Vishwa Hindu Parishad. I did not come to know, till day that Shri Devkinandan Aggarwal was a Deputy Chairman of Vishwa Hindu Parishad. I have a little knowledge about Vishwa Hindu Parishad. I have no knowledge whether this organization is a big one or small. I know only about Shri Ashok Singhal, who is the Chairman of Vishwa Hindu Parishad. During the course of proceedings of this suit, I did not come to know whether Vishwa Hindu Parishad has anything to do with this suit or not. I sometimes, during the course of proceedings of this suit, used to sit and watch the proceedings.

Learned advocate cross-examining draw the attention of the witness towards the front page of his Examination in chief affidavit and asked what he means by

the word "Clubbed together", written therein. Witness said that other suits have been consolidated with Other Original Suit No. -4/89. All the suits were consolidated after 1989. I have not, so far, read the consolidated suits i.e. Other Original Suit No. -1/89 and 3/89. I also do not know about the subjects of these suits and statement made so far. About, Other Original Suit No. -5/89, I know that I have read it on receiving the copy of counter-suit and after there filed a counter-reply. I do not remember if I had filed an application for becoming a party, along with the affidavit or not. I do remember that I have filed an application. I have not read the first counter-reply, which I have filed in Suit No 12/61. However, I have read the second counter-reply i.e. additional counter-reply.

Learned advocate cross-examining draw the attention of the witness towards additional counter-document filed by him in Other Original Suit No. 4/89 on 14.9.2005. Witness said that this counter-suit was running in to 10 pages. This counter-suit was prepared by Shri J.N. Mathur, Advocate. Upon inviting his attention towards Para -1 of the additional counter-suit, witness said that the matter written therein is correct. Learned advocate cross-examining draw the attention of witness towards a part of Para -1 of this additional countersuit-document - "It is further false to allege-----at the place in question from the time immemorial". Witness said that the matter written in these lines is correct. Learned advocate cross-examining draw the attention of the witness towards a part - "the worship of Lord Shri Ramlalla-----since the time immemorial", at Page - 2, in Para -1 of the above additional countersuit-document. Witness said that the matter written therein is correct. I have written these facts on the basis of sayings of my ancestors. Volunteer : that I have been seeing it

from the time, I attained the age of understanding the things. Ramlalla was sitting under the middle dome, among the three domes, in 1946, when I visited to the disputed building. I took his darshan in the inner portion in 1946. Nectar and Prasad used to be distributed there. I have also seen Aarti. I took blessing from Aarti and also offered money. Pujaries were there for distributing nectar and Prasad and for performing Aarti. Pujaries used to live in Sant Niwas and Kothar in the left side, inside the Hanumat Dwar. Other devotees were also used to go there for darshan from 1946 to 1949 because there was no restriction for going inside. There was a Ram Chabutra Mandir in the left of Hanumat Dwar. Ramlalla with all his four brothers and Hanumanji were sitting there. Devotee used to take darshan, offer money and take Aarti. People used to obtain Prasad and Nectar. Sadhus and Pujaries also lived there.

There was a Shiv-Darbar on the half-moon shaped Chabutra at the south east corner of Chabutra. Chulha, Chouka, Belan and footsteps were there near the Singh Dwar, where people bow with respect. I have the knowledge about the incident dated 30.10.90 and 2.11.1990, referred by me in Para -1, at Page -2 of above additional countersuit-document. Devotees were fired upon, during this incident. I do not know why the fire was shot at. I cannot comment, which Government was better, the Government of B.J.P. or Government of Mulayam Singh. Fire was not shot at during the period of B.J.P. Firing and barbaric action in the disputed premises was not taken during the rule of B.J.P. I have written this at page -2, Para -1 of my additional countersuit-document. Disputed building was demolished in 1992. The same Ramlalla, who was there in 1946, is now at the Makeshift Structure. Volunteer : that in addition to this, the idols

which were at the outer portion on 23.12.1949 were kept aside to old idols. Upon asking, whether this fact was written in his additional countersuit-document or not, witness, after reading it, said that this fact was not written in my additional countersuit-document. Attention of witness was drawn towards the words "additional written statement" at first page of additional countersuit-document. Witness said that I have filed my countersuit-document in the Hon'ble High Court in August 1992 but this document was not taken on record. Since, this countersuit-document was submitted later on, so I have written an additional countersuit-document on the countersuit-document dated 24<sup>th</sup> May 1995. Beside this, I have not filed any countersuit-document in Suit No. - 12/61. It is not correct to say that I have used the word "additional" in this suit to deceive the Court and parties.

I, myself have not made perusal of the file pertaining to Suit No. 12/61 but I have got it done. I did not enquire about Gopal Singh Visharad, when I applied for becoming a party to. I do not know him personally. I have seen Shri Gopal Singh Visharad. I knew that Shri Shiv Shankar, has been appointed as a Commissioner in the Suit No. -1/89, filed by Gopal Singh Visharad and he visited the site. I do not recollect whether I, myself had applied for becoming a party and if my affidavit was certified by Shri Radhey Shyam Shukla, Advocate or not.

Attention of witness was drawn towards document No. 460 -A -1 of Other Original Suit No. -4/89. Witness said that this affidavit was certified by Shri Radhey Shyam Shukla, Advocate. I have, in my affidavit, alleged that Gopal Singh Visharad is not pursuing the case properly and that I have joined the service in 1958. This affidavit of mine was certified on 6.9.1968. My application for

becoming a party has been kept just before my affidavit, wherein it was referred that this application was submitted individually. I know that Gopal Singh Visharad was a lawyer also and used to sit with Pundrik Mishra, Advocate. Both were Oath Commissioners. I have no knowledge whether GangaDas has also applied for becoming a party or not.

At the time of submission of application for becoming a party, I was not aware of the fact that another suit filed by Ramchander Paramhans of Digambar Akhara, was already subjudice. I have been in Digambar Akhara. There is a temple. I have no knowledge if Akhara is managed by Mahants or Panch or not. There is a temple of Hanumanji in Hanumangarhi in Ayodhya and Ramjanaki temple is beside to this, where Katha is performed. There is a Narsingh Temple in the west and a number of small temples of Ramlalla are in the south of the temple of Hanumanji. Devotees used to take darshan of all places. Pujaries are also remain there, who lived in Hanumangarhi. I knew that Akharas were established for the security of temples. However, I do not know when these Akharas were established. I think that these Akharas were established much earlier, perhaps by Ramanandacharya. Ramanandacharya was a founder of Ramanandiya Sect of Saints. However, I do not know much about this. I went to Kanak Bhawan for darshan. I do not know whether Pujaries are there in Kanak Bhawan or not. However, persons are there who distributes Prasad etc. Sadhus also live in Chhottee Chhavani. I do not know, where from, the Pujaries of Chhottee Chhavani are. Pujaries and Sadhus are also there in Nageshwarnath Temple, but I do not know where from, they are. I went to Swargdwar Temple and temple of Treta Ke Thakur, once or twice. This temple is in dilapidated

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condition. Bare Thakurji has been installed therein. Thakur of Treta i.e. Ramchanderji has been installed therein. He further said that he used to bow with respect, from outside, before these temples. Temple of Treta Ke Thakur is in dilapidated condition for last 50 years. No idol is therein.

Verified the statement after reading

Sd/-

Ramesh Chander Tripathi ;

9.5.2005

Typed by the stenographer in open court as dictated by me. In continuation to this the suit may be listed for further Cross-examination for 10.5.2005. Witness be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

09.5.2005

**Before: Commissioner, Shri Hari Shankar Dubey,  
Additional District Judge/Officer on Special Duty,  
Hon'ble High Court, Lucknow Bench, Lucknow.**

**Dated 10.5.2005**

**D.W. 17/1, Shri Ramesh Chander Tripathi**

(Commissioner appointed by the Hon'ble Full Bench vide order dated 6.5.2005 in Other Original Suit No. - 4/89).

(In continuation to dated 9.5.2005, Cross-examination on an Oath, of witness by Shri Tarunjeet Verma, Advocate, on behalf of Nirmohi Akhara, plaintiff of Other Original Suit No. -3/89, continued).

Learned advocate cross-examination draw the attention of the witness towards statement dated 9.5.2002, at Page No. 21, Line No. fifth and sixth. Witness said that the word "time immemorial" means birth time of God i.e. Tretayug period. This I have stated in accordance with the sayings of my father, knowledge gained personally and on the basis of tradition. I have not studied about it. I have studied Ramayana but a little. However, I have read only those parts which attracted me. I like Uttar Kand, wherein devotion is detailed, so I read it more. Valmiki Ramayana is a creation prior to Ramayana, written by Tulsidas. I cannot say about the creation period of Valmiki Ramayana. I cannot say whether Valmiki Ramayana was written during the period of Ramchanderji or not. Except Valmiki Ramayana, I have not studied the Vedas. I have read the Ramcharitmanas written by Tulsidas.



I cannot say about the year of creation of Ramcharitmanas. I cannot say about the theme of Valmiki Ramayana. Ramcharitmanas contains the detail about God Rama since his birth to victory over Lanka and about his ascend to the throne. Ramcharitmanas also has a reference about Ayodhya.

Learned advocate cross-examining draw the attention of the witness towards second to fourth line of Para -4 of his Examination in chief affidavit. Witness said that I have written these lines on the basis of Ramcharitmanas. I have a little knowledge about geography. The then geographical situation during the time of Rama remained unchanged except the name of places, which have been changed at some places. Ramchanderji, after leaving to exile, stayed at Tamsa Shrine. My village is at this place. There was dense forest earlier. My ancestors settled down there in the temptation of dust particle of the feet of Rama and since then this village is called Bhagwan Patti.

On the suggestion made by Learned advocate cross-examination, witness said that in addition to Tamsa bank, places like Chitrakoot, Panchvati, Bhardwaj Ashram, Rameshwaram, Sri Lanka etc. had fallen in the way to forest when Rama proceeded. In addition to this, there was a place named Shringverpur, from where Ramchanderji went to Bhardwaj Ashram and from Bhardwaj Ashram to Chitrakoot, from Chitrakoot to Panchvati and then to Rameshwaram and from Rameshwaram to Sri Lanka. These geographical descriptions prove that nothing concerning to Rama was imaginary. This is based upon the historical and geographical facts. I have not studied Mahabharata, written by Vedvyas. I have heard about the matter written

therein. I have heard about the battle, fought in between Krishna-Jamwanta, Bhim-Hanuman etc. I have no detailed knowledge about this. On this basis, authenticity of the characters of Ramayana period is proved in Mahabharata period. I have heard about the Samudra-Manthan. However, I have no authentic knowledge in this regard. Samudra-Manthan was happened during the battle fought in between Deities and Demons. A number of things along with a Kalash, had emerged during Samundra-Manthan. I have heard that this Kalash had the nectar. I have heard that God Vishnu ran away with this Kalash. Kumbh fair is organized in India, on the places where this Kalash was taken. These places are – Prayag, Haridwar, Ujjain and Nasik. I have been taking the darshan of Ramjanambhoomi since 1946. Pillars of Kasauti were fixed in the inner part. Each pillar has Kalash engraved with at the bottom. Bottom, I mean at the base. Kalash is made of mud or metals. According to the Hindu Religion, worship can be performed even at a vacant land. Vacant lands means, the place where there is no idol or sign. I can name such places; there is no idol in Kedarnath and a number of places in Chitrakoot. At some places, there are footsteps of God and at some place footsteps of Sita Mata. At a number of places, sites are worshipable, such as Parikrama of Kamadgiri. Kamadgiri is in Chitrakoot. There is a hill in Mathura, people perform its Parikrama. Volunteer : that God Krishna had played and grazed the cows there. All the places, referred above are worshipped. I have seen the entire Janambhoomi premises and I can explain about its geographical situation. Shiv Darbar was situated at east-south corner of the disputed premises. Saint Niwas and Bhandar Grih were in the right side of the Hanumat Dwar. Chhatti Pujan Sthal was in the north of Singh Dwar. On entering from Singh Dwar, this place falls at the west-

north corner. This site is also called Sita Rasoi. There were a number of temples around the Ramjanambhoomi premises. I know about these temples. Sumitra Bhawan was in the side of the disputed premises. I did not go Sumitra Bhawan. I have seen it from a distance. Lomash Chaura was in the southern side. Sita Koop was in the eastern side of the disputed premises and is situated in the south corner. Sakshi Gopal Temple is situated in the east. At present there is Sita Koop only. There was a tree of Maulshri in the Janambhoomi premises. However, I am not recollecting at present, where this tree was. It was not in front of Sant Niwas. I have seen the Sant Niwas. It is also called a Bhandar Grih. This Sant Niwas was there also during the time, when I visited Ayodhya in 1946 for the first time. Sant Niwas was made of tin. In addition to these, there was a Ramchabutra, I know about it. I know about the geographical situation of Ramchabutra. This place falls in the left side of Hanumat Dwar i.e. it falls in the southern side. Ramchabutra is at a height. Its height was more than my height, at the time, when I visited this place in 1946. It was about four feet in height. Ramchabutra was 20-21 feet in length and 17-18 feet in width. It was in length towards east-west and in width towards north south. Ramchabutra was covered with a Chhappar from above.

Learned advocate cross-examining draw the attention of the witness towards the part "the place where God Shri Rama -----has been known as Village- Kot Ramchander" of his Examination in chief affidavit. Witness said that I have written these lines on the basis of sayings of my father. I have not tried to see any paper in this regard. Whatever my father had told me, would have been correct. I am a party to this suit since 1969. After becoming a party, I have tried to see the entries made in

the revenue records. I have seen the name – Kot Ramchander in the Khasra and map. I have not verified this fact in municipality. However, my father told me that it is written as Ramkot in the record of Municipality. Entry in Khasra was in Urdu, which I cannot understand. Someone told me about the entry of Khasra. I do not recollect if I have tried to check the entries made in Khasra or not. I did not find any entry about Kot Ramchander, at any other place. There was a stone, fixed at the gate of Janambhoomi. This stone was at the Hanumat Dwar and “Janambhoomi Nitya Yatra” was written on it and this stone was numbered as stone No. -1. My father had told me that this stone was fixed after 1900. He told me that a committee was formed in the name of Edward Sabha and this stone was fixed by the Committee. Such stones are fixed at various Shrines and Temples. I have the knowledge about a few and not about all. There was a stone at Sumitra Bhawan and stone No.4 was written on it. I do not remember whether any picture was there or not. On the suggestion made by Learned advocate cross-examination, witness said that it is correct that a picture of Sheshnaag was carved on this stone. There was a Parikrama way in the Janambhoomi premises. Parikrama way was about three and three and half feet in width throughout.

I have stated in the statement made by me yesterday that Guru Gharana of my father was in Ayodhya. At what place, this Guru Gharana was, I do not remember. I used to hear about it from my father. I never tried to know about it from my father because at that time I had no intention to take initiation. Also after attaining the age of an adult, I never tried to know about it.

Learned advocate cross-examining draw the attention of the witness towards para -11 of his Examination in chief affidavit. Witness, after reading the contents of this Para, said that I have referred the ancient temples of Ayodhya in this para. Ramjanambhoomi is the ancient most temple among these temples. Almost all the temples of Ayodhya are ancient. These are repaired from time to time. The temples, I have referred in fourteenth, sixteenth, seventeenth, eighteenth and nineteenth line at Page -13 of my statement made yesterday, all these temples are thousands of years old. Volunteer : that Nageshwarnath temple is also very ancient. Very ancient, I mean, the period of which cannot be counted on. I have been visiting Ramjanambhoomi since 1946 and worship was being performed there since that time. All devotees, who come for darshan, used to worship. Beside Pujaries were there on permanent basis. My memory was good when I visited the disputed premises for the first time in 1946. I cannot tell the name of any Pujari of that time because I have not enquired about it. My father also had not told me about this. He used to tell me to take darshan of various places. I went for darshan of the disputed premises in 1946 along with my father. This situation was for 1958-1960. During this period I used to go there with one or the other. After 1960, I started going alone. I tried to take those persons for darshan with me, who took me earlier for darshan. After 1960, when I went there for darshan, Pujaries were sitting there. I never tried to know about them, because I used to consider them as servants to his master i.e. God.

There were two caves in the side under Ramchabutra. These two caves were in the east and west side. There were idols of Bharat and Shatrughan in the eastern side cave and idols of Kak-bhushundi and God

Rama in the western side cave. I cannot say about the size of these two caves, because I used to take darshan from outside. This was a little cave. These caves were three four feet in length and two and two to half feet in width. Second cave also of a same size. I did not used to stay at Ayodhya. On coming from Faizabad to Ayodhya, I used to take darshan of Hanumanji, first and thereafter go to Janambhoomi by the road leading to Dorahi Kuan. Dasratha palace falls on the way to Hanumangarhi. I have not taken the darshan of Dasratha palace from inside. I used to take its darshan from outside. Further said that I used to go inside at sometimes but most of the times I used to take darshan from outside. I went inside of the Dasratha palace for once or twice with my father in the beginning. I do not know how ancient the Dasratha palace is. It is also called "Bara Sthan". There were shops of sweets, flowers, *Batashas*, at the outside portion of the disputed premises, in 1946; when I visited there, I used to purchase *Batashas* etc. from this very place. I did not know any shopkeeper by name. These shops were in the south side of Hanumat Dwar. There were only two-three shops in 1946.

I am a follower of Vaishnav Sanatan Religion. Aarti is performed in the Bhog-Aarti in temples at early morning. God is caused to be awake by this Aarti. Aarti is again held at 7 or 8 A.M. First Aarti is called "Manglaa Aarti". Another Aarti is held in the noon. Thus there are, in all, five Aartis. I do not know the names of these Aartis. Last Aarti of the day is called "Shayan Aarti". Aartis are held in this manner in Janambhoomi. I used to go for darshan in accordance with my convenience and not for any particular Aarti.

Learned advocate cross-examination draw the attention of the witness towards the word "Hanumat Dwar" referred in last but ninth line below the Para -12 of his Examination in chief affidavit. Witness after reading it said that Hanumat Dwar had a door. It is called Hanumat Dwar because nobody without the permission of Hanumanji can enter in to it. Hence this entry gate is called Hanumat Dwar. Singh Dwar has been referred in the last but 8<sup>th</sup> line of this Para. It was in the north. It is called Singh Dwar because there were idols of two lions above the door. Singh Dwar also had a gate.

Learned advocate cross-examination draw the attention of the witness towards the part "Continuous Kirtan was held there" of third and fourth line of Para -13 of his affidavit. Witness said that Kirtan used to be held there by the side of wall with grill, in the north of Ram Darbar. Regular Kirtan was not held there at the time, when I visited there in 1946. However, worship was held. Akhand Kirtan means a Kirtan which goes on without any break. This Akhand Kirtan was started after 1949. This Kirtan was being held till 1992, when structure was demolished. At that time, I went there for darshan. It was discontinued after demolition of structure. There was a Chhappar above the Ram Chabutra and not a permanent shed. There were footsteps in Sita Rasoi, which is called Chhatti Pujan Sthal in the disputed premises. There were four pairs of footsteps of the children. Volunteer : that these footsteps were of Rama, Laxman, Bharat and Shatrughan. These footsteps were at a height and on the Chabutra. Chabutra is 6-7-8 inches in height.

There are a number of hillocks in Ayodhya. I know a little about these. These hillocks were after the name of commanders of God, who came from Lanka. These

hillocks were at a height. With the passage of time, these hillocks were also reduced in height. Nal, Neel, Angad hillocks were among these. Learned advocate cross-examining draw the attention of the witness towards para - 15 at page -8 of his Examination in chief affidavit. Witness said that northern side's Samadhis were described in this para. These Samadhis were of Sanat, Sanandan, Sanatan and Sanat Kumar. In addition to this there was a Narad Chabutra and Samadhis of Garg, Gautam and Shandilya. All these Samadhis were in the north side. In my view and as people says, these Samadhis were there since much earlier. He further said that people might meditate there during the time of Ramchandra, but I cannot say about the time of these Samadhis. I have written in this para that these Samadhis were worshipped by the people. People also offer flowers, Aggarbatties and Batashas on these Samadhis.

Learned advocate cross-examining draw the attention of the witness towards para -16 of his Examination in chief affidavit. Witness said that the fact about continuous possession written therein. This possession is since ever. The matter written in Para 16 is based on the sayings. I have referred Babar in Para -17 of my examination in chief affidavit. In my view Babar was not so powerful. None could have occupied the temple during the time of Babar also. It is correct that Babar was a foreigner invader. According to all religions, demolition of a temple and a mosque is not a good act.

Hindu-Muslim riot was broken out in 1934, I have heard about it. It is heard that Cow-slaughtering happened in the village called Shahjahanpur. The riot was happened due to this incident. People were fighting with each other. A part of temple was also got damaged. And



thereafter no Muslim was seen there. It was attached in 1949, but I do not know much about this. I have heard that it was attached to avoid any further riot or disturbance. Inner court-yard of the building with grill was attached. Thereafter a Receiver has been appointed. I know about this. Babu Priyadutt Ram was appointed as a Receiver. Babu Priyadutt Ram was holding a high post in municipality of Faizabad and a rich person of Faizabad. It is correct that he was a Chairman at the time, when he was appointed as a Receiver. I have no knowledge if Chief Receiver Babu Priyadutt Ram is a party to the suit or not; I have not tried to read the report under Section 145 of Cr. P.C. at the time when I became a party to the suit in 1969. I was a student of class seventh at the time when it was attached in 1949.

Learned advocate cross-examining draw the attention of the witness towards document No. 20 of the file of Section 145 of Code of Criminal procedure. Witness after seeing it said that he has no knowledge if the list of attached property given in it, is correct or not. I am seeing this list for the first time. I can, after reading this list can say about properties, which were attached. The items given in this list were in my knowledge. I have seen the throne, two feet high, made of silver. Volunteer : that an idol of Hanumanji also was there. The boundary written at Sl. No. 15 of this document is correct according to me.

There was a Chabutra in half-moon shape under the tree of Pipal and Neem in the disputed premises. There was a Shiv-darbar on the Chabutra. Panchmukhi Mahadevji, Shivalinga, both the sons- Kartikeya ji and Ganeshji, Mata Parvati, Nandi etc. were sitting thereon. These idols were made of marble stones. Saryu River

flows in the north of Ayodhya. Saryu River was also mentioned in Vedas and Purans. This is one of the ancient Rivers.

Learned advocate cross-examining draw the attention of the witness towards picture No. 9 and 10 of the black and while album, document No. 201 C. Witness said that both the pictures, No. 9 and 10 were of the same place. A part adjacent to eastern wall is seen in this picture. There was an idol of Varah God at the outer portion of south east wall of Hanumat Dwar. Volunteer : that this idol is five feet in height. Everybody bows before this idol, while going inside. I have seen it when I came here in the year 1946 for the first time. The figures seen in picture No.9 and 10 are recognized as God. Volunteer : that it is one of the incarnations of the God. Idol of God Varah is also in Sukar. Sukar falls in District Gonda. Similar idol is there. I have offered flowers at the place which is seen in picture No. 9 and 10.

Learned advocate cross-examining draw the attention of the witness towards picture No. 30 of black and while album, document No. 201-C. Witness said that upper part of Singh Dwar, northern gate, is seen in this picture. Two lions and Garur ji in between, is seen in this picture. Garur is a carrier of God Vishnu. Volunteer : that he always remain near to him.

Learned advocate cross-examining draw the attention of the witness towards picture No. 21 and 22 of black and while album, document No. 201 C. Witness said that left and right side parts of northern gate are seen in these pictures.

Upon showing the picture No. 23 of this album, witness said that this picture is of the outer part of northern wall of the disputed premises. A way and staircase is seen in this picture. This staircase is leading from north to east. This staircase met to the road leading from Dorahi Kuan to Hanumangarhi.

Witness after seeing the picture No. 45 of this album said that south part of northern gate is seen in this picture. Again said, that this is the picture of southern part of mid portion of main part of the disputed Bhawan. This is the picture of disputed Bhawan.

Upon showing the picture No. 46 of this album, witness said that this picture is of the right portion of the building. Upper part of the main gate is seen in picture No. 48, of this album. Upon showing the picture No. 52, witness said that this is the picture of upper part of left side of main building. A part of left side of the outer part is seen in picture No. 54 of this album. This is the picture of court-yard which was unoccupied.

Upon showing the picture No. 29 and 30 of this album, witness said that these pictures are of the one place. These pictures are of Ramchabutra, 21 feet X 17 feet in size. Both caves' doors are seen in these pictures. A chhapper is seen above it. Second part of Ramchabutra is seen in picture No. 31. Hanuman Vandana is written above and a picture of Hanumanji is below it. In addition to this, picture of Anjani Mata is seen. From seeing the picture No. 31, it cannot be said that it is a picture of eastern cave or western cave. This picture may be of the eastern cave. Shiv Darbar is seen in picture No. 32 of this album. Volunteer : that half-moon shaped Chabutra referred, was correct. A tree of Pipal and Neem and a

Tin-shed is seen in this picture. A donation box is also seen in this picture. Upon showing the picture No. 34 of this album, witness said that inner part of the eastern wall of the disputed building is seen in it. Then said that this is not a picture of the part of eastern wall, but it is a picture of western wall. A Yagna-place is seen in this picture. Havan and Yagna used to be conducted there at the place, side by, where a man in standing position is seen. Left part of second door is seen in picture No. 36. This picture was taken from outside. Second door, I mean northern door. On the suggestion made by Learned advocate cross-examining, witness said that the door seen in picture No. 36 was at the wall with grill. There were two doors in the wall with grill. A scene of left side of the wall with grill, inside of the main gate, is seen in picture No. 37 of this album. A police constable is seen in standing position in this picture. Besides, a tree is seen. This tree would be of a Maulshri tree, about which question has been asked already. Picture No. 38 and 39 are the pictures of same place. Chhatti Pujan site and Sita Rasoi are seen in this picture. Throne like part, which is seen in this picture, was there. Picture seen in picture No. 40 is of the north gate of the disputed building. This picture was taken from the side, where Sita Rasoi is.

Learned advocate cross-examining draw the attention of witness towards picture No. 55. Witness said that a Kasauti Pillar is seen in it. This pillar is at the right side, where other pillars were, inside of the Grabh Grih of the disputed building. A couplet is seen written there. A lot of things are seen on the pillar. Lower part of the Kasauti Pillar is seen in the picture No. 57 of this album. Upper part of the Kasauti Pillar is also seen in the picture No. 62 of this album. The figure on this is of a deity. However, I cannot say which deity is seen in picture No.

65. Something is seen on this also. Leafs and flowers are made on this. Some portion like a dome is seen in picture No. 68 of this album. I cannot say, which Dome's portion, among the three domes, of the disputed building, is seen in this picture. This picture is appears to be of a middle dome. A lotus flower is seen above in picture No. 70 of this album. Top part of the disputed building is seen in this picture, but which part it is, I cannot say. Upon showing the picture No. 76 of this album, witness said that Kasauti Pillar is seen in the picture of this album. Idol of Ganesh has been engraved on it. Both the pictures – No. 81 and 82 – are of the one place. A throne, on which Ramlalla is sitting, is seen in these pictures. Picture of Ramlalla is seen above. A half-moon size garland is seen on an idol. Upper part of Kasauti Pillar is seen in picture No. 87 of the album. A bell, hanging on, is seen in this picture. I cannot say at what place in the disputed building this pillar was. This pillar was in Grabh Grih. After seeing the picture No. 92 of the album, witness said that a scene of western wall of the left side dome is seen in the picture. A part of western side wall, under the left side dome is seen in this picture. What is kept in the left side, I cannot say. A louts flower under a dome of disputed building is seen in picture No. 94 of this album. I cannot say, which dome's lower part is seen in this picture.

Verified the statement after reading

Sd/-

Ramesh Chander Tripathi

10.5.2005

Typed by the stenographer in the open court as dictated by me. In continuation to this the suit may be listed for further Cross-examination for 11.5.2005, Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

10.5.2005

**Before: Commissioner, Shri Hari Shankar Dubey,  
Additional District Judge/Officer on Special Duty,  
Hon'ble High Court, Lucknow Bench, Lucknow.**

**Dated 11.5.2005**

**D.W. 17/1, Shri Ramesh Chander Tripathi**

(Commissioner appointed by the Hon'ble Full Bench vide order dated 6.5.2005 in Other Original Suit No. - 4/89).

(In continuation to dated 10.5.2005, Cross-examination of witness on an Oath, by Shri Tarunjeet Verma, Advocate, on behalf of Nirmohi Akhara, plaintiff of Other Original Suit No. - 3/89, continued).

I have studied up to Graduate level with English literature and Sanskrit as subjects. I have not studied History. I knew about Kalidas. Kalidas was during the time of Vikramaditya. But which period he belongs to, I do not know. I have read about some creations of Kalidas. Abhigyan Shakuntlam, Kumar Sambhav, Raghuvarsh etc. are among his creations. "Meghdoot", among his creations, is famous. It was described in "Meghdoot" that Yaksha was doing the job of a Gardner of Kuber. His main work was to provide flowers for worship. He got married. His wife had discouraged him from this work and asked Yaksha to give up this job. Yaksha had not heeded to her request. Then wife of Yaksha had asked him, to pluck the flowers in the evening and not to go to pluck the flowers at early morning. Kuber had offered stale flowers to the God but God was not pleased with these flowers. After that Kuber observed by meditation that Yaksha had brought the stale flowers because of his wife. He imprecated Yaksha

that you will get separated from your wife because you have done this due to your wife.

You will not see her again. Thereafter Yaksha get separated from his wife and his wife remained alone in Alkapuri. After sometime, Yaksha became insane. Yaksha, upon seeing the clouds, used them as a messenger and send the message to his wife. Yaksha had personified the clouds. This means that Yaksha used to send messages to his wife through clouds. He asked the clouds to carry his message at a particular place. Kaushal province, which at present is around Ayodhya, has also been referred in this creation of Kalidas. In this creation, Yaksha, through clouds, says to clouds to go to Ayodhya where God Rama is living and pay my respect to him.

I have a little knowledge about "Raghuvansh", creation of Kalidas. This creation contains the detail about Ramchanderji and his family.

(At this point Shri Abdul Mannan, Advocate has raised an objection that no creation of Kalidas was referred, hence any question concerning to this cannot be asked from the witness).

"Kumar Sambhav" is one of the creations of Kalidas.

Question: Whether various Saints of the time of Ramchanderji, God Shiva and his family were referred in "Kumar Sambhav"?

(Upon above question Shri Abdul Mannan, Advocate has raised an objection that above book has not been filed in the Court. Its extract has also not been filed. Hence such question should not be allowed).

Answer: There is a reference in "Kumar Sambhav" in this regard.

Volunteer : that the Samadhis of the Saints, who came there, were constructed there, at the places, where they were sitting in meditation. I have seen these Samadhis in 1946 and later, whenever I went there. The place, where God sits and Samadhi is constructed becomes worshipable.

Learned advocate cross-examining draw the attention of witness towards last but sixth and seventh line of his statement, dated 9.5.2005 at page -31 and asked whether Samadhis were referred in these lines? Witness said that Samadhis were referred therein. There were, in addition to above Samadhis, the Samadhis of Markandey and Angira. These Samadhis were in the southern side. I used to take darshan of these Samadhis. I have referred above that Kalidas was contemporary to Vikramaditya. This was the same Vikramaditya who renovated the religious places of Ayodhya. I do not know about any authentic reference about renovation. I know this much only on the basis of sayings of my father and traditions that this Vikramaditya was the same who propagated Vikrami Samvat and renovated Ayodhya. I used to visit Ayodhya after 1946 and also during my service period. I have seen Kaikai Bhawan in Ayodhya. I have, in my statement, referred Dasratha palace. This Dasratha palace is spread over the entire Ramkot. Palace of various queens and princess were there in the premises. It is correct to say that Sumitra Bhawan, Kaikai Bhawan and Kaushaliya Bhawan were situated in parallel line. I have not seen whose idols were there in Bara Sthan



Temple. I have seen the picture of Sheshnaag in Sumitra Bhawan but had not seen by going inside, whose idols were there inside. I have not seen an idol inside the Kaikai Bhawan. I went to Kanak Bhawan situated at Ayodhya. There were idols of Rama, Laxman, Sita and Hanumanji i.e. entire darbar. I will not be able to say from what metals these idols are made of but people says that these were made of from eight-metals. There are both movable and immovable idols. Movable idols are of eight metals and immovable idols are made of stone. This building was constructed by Krishna earlier; thereafter wife of Orchha King had got constructed it. An idol was installed by Lord Krishana in Dwaperyuga. I have been to Hanumangarhi. I can explain the form of an idol of Hanumanji in Hanumangarhi. Hanumanji is seen in this idol with a hillock. I cannot say from which metal this idol is made.

Nageshwar Nath Temple is also in Ayodhya. I have seen this temple. I have been inside the temple. It is a temple of Shiva, where water is offered. Shiva is in the shape of Shivlinga. It is correct to say that an Argha and Shivlinga are there. This Shivlinga is made of stone. I have referred in my statement above that Shiv Darbar is installed in the disputed premises. Entire family of Shiva was present at the time of birth of Rama. Shivji stayed there for sometimes. I know that there was an idol on Ramchabutra and in the Bhawan also. There were idols of Ramlalla in Bhawan, which were small and big in size. There were 6 Saligrams. Throne of silver was also there. According to the people, idol of Rama's childhood is made of eight-metals. However I have no individual knowledge about this. Idol of Rama was in the shape of a child who moves on all foots. I cannot say about the height of this idol. An idol of Hanumanji is made of eight-metals. An

idol of Hanumanji is 6-7 inches in height. An idol of Hanumanji was in the form with folded hands. Idols of Saligram were of the stones. Saligram is less than an inch in height.

There was an idol of Ramlalla on Ramchabutra. This idol was made of eight-metals. God Saligram was also there. Besides, idols of Rama, Laxman, made of eight-metals, were there.

I have the knowledge of Naya Ghat, among the Ghats situated in Ayodhya. I know the names of Chakra Teerath Ghat, Kaushalya Ghat, Sumitra Ghat, Raj Ghat, Nirmochan Ghat, but I had not visited these places. I do not know how the Ghats are named after. I have studied Ramayana, Ramcharitmanas. In addition to this, I have studied Ved-Purans.

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/13, filed in Other Original Suit No. 1/89, Shri Gopal Singh Visharad V/s Zahoor Ahmed and others. Witness after seeing this picture said that I do not know which place is seen in this picture. Upon the suggestion made by Learned advocate cross-examining, witness said that it is correct that this is a picture of Grabh Grih. I have seen the Grabh Grih in 1946. I have seen the scenes at that time which are seen in this picture. Scene of a part below the middle dome of the building with three domes is seen in this picture. Two earthen posts, on both sides of staircase are seen in this picture. Besides, a Mahatma is standing there. Picture of Ram Darbar is in the side of staircase. Hanuman ji is in the meek position and Naradji with lute. A throne above on the staircase is seen. Beside this two pictures are there. There is tumbler and bowl on

the second stair and a lota with some material. Something is seen, below the bell and lota and two more utensils at second stair. A pushpdan and Aggarbatti stand are among these articles. Things like *Parat* and *Thal* are seen at second stair. Om, Ram and Sita-Ram are written on the wall. Throne was made of silver.

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/5 of the above suit. Witness after seeing the picture said that this is a picture of a Parikrama road opposite to Singh Dwar. Witness again said that this is not a picture of Singh Dwar. I am not able to recognize this picture.

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/4 of the above suit. Witness after seeing the picture said that this is a picture of Hanumat Dwar. Main building is seen inside. A wall with grill is seen in this picture. There were two Kasauti Pillars at the Hanumat Dwar. Jai and Vijay, putting turbon and with stick are seen on the Kasauti Pillars.

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/9. Witness after seeing this, in reply to a question said that Singh Dwar is seen in this picture. Two domes are seen, in parallel, in this picture. A gate is seen at Singh Dwar. This gate is made of steel plate with scupper form. Two lions and Garud is seen at Singh Dwar.

Learned: advocate cross-examining draw the attention of witness towards picture document No. 154/16 of this suit. Witness after seeing this picture said that this picture is not visible.

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/7. Witness after seeing it said that this picture was taken from western side. Three domes are seen in this picture

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/12. Witness said that inner part of the disputed building is seen in this picture but which part, I cannot say. Hanumanji is seen above in this picture.

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/14. Witness said that a scene under a dome, among the three domes, is seen in this picture.

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/11 of the above suit. Witness said that this is the picture of middle building, taken from outside.

I used to meet the Saints of Ayodhya, whenever I go there. Among the Saints of Ayodhya, I know the names of Nritya Gopal Das. I used to go there and met the Saints living there. I have seen Baba AbhiramDas, Saint of Ayodhya and Saints of Hanumangarhi. But I do not know their names. I know Bhaskar Das ji. He lives in Hanumangarhi. Hanumangarhi is near to my house. I go there. I met Bhaskar Dasji at sometimes. There is a Rajsadan in Ayodhya but I have no specific knowledge about it. King of Ayodhya lived in Ayodhya in Raj Sadan. I have been there. There was an alligator at that time. I went there on the occasion of Saawan Jhula. I went there much before.

I do not know about Akharas. A number of Akharas in Ayodhya have temples but I have no specific knowledge about these. I became a party to this suit in 1969 because my father was not well at that time. I came to know that a suit in regard to Ramchanderji is going on, and then I have decided to become a party to this suit. None had inspired me for this. I myself have decided to apply for a party. There are other parties to this suit also. I have read their names. Gopal Singh Visharad, Paramhansji, Nirmohi Akhara and State Government, Pundrik Mishra, Dharamdasji and other people are among them. Some of them have since died. Gopal Singh Visharad and Paramhans Ramchander Das have died. I do not know about others. Sunni Central Board of Waqf filed this suit, for title. Chairman of the Shiya Board, Prince Anjum, is among the defendants. However, I cannot say about name without seeing. All persons have not filed suit for title. Suit was filed against some defendants. Some people became party to suit later. I have got retirement in 1997.

I have, in my examination in chief affidavit, stated that there are the followers of other religion in Ayodhya, other than the followers of Hindu Religion. The followers of almost of all religions - Jains, Buddhists and Muslims also live there. Religious places of Jains and Buddhists and Sikhs are in Ayodhya. People of all communities pay respect to this place. There is Gurudwara at Brahmkund. I know about it and a Jain temple at a little distance from Gurudwara. Ayodhya is an important and holy place for various religions.

Learned advocate cross-examining draw the attention of witness towards picture No. 13 to 16 of the

colour album, document No. 200 C -1. Witness, on seeing these pictures, said that God Varah is seen in picture No. 13, 14, 15 and 16. Witness after seeing the picture No. 37 to 40, said that a Singh Dwar is seen in picture No. 37, 38, 39 and 40. In reply to a question about picture No. 39, witness said that this is a picture of outer part of the disputed premises. Something like shop is seen in this picture, where Prasad used to be sold. A donation box is seen in this picture. Who kept this donation box, I do not know. A stone in the left side is seen in picture No. 43. Stone is clearly visible in this picture. Picture No. 44 is of the Hanumat Dwar and a stone written with Nitya Yatra is there. Besides, a box is seen in this picture. This is a donation box. This donation box was not there in 1946. Shops were also not so lengthy at that time. After seeing the picture No. 47 and 48 of this album, witness said that Hanumat Dwar is seen in these pictures. Pillars of Kasauti are seen in picture No. 47. A constable, in standing position and couplet written on the stone is seen.

Learned advocate cross-examining draw the attention of witness towards picture No.50 of the colour album. A pillar engraved with flower-leafs, is seen in this picture. Red colour is painted with on it. There might be an idol or a picture of Hanumanji. Upon showing the picture No. 54 to the witness, he said that this picture is similar to picture No.50, there is a Kalash, at the side and flowers and leafs above and a picture of Hanumanji might be there, which is painted with sindoor. Witness after seeing the picture No.56 of this album, said that this is a picture of Ramchabutra. A tin-shed, ahead to Ramchabutra, is seen. A chhappar above the Ramchabutra is seen. After seeing the picture No.57 of this album, witness said that a Ramchabutra with chhappar above it is seen in this picture. Both the caves,

left and right side caves are seen. A scene of cave of Ram Chabutra is seen in picture No.58 of this album. Three idols with red colour are seen in it. These idols are of Hanumanji. There are two more idols but these are not clear. On seeing the picture No.59 of this album, witness said that Shiv-darbar is seen in this picture. Two trees, one of Pipal and other of Neem, are seen in it. Upon seeing the picture No. 62 of this album, witness said that a place meant for Havan and Yagna is seen in this picture. This is a picture of a wall constructed at the corner of Shiv-darbar. Southern and western side wall is seen in this picture. A wall with grill is seen in picture No.63 of this album. This is a wall with grill. There is a hut on the right side. A scene behind the Ramchabutra is seen in picture No.66 of this album. Volunteer : that a scene behind the Ramchabutra is also seen in picture No. 63, which was shown to me earlier. A pillar, made from marble stone is seen in picture No.66. This pillar is of the period after 1946. When this pillar was constructed, I do not know. Witness after seeing the picture No.67 of this album, said that I cannot say about the picture seen in this picture. On the suggestion made by Learned advocate cross-examining, witness said, it is correct to say that this is a picture of a wall with grill. Upon seeing the picture No. 72 of this album, witness said that Sita Rasoi is seen in this picture. A gathering is seen in this picture. Tilhari Sahib in white sherwani is seen in this picture. Tilhari Sahib was a lawyer there and he later became a judge.

Picture No.73 of this album was shown to witness. Witness said that Sita Rasoi is seen in this picture. I cannot say from which direction this picture was taken. A part in between the north east of inner side and outer side is seen in picture No.75 of this album. A wall with grill

and a door is seen in picture No.77 of this album. Besides, a tree is seen in it. A part in between the main building and outer wall is seen in picture No.79 of this album. One door is also seen in this picture. This picture is of the southern side. A scene of southern side wall of main building is seen in picture No.84 of this colour album. A curtain is hanging and a Police person is seen therein in standing position. A wall of southern side of main gate of the disputed building is seen in picture No.87. Main gate is seen in picture No.89 of this album. A scene of the upper part of the gate is seen in this. Upper part of main gate is seen in picture No.92 of this album. A stone at the upper part of the main gate is seen in picture No.94. A stone at the upper part of main gate is seen in picture No.95 of this album. A part of dome above the left side door of the disputed building is seen in picture No.98 of this album. A door, curtain sepoy and Board of Sewa Samiti are seen in picture No.99. A wall with grill opposite to left side gate of disputed building is seen in picture No. 102 of colour album. A courtyard in between the above two is seen in this picture. A scene of Grabh Grih is seen in picture No. 103 of this album. An earthen pot, Police at the outside and a Mahatma in the left side are seen in this picture. A person in red clothes in the inner portion is seen. Two persons at the front and one in the rear portion are seen.

I am not recognizing them. A pillar, which was at the entrance to Grabh Grih, is seen in picture No. 106 of this album. This pillar is made of Kasauti and couplet written thereon is seen in it. A rear part of the pillar of Kasauti, which was at a place in Grabh Grih, is seen in picture No.108 of this album. A pillar of Kasauti, fixed in the Grabh Grih is seen in picture No. 111 of this album. Beside, a picture of Hanumanji is seen in it. Kalash and



leafs are seen behind the Kasauti Pillar. There is a picture painted with black colour. Upon seeing the picture No.113, 114 and 115, witness said that these are of same place. These pictures are of Grabh Grih. An idol of Hanumanji, seen in these pictures, is painted with sindoor or Geru. Picture of God is seen in picture No.116. Stone of Kasauti in the right side is seen. A man is seen in standing position in the right side of a pillar in this picture and rest of the part is not visible. This is a picture of Grabh Grih. A stone of Kasauti i.e. pillar is seen in picture No.118. Upper part of the pillar is seen in the picture. A picture of Garudji is seen at a place in this picture. Picture of Garudji is seen in the first block of the pillar. This is a picture of Grabh Grih. Picture of Grabh Grih is seen in picture No.120 of this album, wherein rear part of the stone is seen. Kalash, flowers and leafs all around it, picture of Hanumanji, above, is seen in this picture. This picture is painted with the colour, so it is not clear. In picture No.122 and 123 of this album, one and same place is seen. These are the pictures of Grabh Grih. A thick carpet rolled is seen in it. This pillar is painted with red colour. This pillar also has Kalash, flowers and leafs- like other pillars. Pillar of Kasauti is seen in picture No. 127. Kalash, flowers and leafs are also seen. Red colour is also painted with. A thick carpet rolled is also seen -like in the last picture. This picture is of the Grabh Grih. A western wall is seen in picture No.128 and 129 of this album. One person is seen with turban and upper garment. A western wall, a fan and picture of Rama, Laxman and Sita is seen in picture No.131 of this album. A scene of inner part of the upper portion is seen in picture No.134 and 135. Which dome is seen in this, I cannot say.

Witness was shown the picture No.137 of this album. Witness said that an arch of western side of the disputed building is seen in it. The things seen in the right side are not clear, because only a little part of it is seen. Pillars seen in picture No.138 and 139 are one and same. This pillar was in Grabh Grih. Upper part of the pillar in picture No.138 and a figure is also seen in it. One and same pillar is seen in picture No.140 and 141, lower part of the pillar is seen in this picture. A Kalash, an idol above, painted with red colour, is seen on the pillar. This is a picture of Hanumanji. The pictures of this idol have been taken from different angles in picture No.140 and 141. Learned advocate cross-examining has shown the picture No. 146 and 147 to witness. Witness said that one and same pillar is seen in both the picture No. 146 and 147. Kalash in both the pictures, Ganesh ji, above and lime-like white material below, are seen. Lime-like material is seen. On the suggestion made by Learned advocate cross-examining, witness said that this is a flower garland. After seeing the picture No.149 of this album, witness said that scene

scene of rear part of Grabh Grih, where a box and other goods are kept, is seen. In picture No.149, a box along with a bundle of clothes is seen. Western Wall, below the throne is seen in picture No. 150. This Western Wall is of the upper portion. Ceiling of above portion is seen in this. An electricity point is also seen in it. Learned advocate cross-examining draw the attention of witness towards picture No.152 to 158 of this colour album. Witness said that one and same place is seen in these pictures. These pictures are of the Western Wall inside, towards north of the disputed building. An upper part of throne and an idol of Ramlalla above are seen in picture No.152. An idol is seen in picture No.153. A throne, picture of Ramlalla, railing from where Prasad was distributed and a bench is

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seen in picture No.154. A railing, throne and a bell are seen in picture No.155. A person with rifle, in standing position and a pan is seen in it. Floor, in front of the throne of God, is seen in picture No.156. A bench is seen in front of the throne. Picture of a pillar is seen in picture No.157, an earthen pot is behind it, a curtain in the back portion is seen in it. A bell is kept there and a bell in hanging position is seen. A stone of Kasauti painted with red colour and with some ones' picture is seen in picture No.162. A pan is also seen in it. One and same pillar is seen in picture No.166 and 167 of this album. Kalash and Ganeshji are seen on these pillars. These pillars are painted with red colour and a pan is seen. This appears to be a picture of an arch of rear wall. A scene of wall below the dome is seen in picture No. 169. This is a picture of a wall below the left side dome.

Verified the statement after reading

Sd/-

Ramesh Chander Tripathi

11.5.2005

Typed by the stenographer in the open court as dictated by me. In continuation to this the suit may be listed for further Cross-examination for 12.5.2005, Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

11.5.2005

**Before: Commissioner, Shri Hari Shankar Dubey,  
Additional District Judge/Officer on Special Duty,  
Hon'ble High Court, Lucknow Bench, Lucknow.**

**Dated 12.5.2005**

**D.W. 17/1, Shri Ramesh Chander Tripathi**

(Commissioner appointed by the Hon'ble Bench vide order dated 6.5.2005 in Other Original Suit No. -4/89).

(In continuation to dated 11.5.2005, Cross-examination of witness on an Oath, by Shri Tarunjeet Verma, Advocate, on behalf of Nirmohi Akhara, plaintiff of Other Original Suit No. -3/89, continued).

Learned advocate cross-examining draw the attention of witness towards picture No.170 of the colour album, document No.200 C -1. Witness after seeing it said that a lower part of the ceiling is seen in this picture. This is a picture of lower part of the ceiling below the dome situated at the outer portion of the disputed building. Witness after seeing the picture No.181, said that scene of the pillars fixed in the arch in the Western Wall of rear part of the disputed building is seen in this picture. There is an idol of Ganeshji, painted with Sindoor. Upon seeing the picture No.185 and 186 of this album, witness said that both the pictures are of a one pillar with Kalash, flowers-leafs and an idol painted with red colour, in the side. Because this idol is in the side, hence I could not say that whose idol is this. Witness after seeing the picture No.195 of this album said that this pillar was in rear arch. An idol is seen in this picture. It is perhaps of Hanuman ji.

An excellent Kalash is seen in the lower part of Pillar. Leafs are engraved with on it. "Sunder Sab-bhanti" and "Kanak Mani Nana Jati" is written on the wall. After seeing the picture No.199 and 200, witness said that two scenes of a pillar are seen in this picture. This pillar was in the Grabh Grih and lower part of the pillar is seen in it. An idol of Hanumanji, painted with red colour is above. After seeing the picture No.201 of this album, witness said that a scene of a front door of the disputed building is seen in it. This door is of the wall with grill. Police personnel are standing, bell is hanging and one devotee coming out after taking darshan. A ladder is kept on the ground in the left side of constable. After seeing the picture No. 202 of this album, witness said that Shri Ranjeet Lal Verma, Advocate and Mahant Bhaskar Dasji are seen in this picture. Two persons, in a position to take Prasad, are standing in the right side. After seeing the picture No. 204, witness said that four persons are sitting under a tree. I am not recognizing these persons.

Learned advocate cross-examining draw the attention of witness towards para 17 of his examination in chief affidavit. Witness, after reading it, said that I have written this para on the basis of knowledge obtained from my ancestors and tradition. I can recognize mosque. Disputed building does not appear a mosque. I have visited almost all the States of India during the tenure of my service, particularly Jammu and Kashmir, where mosques were in numbers. I have seen Minarets on all mosques and place for Vazzu. But such things are not here. I have mentioned that Namaz and Aazaan were not being performed there. It is based upon what I have seen there. Volunteer :that there was a Hindu temple. All signs of temple are available there. Devotees, Pujaries, bell etc. were there and continuous recitation was

performed there. I have not seen any Muslim paying visit there. My father has told me that the same situation was prevailing there in the past also. I was living in a private ward of District Hospital of Faizabad during 1968 to 1972.

(Cross-examination by Shri Tarunjeet Verma, Advocate, on behalf of plaintiff, Nirmohi Akhara, in Other Original Suit No. -3/89, concluded).

(Kumari Ranjana Agnihotri, Advocate on behalf of plaintiff No. 22, Akhil Bhartiya Shri Ramjanm Bhoomi Punrudhar Samiti, in this Suit said that she is not going to Cross-examine this witness).

(Shri Ajay Kumar Pandey, Advocate, on behalf of plaintiffs in Other Original Suit No. 5/89, said that he is not going to Cross-examine the witness).

(Learned Advocate, Shri D.P.Gupta, on behalf of plaintiffs in Other Original Suit No. 1/89, said that he is not going to Cross-examine this witness).

(Thereafter, none other than the Learned Advocates on behalf of plaintiffs in Other Original Suit No. 4/89, plaintiffs No. 4, 5, 6 and plaintiff No.26 in Other Original Suit No. 5/89 was available for conducting Cross-examination).

(Cross-examination, on an Oath, by Shri Abdul Mannan, Advocate, on behalf of plaintiff No. 9 and 10/1, Mahmood Ahmed and Mohd. Farooq Ahmed, begins).

XXX XXX XXX XXX

I have worked in Defence Accounts Department from April 1958 to July 1997. Defence Accounts Department is not a part of Army. It is an independent Department. Its headquarters is in Delhi. Controller General of Defence Accounts sits in Delhi. I went to Jammu on transfer and to audit the Air Force accounts in 1966. I stayed there up to 1967. I proceeded on leave in 1968. Thereafter, I again went there in 1972. After staying there for a short period in 1972, I went to Allahabad. My job was to audit the accounts of Defence services. I have conducted the audit at Jammu, Srinagar, Pathankot, Udhampur, Patnitop. Patnitop is at very high altitude, Signal Unit is based there. I do not know the exact height of Patnitop. I have audited at five places. There are a number of units at a place. My job was to audit the accounts concerning to financial expenditure. Such as expenditure incurred on ration, uniforms, ghee, oil, petrol etc. Duration of audit depends upon the volume of work of a Unit. I went to Kashmir twice. I used to live with the army personnel during the audit. This entire area was a field area. Field area, I mean, non family hill station. During that period, I used to stay separately, when I was not in the field area. I used to take food with army personnel in Kashmir. Army personnels take wine. Everything was free in field area. During cold days, wine is distributed free of cost and at a subsidized rate during the normal days. This subsidy on liquor is given by the Government. I stayed there for a year to one and half year, for the first time, when I went to Kashmir and almost for the same duration during the second time. There is huge difference in the prices of liquor, provided there and the liquor available in the market. At other places in India, where I have been posted, liquor is not provided free of cost. Beside the place where I was posted, I had to go to different places. I visited Manauri, Bamrauli, Khamria (Jabalpur), Car-

Nicobar and Ranikhet, other than the Kashmir. These were the main stations. I had to go to various places. I was in Kanpur and Chakeri. I had been posted in Kanpur from 1962-63 to 1965. I also used to undertake audit during the period when I was in Kanpur. In Kanpur, I used to live at Air Force Station, Chakeri. There were a number of Units in Kanpur. These Units were used to be audited by 10-5 persons together. There are army quarters in Chakeri, Kanpur. Chakeri is at a distance of 7-8 kilometers from Kanpur City. I was allotted Air Force office in Chakeri. I stayed at Phoolbagh. Phoolbagh is in Kanpur City. I used to go my office from Phoolbagh daily. This place was at a distance of 8-10 miles and I was provided a vehicle which carried me daily. I used to go in the morning and come back at two to two and half hours. Office timing of Air Force office was from 8.00 A.M. to 2.00 P.M. I do not remember how much salary I was getting at that time. In Kanpur, I had different pay scales. I have passed B.A. I joined service after passing B.A. I have joined the job, for the first time in April 1958 at Allahabad. From Allahabad, I went to Manauri. Manauri is near the Allahabad. From Manauri, I went to Kanpur. In Kanpur I did not used to audit the work of officers. I used to audit goods, stores, uniforms, ration etc. There are others to audit the work of officers. These people were not there at that time. I do not know how the work of officers is audited. Personnel from Sepoy to J. C. O. comes under non-commissioned Officers. J. C. Os. in Army are equivalent to Senior N. C. Os. in Air Force. We used to conduct their audit. At some places, this audit goes on for 3 months while at some other place for 6 months and at some place audit goes regularly. It depends upon the strength of a Unit. Regular audit is conducted in Large Unit. Kanpur was a large unit. This unit was located at Air Force Station, Chakeri. In Kanpur,



we did not get anything other than our salary. At that time I was getting Rs.700-800 per month. I was staying there with my family. I had only one child at that time. From Chakeri, I went to Jammu. I did not go there with my family because Jammu was a non-family station. Family is not allowed in a non-family station. During the period of posting at non-family station, family used to stay at home. Army personnel, on his transfer to non-family station, can retain his family at a family station. I used to stay in Mess in Jammu. Size of Mess depends upon the strength of dining. I was in Jammu and also in Kashmir. There was a large mess in Srinagar. The mess, in which I was living, was not so big. Mess also has the arrangements for boarding lodging. People stay there and every facility is provided to them. An aeroplane used to take off from Delhi to Chakeri. I have no knowledge whether this aeroplane goes to Lucknow from Chakeri or not because routes are often get changed. I have no knowledge about the routes of aeroplanes of Civil Aviation. I used to go from Jammu to Srinagar. I was transferred from Manauri to Bamrauli. I was in Bamrauli for about one to one and half year. Bamrauli is at a distance of 7-8 kilometers from Allahabad, on the line from Allahabad to Kanpur. My job was also to audit there. Other people from the office were 10-12 in number. They were allotted the work from outside. People used to perform the work allotted to them. The person to whom it is entrusted does audit work pertaining to the Officers. Most of the employees do the audit work. In addition to this we also do the office work. The other persons, who were with me, were also from the Defence Accounts Department. I do not remember how much salary they were drawing. Salary was paid in accordance with the salary chart. There are no commissioned and non-commissioned officers in our Department. There was little difference in between the

designation of the people who were with me. The senior most person among the employees, functions as C.D.A. He was from I.D.A.S. i.e. Indian Defence Accounts Service. They were called I.A.S. allied. I never reached to this post. I have no knowledge whether I.A.S. allied persons are lower to I.A.S. or not because I am not from that service. I.A.S. allied officers were posted in Kanpur. We used to work under them. There was a separate office for I.A.S. allied in Kanpur. We used to work under them. The highest officer of Air Force Defence Accounts Branch was an I.A.S. Persons of my Department are posted in Allahabad, Kanpur and Lucknow. People from our Department are posted at almost at all the big cities of India, where Office of Defence Accounts is situated. I cannot count the places where our people are posted in India. My Department has the offices in Bombay, Calcutta, Madras, Delhi, Jabalpur, Lucknow etc. Jammu has an Audit office of Air Force. I retired from the Defence Accounts Service in 1997. I have not done any job after retirement.

I belong to Faizabad. My district has been renamed as Ambedkar Nagar. After retirement, I sometime used to live in Faizabad, sometime in Ambedkar Nagar and sometime in Lucknow. After retirement, I used to live almost for all the time at my village. I live in Faizabad also. Ambedkar Nagar is at a distance of 50 Kilometer from Faizabad. I have not joined Vishwa Hindu Parishad after retirement. I was not associated with Vishwa Hindu Parishad. I was associated with Ramjanambhoomi. I used to go there. I do not call it a Babri Mosque. I do not pay visit to Ramjanambhoomi every time when I visit Faizabad. I used to go there according to my own wishes. I was never under the control of anyone. Before retirement I used to go to Ramjanambhoomi on the

occasions of festivals only. There are a number of festivals. However, I used to go at Chaitra Ram Navami. Chaitra Ram Navami falls on Navami of Shukla Paksha in the month of Chaitra. According to the date, this festival usually falls in the month of March and sometimes in the beginning of April also. Besides Ram Navami, I went there at other times also. However when posted far away, I used to go there at Ram Navami only and at a time when posted nearby, I would have gone there at a number of times, other than at the occasion of Ram Navami, perhaps 100 times. I went there in 1946 for the first time. I was 7-8 years old at that time. I was 7 years old at that time. I do remember a little about the then happenings. My father was with me at that time. My mother was also with us. It was not a Ram Navami when I visited there for the first time. It was a Ram Navami, when I visited for the second time, however, I do not remember specifically. When did I visited the third time, I do not know. I do not remember at how many times, after my second visit, I visited there. I have so far visited Ayodhya for about 100 times. I did not go to every place of Ayodhya. I also used to visit Ayodhya for taking bath in Saryu River. I used to take bath in Saryu River at every time, when I visited there. I always try to take bath before darshan. I often used to go for the darshan of Hanumangarhi and Ramjanambhoomi. I did not stay there, after darshan I used to go back to Faizabad. I used to stay at Maudaha, near the Railway station in Faizabad. I used to stay in Faizabad daily when I study there. I used to visit Faizabad during the holidays or vacation. I used to go to Faizabad at Ram Navami, mostly. During my service, I do used to go to Faizabad at Ram Navami.

I always try to go to Ayodhya at Ram Navami. I might have visited Ayodhya at Ram Navami. I did not

perform 14 Kosi Parikrama at the occasion of Ram Navami. I used to perform it, ever it falls. This Parikrama is organized once in a year. I used to perform Parikrama during my student life. During the service period I could not go for Parikrama. I have not performed Parikrama after retirement. I have passed Intermediate examination i.e. 11<sup>th</sup> and 12<sup>th</sup> Class from Manohar Lal Moti Lal Inter College, Faizabad, with Hindi, English, Civics as subjects. After passing Intermediate examination, I went to Allahabad for further study. I have not done job in between. I have studied in Allahabad University with Arts subjects. I have studied Sanskrit, English and philosophy in B.A. I have studied Indian philosophy.

Dwaitwad recognized the God and creatures, both, whereas Adwaitwad recognized only God. I cannot say in detail about Dwaitwad and Adwaitwad. I cannot say about the difference in between Dwaitwad and Adwaitwad. I have not read history in B.A. I have read English. I have done B.A. with English literature. I have read Wordsworth, Edison etc. in English literature poetry. Name of others writers are not remember to me. I have passed B.A. in IInd Class. After doing B.A., I joined the service. I was appointed as an Auditor for the first time. I remained as an Auditor; I became a Senior Auditor on the basis of seniority. I have not passed any examination for this. I used to go to Car-Nicobar from Bamrauli for audit. I went there for three-four times. There was a small establishment of Air Force in Car-Nicobar. I did not stay there for more than a week, one and half week and 15 days. I used to audit the expenditure incurred by the Air Force personnel living there. I went to Car-Nicobar before going to Jammu. I was transferred from Jammu to Manauri, Manauri to Bamrauli. Car-Nicobar unit falls

under the audit area of Bamrauli. Whenever I was asked to go to Car-Nicobar, I went there. I did not get T.A. - D.A. for going there. After my posting in Jammu in 1966 and 1972, I did not go there. I stayed in Jammu for one year to one and half year in 1972. I used to stay on temporary basis at the places where I was asked to go, in Jammu. I was used to be deputed for 10-5 days only. Thereafter I used to comeback to the Headquarter situated at Jammu. I used to be deputed to one place among the five places. I went to Srinagar. I used to go to Srinagar twice a year. I went there for 5-6 times during my service. Sometimes, another person used to be deputed in my place. I stayed at Manauri for one and half to two years. There is a Defence establishment in Manauri. Senior N.C.O. airman is the officer in charge there; which is equivalent to a J.C.O. in Army. There is a commissioned officer next to Senior N.C.O. I was entrusted the audit work of stores. Work of the expenditure incurred by the concerned officer, falls under my jurisdiction. There were some objections during the checking of accounts. These objections were related to calculation. In addition to this, objections are raised if expenditure is not incurred according to the procedure. Besides, I had to see whether journey is valid or not if performed by vehicles and whether the petrol used in the concerned vehicle is in accordance with rules or not.

Verified the statement after reading

Sd/-

Ramesh Chander Tripathi

12.5.2005

Typed by the stenographer in an open court as dictated by me. In continuation to this the suit may be listed for further Cross-examination for 13.5.2005, Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

12.5.2005

**Before: Commissioner, Shri Hari Shankar Dubey,  
Additional District Judge/Officer on Special Duty,  
Hon'ble High Court, Lucknow Bench, Lucknow.**

**Dated 13.5.2005**

**D.W. 17/1, Shri Ramesh Chander Tripathi**

(Commissioner appointed by the Hon'ble Full Bench vide order dated 6.5.2005 in Other Original Suit No. -4/89).

(In continuation to dated 12.5.2005, Cross-examination, on an Oath, by Shri Abdul Mannan, Advocate, on behalf of plaintiff No. 9 and 10/1, Mahmood Ahmed and Mohd. Farooq Ahmed - continued).

Although, I went to Ayodhya, for about 100 times but I do not know in detail about Ayodhya. I do not know about the area of Ayodhya, whether is one-one and half miles or more. I have passed B.A. I have never paid attention towards the total population of Ayodhya proper. I have visited Ayodhya for 100 times but I do not have the knowledge about the population of Ayodhya. I used to come back after taking bath in Saryu River and darshan. There are more than 100-150 temples in Ayodhya but how much more, I do not know. I had not visited every temple of Ayodhya. I had been to 3-4 temples only. I have not given the examination of M.A. I have passed B.A. from Allahabad. Babri mosque was constructed by a General of Babar in 1528. I have heard about it. But it could not be completed. It is not correct to say that this building was been used as a mosque since 1528. Namaz was not read therein. I cannot say about the length and width of mosque, because I do not have the knowledge about mosque. There are three domes in the building.

All these three domes are in a parallel line from North to south. This dome was demolished in 1992. Volunteer : that these domes were demolished once before also. These domes were demolished when cow slaughter happened at Shahjahanpur in 1934. Shahjahanpur is adjacent to Ayodhya. I have heard that fine was imposed after demolition of domes. This fine was imposed by the State. It was reconstructed by a contractor but not in accordance with the old specification.

Learned advocate cross-examining, draw the attention of witness towards first information report dated 23.12.49, under Section 145 of Criminal Procedure Code, document No. 115 of the file. Witness after reading it, in reply to a question, said that in the last but third line of the first information report the word "Masjid" was written. It is written there in that idols were installed therein. This report was written by Ramdev Dubey, Sub-inspector. I have heard that disputed site was attached after F.I.R. was lodged. Inner part of the disputed building was attached in 1950. Outer part was not attached. After attachment, when I visited Ayodhya, I was not aware of it. I do not know whether any further action was taken after attachment or not. Suit concerning to Babri Masjid is going on till to day, in which I am deposing.

(Cross-examination, on an Oath, of witness by Shri Abdul Mannan, Advocate, on behalf of plaintiff No. 9 and 10/1, Mahmood Ahmed and Mohd. Farooq Ahmed - concluded).

(Cross-examination, on an Oath, of witness by Shri Zaffaryab Jilani, Advocate, on behalf of plaintiff No. 1, 6/1 and 6/2 and Sunni Central Board of Waqf, Ziyauddin, Maulana Mahfuzurrahman, begins).

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For the first time, I came to Ayodhya from my village by train up to Faizabad and from Faizabad to Ayodhya by Rickshaw. I came to Ayodhya for the first time at the age of 7 years. My mother-father and brother were with me. I went from Faizabad Railway Station to Hanumangarhi by Rickshaw. There was one or two Aanaas as fare. I do not remember at present. I have not given the fare. We went by two Rickshaws. I did not stay in Ayodhya when I visited for the first time. I came back to Faizabad after darshan etc. I do not remember for how many days I stayed there, perhaps for a day or two. When I went to Ayodhya for the first time, I went to Ramjanambhoomi and Hanumangarhi, I remember about it. But I do not remember, which other temple, I had visited. I went to Ramjambhoomi after two – two and half P.M. When I visited Janambhoomi for the first time, temple was open. For the first time, I went ahead to wall of Katghara, what was the time then, I do not remember. Was it two and half, three, four or five P.M., I do not remember. I reached there a little before sunset. I do not remember which month it was. I neither remember the English month nor Hindi month. Winter was likely to be over. I think January is the last month of winter. I went there in the end of January. I reached Hanumangarhi after bath. I reached Ram Janambhoomi at four or four and half P.M. It took me half to quarter hour at Hanumangarhi. I offered sweets, flowers and Aggarbatti at Hanumangarhi. My mother-father paid money. I did not have money. My mother-father had given the offerings in my hand. I also took bath along with others. It took us two and half to three hours to reach the Saryu River. There was a temple of Nageshwar Nath. I also went there. It took us half to quarter hour there. From Nageshwar Nath temple, I came



to Hanumangarhi and then to Ramjanambhoomi. After that I went back to Faizabad by Rickshaw. We reached Faizabad after sunset. It took us an hour to take darshan of the disputed site. I do not remember whether there was electric light on the road from Ayodhya to Faizabad or not. Electricity was there in Ayodhya but when I came back from Ayodhya to Faizabad, electric light was not on. So far as I remember, I went beneath the dome during my first visit. My family members also went there. We went beneath middle dome. There was no darkness when we visited under the dome. Lamp was lighted there. We have seen a little idol of God there. There were two idols. One was a small and other was a big one. Both the small and big idols were of Ramlalla. I cannot say how large the small idol was. It might be three to four inches in height. Big idol was 6-7-8 inches in height. Both the idols were of the childhood of Ramlalla. There was no idol of Rama with bow. Beside, there was an idol of Hanumanji. Idol of Hanumanji was five-six inches in height. Besides, there were a number of Saligrams. Except these, there was no idol. We took darshan of these idols from a distance of five to six feet. I took darshan by lying down before it. At that time there was none except myself, my brother and my mother-father. Volunteer : that there was no crowd at that time. Some people were going out after taking darshan. There were Pujaries but who they were; I have no knowledge about them. I went there again, after one and half or two months later, perhaps on fifth of April at the occasion of Ram Navami. At second visit, the same members of my family were with me. At second time, we could not go to the place under the dome. We went up to the courtyard of the wall of Kathara, but could not take darshan due to large gatherings. At second visit I could not met any Pujari. Third time I went there after one year. At that time my elder brother was with me and not my

mother-father. My elder brother is elder to me by 8-10 years. His name is Venkat Raman Tripathi alias Bachau. He is alive. He lives in the village and doing farming. Third time I went with him. Third time I went to Ayodhya by rickshaw. During the third visit I went under the dome. I do not know which Pujari was there at that time. But there was a Pujari. I did not pay any attention towards whether the same Pujari, who was there during my first visit, was there during my third visit or not. Fourth time I went there in April 1949. I do not know about the Pujari, who met me there because there was large gathering. I went up to the courtyard, but could not go under the part of dome. Except these four occasions, I could not go to the part under dome. During these four visits, I went under the dome at two times only and at other two times I took darshan from courtyard. I do not remember how many times, after locking of disputed Bhawan in December 1949, I went there. Every time I took darshan from the wall with grill. In April 1949, when I went to the disputed premises, I reached there before noon. But I do not remember whether it was 9.00 A.M., 10.00 A.M. or 11.00 A.M. There were more than one Pujari in the part of Kathara, but how many Pujaries were there, I do not remember. I do not remember whether I have' seen the same Pujari again, whom I saw in April 1949 or not. There were only 50-60 persons at the disputed premises in April 1949, when I visited there for the last time. There were a number of peoples at Ramchabutra. People were in hundreds. Ramchabutra was 21' X 17' in size. There were people, in the rear part and front part. I do not remember how much space was there in the rear part of Ramchabutra and how many people can be accommodating there. He further said that 30-40 people could stand there. Front portion of Ramchabutra was up to the place, where Kirtan is organized. 50-60 people

were there. There were about 100 people, when I visited there for the last time. I have stated above that there were hundreds of people, actually there were 100 peoples. I do remember about the visit in April 1949. At that time, I was 10 years old. I have seen a Pujari there, but who he was, I do not remember. I do not remember whether there was one or more Pujaries at Ramchabutra and who they were. I do not remember whether I have seen them later or not. Some people from Nirmohi Akhara used to live there, but who they were, I do not remember. I do not know whether any Pujari. I have seen at Ramchabutra or in the inner part of the building, was related to Nirmohi Akhara or not. I do not know whether the Pujari, I have seen earlier to December 1949, was there during the period December to 1949 to December 1992 or not. I do not remember whether any Pujari, I have seen there during the period December to 1949 to December 1992, was related to Nirmohi Akhara or any other Akhara or not.

I know Mahant Bhaskar Das. I have seen him in the Court. I do not remember whether I have seen him at the disputed site, at any time or not. Volunteer : that it appears as if I had seen him there. I cannot say if I had seen Mahant Bhaskar Das in the inner portion of the disputed building or not. I have seen Mahant Bhaskar Das in 1953. I saw him at Hanumangarhi situated at Naka Muzaffra. I used to go there for darshan, because I lived nearby. I lived at a distance of one or one and half kilometer from Hanumangarhi situated at Naka Muzaffra. I used to live there with my middle brother. His name is Krishan Chander Tripathi. We both the brothers used to live there permanently. People from village used to pay visit there. I used to go for darshan from Naka Muzaffra, once a week. I have started going to Hanumangarhi situated at Naka Muzaffra since 1950. I often used to go

there I have been seeing Bhaskar Das at Hanumangarhi situated at Naka Muzaffra since 1950. He still lives there. Beside Bhaskar Das, there are a number of Pujaries at Hanumangarhi, but their names are not known to me.

There is a road in the north of disputed site and a temple known as Janamsthan Mandir in the north of this Road. I never had been there. I have no knowledge whether an idol of Ramchanderji is there or not, because I did not go there. There is no particular reason for not going there. I used to go to disputed site earlier and continued it later. I have started going to disputed site alone, since 1958-60. At that time my age was more than 18 years. Then said, that at that time I was 18 years old. In certificate my date of birth is recorded as 18.7.1939. I got superannuation at the age of 58 years. I have passed High School Examination in 1953. I have passed high school while living in Faizabad with my brother. We both the brothers used to cook food while living in Faizabad. Since 1958, when I started visiting alone for darshan and up to December 1992, I never had a desire to go to Janamsthan Mandir for darshan because all the people used to go to the disputed site for darshan. People also used to go to Janamsthan Mandir for darshan but most of the people go to the disputed site situated in the south of this temple. Janamsthan Mandir, situated in the north of disputed premises is very old, but how old it is, I do not know. This temple might be 200-250 years old. I have not paid much attention about this. I have not heard about the things kept inside of this temple. Sita Rasoi is in the Janamsthan Mandir. There would have been a Sita Rasoi, so the name is.

Question: Whether according to you, the place called as Sita Rasoi in Janamsthan Mandir situated in the north of disputed premises is not a Sita Rasoi?

Answer: I cannot say anything about this.

Sita Rasoi means a place where Sitaji used to cook food.

Question: Whether in accordance with your faith, the place where Sitaji used to cook food, was a part of palace of Sitaji or a part of any other palace?

Answer: Sitaji would have been preparing food in her palace.

Question: Whether Sitaji would have been living with Ramchanderji in his palace or in any other palace?

Answer: Sitaji would have been living in the palace of Ramchanderji. Sita Rasoi would have been in the palace of Ramchanderji.

Question: Do according to your faith and belief; Ramchanderji, King Dasratha, Kaushaliya, Sumitra and Kaikai etc. had separate palaces in the fort of King Dasratha?

Answer: There were a number of "Blocks" in this large palace. Kaushaliya, Kaikai, Sumitra, Ramchanderji and Sitaji were residing in different blocks.

Question: What do you mean by "Blocks"?

Answer: "Blocks" means, the person living in a block.  
 "Block" means Palace or Bhawan. Palace means a Mahal.

King Dasratha had a very large palace. There were a number of large palaces. King Dasratha had lived in one of these palaces. There would have been a palace where King Dasratha used to hold his Darbar.

I have not read about the palace of King Dasratha in any book. I have been hearing in this regard. I have not read about the palace of King Dasratha in any book. I have not read "Valmiki Ramayana". I have not read "Ramcharitmanas" as a whole. I have read only those parts, in which I was interested. Ramcharitmanas written by Tulsidas contains the details about the residences of Dasratha ji, Kaushaliya and Ramchanderji. This description is literary. This is not such a detail which can be described distinctively.

I have read "Kavitawali" and "Gitawali" written by Tulsidas but not as a whole.

Question: Is there any distinct reference about the palaces of King Dasratha or Kaushaliya in Gitawali or Kavitawali?

Answer: There is no reference about distinct buildings.

There is a distinct reference about the palaces of King Dasratha, Ramchanderji and Kaushaliyaji in Ramcharitmanas. But there is no reference about this that where these palaces are situated. It is certain that the palaces of mothers of Ramchanderji were distinct. These palaces were in line, I do not know whether this reference

is available in Ramcharitmanas or not. I have not read that palaces of all the three queens were in line. I have heard about it. The person, who told me about this, said that it is written in a book, but in which, I do not know. I have heard about it from my mother-father. I have heard that there was a palace of a queen, adjacent to the palace of King Dasratha and a palace of another queen was next to it. But I do not remember in this regard. These facts, about the period of King Dasratha, are almost nine lakh years old. I have heard about it from my father. According to me, Ramchanderji was born, about nine lakh years before. No sign, of nine lakh years back, is available to day. It cannot be said that at what places the palaces of the queens of King Dasratha were situated nine lakh years back. However it is believed that these palaces were at the same places, where these are today. Palace of King Dasratha was at the same place where it is today. Bara Mahal, situated in Ayodhya is also called Dasratha Mahal. I do not know about the area of Dasratha Mahal of today, whether it is two hundred yards, five hundred yards or one thousand yards in length and width. I did not go inside of the Dasratha Mahal, further said that I went there for once or twice.

But I do not remember the detail about it. I cannot say the length of Court-room, wherein I am making the statement. This room may be 30 feet in length and 20 feet in width. This Court-room may be more than 30 feet in length. I cannot say about the length and width of the present Dasratha Palace. I may, after going at the Bhawan, tell about the length and width of the Bhawan. Disputed site is at a distance of less than half kilometer from Dasratha palace. There are 500 meters in half kilometer. Further said that Dasratha palace is at a

distance about hundred to hundred fifty meters from the disputed site.

Dasratha palace is at the north corner of disputed site. Manas Bhawan is situated in the east of the disputed site. The road leading to Dorahi Kuan from Hanumangarhi is situated in the east of disputed site. Hanumangarhi is situated in the east of disputed site. Hanumangarhi is at a distance of 500-600 meters from the disputed site. Meter is little big to yard. There are three feet in a yard. I know about it. Then said - that Hanumangarhi is at a distance of about 700 meters from the disputed site. Manas Bhawan is in the east of Hanumangarhi. Manas Bhawan is at a distance about one kilometer from the disputed site.

Question: I am to say that you are giving total false statement because Manas Bhawan falls first and Hanumangarhi is far away in the east from there?

Answer: It is correct. I got confused. My earlier statement is not correct. I loose my memory during noon. My memory is still not good in respect of distance.

I took darshan of the disputed site at four to six times after 1992. Then said – that I took darshan for ten times. There was a Police Check Post, near Lav-Kush temple. There is a way through Check-post, which goes from the rear part of Manas Bhawan. There is no temple in the place falls in between the disputed site and Manas Bhawan. Manas Bhawan is at a distance of about 100 steps from the disputed site. I am stating this distance roughly but it is correct. I have recollected it. Manas Bhawan is about 100 feet in width in east west. There is a



temple, the way for which goes through a lane. But I do not remember the name of that temple. I have no knowledge about the number of temple on the way in between the Manas Bhawan and Lav-Kush temple. I did not go to the excavation site in the disputed premises during the period of excavation i.e. March 2003 to August 2003. I do not remember how many days after excavation I went for darshan but I did go for darshan. I went for darshan for the last time during four-six days back. I do not remember when I did go to the disputed site for darshan before March 2003. After August 2003, I went to the disputed site for darshan in the noon at eleven-twelve hours. I do not remember what hours have been fixed for darshan of disputed site, after August 2003. But darshan is not allowed in between 12 noon to two to two and half P.M. I do not remember which season it was, when I went for taking darshan for the first time after August 2003.

Question: Would you please tell that how the facts about the period 1946 to 1949 are remembered to you, whereas, facts about the year 2003 are not remembered to you?

Answer: I do remember some facts and forgot some facts. I did not meet any accident during this period. Loss of memory is due to old age. My eyes blink sometimes.

Volunteer : that I fell unconscious once. I fell unconscious at three-four times for three-four seconds. I have suffered from snow burn in 1987. I went to Pindari Glacier in that year. This place is in Uttaranchal. I have lost my memory because of this incident. Volunteer : that sometime I get my memory afresh. During this period I recollect all the past facts. I went by the road leading to Dorahi Kuan from

Hanumangarhi at hundred times. I have seen the buildings falling on the side of this road. This road now has been closed at the east north corner of the disputed site since 1992. Manas Bhawan is in the north of road where it is closed. There is a building in the north of road opposite to Manas Bhawan but I do not remember its name. There is a Kaikai Bhawan next to it and then Kaushaliya Bhawan. Kaushaliya Bhawan and Kaikai Bhawan are side by side. There are four-five buildings in between Kaushaliya Bhawan and Police Check Post. Next to it, one road leads towards north. Eastern road leads to Hanumangarhi. Hanumangarhi is at a distance about twenty to thirty meters from this junction of three roads. Then said - that Hanumangarhi is at a distance about two meters from this junction of three roads. The distance about twenty to thirty meters, which I have stated earlier, was stated during the period when I lost my memory. Disputed site is at a distance of about 100 meters from this junction. I cannot say at this time whether disputed site is at a distance of 400 meters from the junction of three roads, where there is a Police Check Post or not. Kanak Bhawan is at a distance of 70 meter from Hanumangarhi. Kanak Bhawan does not fall on the road leading to Dorahi Kuan from Hanumangarhi. Bara Sthan or Dasratha Mahal is not on the side of a way leading to Dorahi Kuan from Hanumangarhi. Kanak Bhawan is in a lane towards north at a distance to ten-twelve meters on reaching Dasratha palace from the road leading to Dasrath palace from Hanumangarhi. Dasratha palace falls on the road which leads to Kanak Bhawan from Hanumangarhi. Kanak Bhawan is at a distance about twenty to twenty-five meters from Dasrath palace. Kanak Bhawan temple is 200 feet in length towards north south and 300 feet in east west. I had visited the inner side of Kanak Bhawan. There is Ram-Laxman and Sita Darbar.

Rama is with bow in the idol. There are two types of idols- one is of stone and other is of metal. Idol of stone is immovable and idol of metal is movable. It is carried out during the festivals. Idol of metal is about 9 inches in height. Idol of stone is about two feet in height. Idols installed in Kanak Bhawan are very ancient. I cannot say how ancient these are; whether hundred, two hundred, thousand, ten thousand or lakh, two lakh years old. According to my faith these idols were constructed later by someone. This temple might have been renovated for the first time by Vikramaditya. Volunteer : that I do not remember who had renovated it earlier. Period of Vikramaditya was about two thousand years back. I do not know who had renovated the buildings of Ayodhya before Vikramaditya. But I am sure that these were renovated. My knowledge about renovation by Vikramaditya is based on the sayings. Palace of Dasratha is at the same place where it was. Present Sumitra Bhawan is at the same place where it was during the time of Dasratha. It has now demolished. Kaushaliya Bhawan and Kekai Bhawan might not be at the place where these were during the period of Dasratha. Volunteer : that all the hillocks were under Ramkot. All the historical places are at their original places.

Question: If, according to you, Kaushaliya Bhawan and Kaikai Bhawan are not at the places where these were during the period of King Dasratha, then, at what places these were, according to your belief?

Answer: These three buildings were in the south of disputed site.

Question: Should it be comprehended that Kaushaliya Bhawan and Kaikai Bhawan were in the east and south of the place where Sumitra Bhawan was stated to be in the south of disputed site?

Answer: Yes. It is correct to say.

Kaushaliya Bhawan was not at this place during the time of King Dasratha where it is situated at present. I am saying this on the basis of sayings.

The building situated at the disputed site, which was demolished in 1992, was constructed during the time of Meerbaki. Volunteer : that this building was constructed with the same material. Building with three domes was constructed during the period of Babar by Meerbaki.

Question: Whether the idols kept under the mid-dome of the building with three domes, which according to you, was constructed by Meerbaki, were from the time of Meerbaki or these were kept in the night of 22<sup>nd</sup>/23<sup>rd</sup> December 1949?

Answer: Idols were therein on 23<sup>rd</sup> December 1949. However, I have heard that idols were kept therein on that day by bringing from outside.

Verified the statement after reading

Sd/-

Ramesh Chander Tripathi

13.5.2005

Typed by the stenographer in an open court as dictated by me . In continuation to this the suit may be listed for further Cross-examination for 16.5.2005, Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

13.5.2005

**Before: Commissioner, Shri Hari Shankar Dubey,  
Additional District Judge/Officer on Special Duty,  
Hon'ble High Court, Lucknow Bench, Lucknow.**

**Dated 16.5.2005**

**D.W. 17/1, Shri Ramesh Chander Tripathi**

(Commissioner appointed by the Hon'ble Full Bench vide order dated 6.5.2005 in Other Original Suit No. - 4/89).

(In continuation to dated 13.5.2005 Cross-examination, on an Oath, by Shri Zaffaryab Jilani, Advocate, on behalf of plaintiff No. 1, 6/1 and 6/2 and Sunni Central Board of Waqf, Ziyauddin, Maulana Mahfuzurrahman, continued).

I have in my statement above stated that an idol was already therein in the disputed Bhawan on 23<sup>rd</sup> December 1949 and an idol was kept therein on this date. However I do not know which an idol was there before and which an idol was kept later. I went to the disputed Bhawan for 3-4 times before 1949. I do not remember, which idol I have seen there, whether it was small one or larger one. I have seen idol in the disputed Bhawan, before 22<sup>nd</sup> December 1949. An idol, which was therein before 23<sup>rd</sup> December 1949, was, according to people's sayings, made of metal. However, I personally do not know that from what material this idol was made of. I have seen an idol kept on the stairs before and after 23<sup>rd</sup> December 1949. After 23<sup>rd</sup> December 1949, this idol was visible from the wall with grill. It appears that something was kept there. A place, like a place for worship, covered with the cloth was there. It seemed that an idol was there but it was not visible whether this idol was small one or large one. I have seen

the idols at the same place after the premises was unlocked in 1986.

Learned advocate cross-examining, draw the attention of witness towards document No. 154/13 of Other Original Suit No. 1/89, Shri Gopal Singh Visharad V/s Zahoor Ahmed. Witness said that an idol, which I have seen before 23<sup>rd</sup> December 1949, was in the same position as it is seen in this picture. The position of idols has been changed after 23<sup>rd</sup> December 1949.

Learned advocate cross-examining, draw the attention of witness towards picture No. 81 and 82 of black and white album, document No. 200 C-1. Witness said that for some days after 1949, I have seen the idols kept in the same position in the disputed Bhawan as are seen in these pictures. The Throne seen in picture No. 81 and 82 was visible from the wall with grill for some days after 1949. There were idols of Ganeshji, Hanumanji and Shankarji on the three pillars among the pillars fixed in the disputed Bhawan. But on which pillar, I have seen these idols, I do not remember. An idol of Shankarji in dancing position was on the left side pillar in the outer part at the middle entry gate of the disputed Bhawan.

Learned advocate cross-examining, draw the attention of witness towards picture No.55, 56 and 57 of the black and white album. Witness after seeing these pictures, said that no idol is seen in these pictures.

So far I know there were two pillars in the outer part, while entering through the middle door of the disputed Bhawan. Among these pillars there was an idol of Shankerji on the left side pillar and an idol of Hanumanji on the right side.

Learned advocate cross-examining, draw the attention of witness towards picture No. 25 and 26 of the black and white album. Witness said that a pillar is seen in picture No. 25. The idol in this is in fragmented position. An idol seen in picture No. 25 is not clear. A rubbed place is seen on the pillar in picture No. 26, but whose idol was there and what was there, I do not know.

Learned advocate cross-examining, draw the attention of witness towards picture No. 59 to 66 of this black and white album. Witness said that I cannot say whose idol is seen in picture No.60. I cannot say whose idols are seen in picture No. 61 and 62. There is an idol in picture No. 63, 64, 65 and 66 but whose idol is this, I do not know. An idol is seen to me at the place above the line where white lime is seen in picture No.63. An idol is seen in the white coloured part in picture No.65. No idol is seen in picture No.65. There was an idol in the rubbed part in picture No. 66; however this idol is not seen at this time. Place where an idol was, had been rubbed. I have seen an idol on the pillar in 1986-88. There appears a thing like an idol at the rubbed place in picture No.66. Later this place was rubbed and painted with something. I cannot say at what places the pillars seen in picture No.5 to 66 were in the disputed Bhawan. In the pillars seen in picture No. 71 to 76 of this album, an idol of Ganeshji is seen on pillars in picture No.74 and 76. An idol is seen in picture No. 75, but whose idol it is, I cannot say. An idol is seen in picture No. 71 and 72 but whose idol it is, I cannot say. An idol is seen in the white portion on the middle of pillar, in picture No.72. An idol is seen in picture No. 73. I cannot say at which places, the pillars, seen in picture No. 71 to 76 were in the disputed Bhawan. Upon inviting attention of witness towards picture No. 87

to 91, witness said that an idol is seen in picture No. 87. But I cannot say about an idol seen in picture No. 88. An idol like Ganeshji is seen in picture No. 89. This idol is seen in the side of a bell in the lower part. There is a picture above the flower-leafs in the lower part of pillar in picture No.90, but whose picture is this, I cannot say. An idol of Ganeshji, in the middle of pillar is clearly visible in picture No.91. I cannot say, in which part of the disputed Bhawan, the pillars seen in picture No.87 to 91, were. Attention of witness was drawn towards picture No. 95 to 106 of this album. Witness said that there appears to be a picture on the right side of the pillar, in picture No.95 but whose picture is this, I cannot say. I cannot say whose picture is seen in picture No.96. There is a picture in the middle in picture No.97 but whose picture is this, I cannot say. No picture is seen in picture No.98, same is the situation in picture No.99. A picture in the part, where leafs and flowers are engraved with, is seen in picture No.100, but whose picture is this, I cannot say. Something is there above the Kalash in picture No. 101 but whose picture is this, cannot say. An idol is seen in the white portion in mid of pillar in picture No.102 but whose picture is this, I cannot say. A picture above the Kalash is seen in picture No.103, but whose picture is this, I cannot say. There is a picture in the white part in the middle of pillar in picture No.104, but whose picture is this, I cannot say. Something like a picture in the middle of pillar is seen in picture No.105, but whose picture is this, I cannot say. A picture is seen in picture No.106, but whose picture is this, I cannot say. Pillars seen in the above picture were in the Grabh Grih, but at which places these were, I cannot say. There is no pillar of eastern gate among the pillars seen in picture No. 95 to 106. In picture No.108, there is Mahant Bhaskar Das ji on the right side, then Shri Ranjeet Lal Verma, Advocate and who



is the next, I cannot say. It is not correct to say that there is no idol on the pillars seen in the pictures shown to me.

Learned advocate cross-examining draw the attention of witness towards picture No. 47 to 54 of colour album document No. 201 C-1. Witness said that an idol is seen below the place which is painted with red colour, on the pillars seen in these pictures. An idol of Hanumanji is seen in picture No.48. This idol is at the place where red colour is painted. Picture of idol is not clear. There is no idol in picture No.49. There is an idol in the portion painted with red colour in picture No.50 but whose idol is this, I cannot say. A pitch at a place and a thick paint at a place are seen in picture No.50. Head, Hands and a part of foot are not seen in this picture. Head, hands and a part of foot is seen at the place which is painted with colour, in picture No.51. This might be an idol of Hanumanji or Ganeshji. There is an idol above the Kalash, where colour is painted, in picture No. 52 but whose idol is this, I cannot say. An idol in sitting position, is seen in picture No.52 but it is not clear. I cannot say whether it is an idol of deity or Goddess. There is no idol in picture No.53. An idol above the Kalash, seen in picture No.54, is painted with colour. An idol is seen in the colour. It might be an idol of either of Ganeshji or Hanumanji. Pillars seen in picture No.47 to 54 are of Grabh Grih, but I do not know in which part these were. Idols were on the pillars, fixed in the middle door. Besides, idols of Jai and Vijay were on the pillars fixed at Hanumat Dwar. Idol of Hanumanji, Ganeshji and Shankarji were on the pillars fixed in the Grabh Grih. I have seen the idols on two pillars, among the four pillars fixed at the middle door while entering in to Grabh Grih. I cannot say whether there were idols on the rest eight pillars or not.

Learned advocate cross-examining, draw the attention of witness towards picture No. 104 to 127 of this album. Witness after seeing these picture said that an idol is seen in the part above the Kalash, where red colour is painted with, in picture No.104. But whose idol is this, I cannot say. There is an idol of Shankarji at the place which is painted with red colour, in picture No.105. There is no idol in picture No. 106 and 107. There are idols at the place which is painted with colour or without colour, above the Kalash in picture No.108. These idols are side by side. But whose idols are these, I cannot say. Same scene is seen in picture No.109 as seen in picture No. 108. Red colour is painted with in the right side on the pillar in picture No. 110. An idol is seen there, but whose idol is this, I cannot say. An idol is seen on the right side above the Kalash, where red colour is painted with, on the pillar in picture No.111 but whose idol is this, I cannot say. An idol in the mid of dome, where white colour is painted with, is seen in picture No.112, but whose idol is this, I cannot say. An idol on the pillar seen in picture No. 113, above the Kalash, on the right side, where red colour is painted with, but whose idol is this, I cannot say. An idol at the place, where red colour is painted with, is seen in picture No.114, this is an idol of Hanumanji. No part of an idol is seen in picture No.104

However, hands and foot of an idol is seen in picture No.105. It is in a dancing form. One and same pillar is seen in picture No.105 and 108. The same pillar, which is seen in picture No.105 and 108, is seen in picture No.109. And again the same pillar is seen in picture No.110, which is seen in picture No. 105, 108 and 109. There is a colour painted with in picture No.111 but picture is not visible. An idol is seen in picture No. 112. Foot, chest, stomach

and a little part of face of an idol is seen in picture No. 114. An idol, at the place painted with red colour, on the pillar, is seen in picture No.115. But whose idol is this, I cannot say. However, hands and foot of an idol is seen therein. An idol, at the place where red colour is painted with, above the Kalash on a pillar is seen in picture No.116, but whose idol is this, I cannot say. Head, hands and trunks are seen in this. I am unable to recognize it. Picture of Ramlalla, seen in picture No. 116 was on the western wall of the disputed building.

Question: I am to say that this picture was at the wall of :  
mid door of the disputed building and not at the  
western wall of the building?

Answer: It is correct to say.

Same pillar is seen in picture No.116, 117, 120 and 121. Red colour is seen in picture No.122 but an idol is not seen. Red colour is painted and a white strip is on a pillar and an idol with head, hand and foot is seen in picture No.123. Whose idol is this, I am not able to recognize. An idol seen in picture No.124 is not clear. An idol on the white part on the pillar is seen in picture No.124. There is an idol with one eye in the middle of pillar seen in picture No.125. Whose idol is this, I cannot say. It is not correct to say that there is no idol in the pillars about which I have stated to be an idol. I cannot say whose picture is seen in picture No. 128 and 129. This picture was on the western wall of the disputed building. Picture seen in picture No.131 was of a paper or any other material, I cannot say. A picture is seen in the frame. This picture was at the western wall of the mid dome.

Learned advocate cross-examining, draw the attention of witness towards picture No. 136 to 137 of the colour album and asked which are the pictures in which idols of Hanumanji, Ganeshji and Shankarji are seen? Witness said that an idol of Ganeshji is seen in picture No. 141, 142 and 143. Then said that it is not an idol of Ganeshji in picture No. 141, but an idol of Shankarji in dancing shape. Idols of Ganeshji are seen in picture No. 146 and 147. There is no idol of anyone in other pictures.

Learned advocate cross-examining draw the attention of witness towards picture No. 157 to 167 of this colour album. Witness said that pictures of one pillar are seen in picture No. 157, 160 and 161. An idol of Hanumanji is seen in these pictures. Hanumanji is seen in dancing position in these pictures. An idol of Ganeshji is seen in picture No. 166 and 167. I cannot say about other pictures. After seeing the picture No. 176 to 186 of this album, witness said that an idol of Ganeshji is seen in picture No. 181 and 183. I am not able to recognize, whether there is an idol of Shankarji, Hanumanji or Ganeshji in any other picture or not. Upon seeing the picture No. 187 to 200 of this album, witness said that an idol of Ganeshji is seen in picture No. 194, 195 and 196. An idol of Ganeshji in dancing form is seen in picture No. 188, 189 and 196. An idol of Ganeshji in dancing position is seen in picture No. 199 and 200. It is not correct to say that there was no idol in any one of these pictures. It is also not correct to say that I have not seen any pillar of the dome of disputed building closely.

Learned advocate cross-examining draw the attention of witness towards para -15 of his examination in chief affidavit. Witness after seeing it said that these Samadhis were in the north of disputed premises. These

were in the south side also. I have not mentioned about the Samadhis of south side because it was told to me that affidavit should be short.

Learned advocate cross-examining draw the attention of witness towards picture document No. 154/5 of Other Original Suit No. 1/89, Shri Gopal Singh Visharad V/s Zahoor Ahmed. A place like Ramchabutra is seen in this picture. It is a Samadhi. The scene, similar to which, I have seen there, is not seen in this picture. I have seen it, even after 1949. There were mud-brick Samadhis. These were the Samadhis of Sanat, Sanandan, Sanatan and Sanat Kumar. There was a Narad Chabutra. There were Samadhis of Garg, Gautam and Shandilya but all were made of mud-bricks. All these Samadhis were side by side. There were Samadhis of Markandeya and Angira Rishis in the south of the disputed premises. These two Samadhis were at a distance of ten to fifteen feet from the south wall of the disputed premises. Lomash Chaura was also there. I cannot say whether Lomash Chaura is called a Lomash Ashram or not. I have heard the name of Lomash Ashram, but I do not know where it was. Sumitra Bhawan was in the south next to Lomash Chaura.

Learned advocate cross-examining draw the attention of witness towards map attached with the report dated 25.5.1950, submitted by Shri Shiv Shankar Lal, Lawyer, Commissioner, document No. 136/1 of Other Original Suit No 1/89. Witness, after seeing it said that Lomash Chaura and Sumitra Bhawan are shown correctly in the map. Parikrama Marg has not been shown in the map. This Parikrama Marg was in the south side of the road in the north. Parikrama Marg was in the south side of the Samadhis shown in this map. Parikrama Marg was in the north of the Samadhis, shown in the map. This

Parikrama Marg was three and half feet in width, throughout the way.

There was a quite wide road from the northern gate of the disputed building up to the Samadhis situated in the north side. However, I cannot say whether this road was 15 feet wide or 20 feet wide or less. However, this road was certainly more than 10 feet in width. This road leads towards western side from the east and closes there. There were stairs in the eastern side, up to the road.

I have stated in my affidavit that the disputed building is a Ramjanambhoomi Mandir. This fact is based upon the saying of my father and the knowledge obtained through tradition and individually. I came to know about tradition through saying. I have heard from my ancestors that an idol of Ramchanderji has been at the disputed site before 1949. I obtained this knowledge from the sayings and teachings of my father. I have, in my affidavit, stated about the knowledge obtained from my father, as knowledge obtained individually. After 1934, no Muslim went towards the disputed Bavan. This fact, I have written in my affidavit on the basis of sayings of my father. Namaz was never read in the disputed Bhawan. I have written this fact in the affidavit on the basis of saying of my father. Disputed building has been under the occupation of the followers of Hindu religion. I have written this fact in my affidavit on the basis of sayings of my father.

Learned advocate cross-examining draw the attention of witness towards para 9 and 10 of his Examination in chief affidavit. Witness after reading it said that I have written these facts on the basis of sayings of my father.

I was not present when disputed building was demolished on 6<sup>th</sup> December 1992. I went to the disputed building, 4-6 months before 6<sup>th</sup> December 1992. I have no information what happened to the goods kept in the disputed building after its demolition on 6<sup>th</sup> December 1992. Whether it was buried under the debris or saved. The idols kept at the make-shift place, constructed after 6<sup>th</sup> December 1992, are seen from about 30 feet away. I never went near to these idols. How many idols are there at the disputed site, is not visible from this distance. How big this idol is, it is also not visible from there. I, myself had not seen, who had kept these idols at the present disputed site and how. Dharamdasji has told me that he kept the idols there. This is the same Dharamdasji who is a party to this Suit and who already deposed in this Court..

Question: I am to say that the idols which were in the disputed building before 6<sup>th</sup> December 1992 were buried under the debris on 6<sup>th</sup> December 1992 and other idols were kept in the make-shift structure then, what you have to say in this regard?

Answer: I was not there at that time. I have heard that these idols were installed with consecration ceremony. People say that this consecration was held on 7<sup>th</sup> December 1992.

I did not find the reference of Ramjanambhoomi in Valmiki Ramayana and Ramcharitmanas, in the portion which I have read. These books contain the reference about the birth of Ramchanderji. But it was not referred

therein that at what place he took birth. However, it is regarded that disputed site is his birthplace.

Question: I am to say that there are no evidences on the basis of which it can be said that Ramchanderji was born at the disputed site?

Answer: This place is recognized as a birthplace according to tradition.

It is not correct to say that the building constructed at the disputed building in 1528, was a Babri mosque and never was a Ramjanambhoomi temple. It is also not correct to say that regular five times Namaz and Namaz of Jumma were being performed in the disputed building. It is also not correct to say that I, being a worker of Vishwa Hindu Parishad, giving false statement. It is not correct that there were no idols in the disputed building up to the night of 22<sup>nd</sup> December 1949 and darshan etc. was not held there. It is not correct to say that I never, went to the disputed building, up to 1950.

( Cross-examination, of witness on an Oath, by Shri Zaffaryab Jilani, Advocate, on behalf of plaintiff No. 1, 6/1 and 8/1, Sunni Central Board of Waqf, Ziyauddin, Maulana Mahfuzurrahman,- concluded).

Verified the statement after reading

Sd/-

Ramesh Chander Tripathi

16.5.2005

Typed by the stenographer in an open court as dictated by me . In continuation to this the suit may be listed for further Cross-examination for 17.5.2005, Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

16.5.2005



**Before: Commissioner, Shri Hari Shankar Dubey,  
Additional District Judge/Officer on Special Duty,  
Hon'ble High Court, Lucknow Bench, Lucknow.**

**Dated 17.5.2005**

**D.W. 17/1, Shri Ramesh Chander Tripathi**

(Commissioner appointed by the Hon'ble Full Bench vide order dated 6.5.2005 in Other Original Suit No. - 4/89).

(In continuation to dated 16.5.2005 Cross-examination, on an Oath, of D.W. 17-1, Shri Ramesh Chander Tripathi, by Shri Mushtaq Ahmed Siddiqui, Advocate, on behalf of plaintiff No. 7 in Other Original Suit No. 4/89 and defendant No. -5 in Other Original Suit No. 5/89, Mohd. Hashim- begins).

I have in my statement, said that I went to Ayodhya for four times since 1946 to 1949. So far I remember, I went by train at all the four times. I used to take train from Katehari Station. Katehari is a small station where only passenger trains are stopped. In the way from Katehari to Faizabad the first station is Ayodhya. After Ayodhya, there is a Acharya Narendra Dev Nagar and next, is Faizabad Station. Acharya Narendra Dev Nagar Station was called Reed Ganj before. I have seen the mosques at a number of places. I have no knowledge that a person calls the Namaz in mosque and rest stood behind him. I also do not know whether the person, who calls Namaz, keeps his face towards the Namazies and delivered a lecture or not. I have no knowledge whether there are stairs in the mosques for delivering a lecture or not. I have seen the mosque from outside. There were three domes in the disputed building. Then said - that

there was a tower in the disputed Bhawan, which was converted in to a dome later. It was converted in to dome in 1934.

I have not seen towers in the disputed Bhawan. These three domes were in a line. Middle dome was little big in height. According to my knowledge round shaped domes were constructed in 1934 in place of towers. I have heard that there were towers, like in temples, in the disputed building earlier, which were converted in to domes after repairing in 1934. I have not written this fact in affidavit. I have heard about it from my mother-father. How many times my mother-father had told me about this, I do not remember. I do not remember in whose presence my mother-father had told me about this. I have seen the temples from inside closely. I know about the shape of temples and things which are kept in it. I have seen a Tiwariji Ka Mandir in Ayodhya, whose three towers are in a line. I have not seen other such temples. Tiwari ji Ka Mandir is in Ayodhya but in which Mohalla it is, I do not know. I have no knowledge about the name of temple by which it is known. Whose idols are there in Tiwariji Ka Mandir, I do not know. Tiwariji Ka Mandir is in the eastern side of Ayodhya. I have no knowledge whether there are three same towers in Tiwariji Ka Mandir, as were in the disputed building or not. I know only that there are three towers in this temple.

Disputed building was a temple before 1934 and remained as a temple even after its towers were converted. I do not, on the basis of shape and size of the disputed building, recognized it a temple, but recognized it as a temple because worship was being performed there regularly.

Question: Would you call it, on the basis of its shape and size - a temple or a mosque, a residence, cowshed or commercial building – had you not seen an idol or worship being performed there?

(Upon this question Learned Advocate, Shri Ranjeet Lal Verma on behalf of plaintiff of Other Original Suit No. 3/89, has raised an objection that this question is imaginary and various facts are involved in it. Hence such question cannot be allowed).

Answer: I cannot express any such sub-concept, because it is a birthplace of God and birthplace is worshipable even there is no idol. Volunteer :, he worship Sita Rasoi etc. with the devotion.

I know Babu Priyadutt Ram. I do not know which place he belongs to. He was a Chairman of Municipality and he was a Hindu. I have not enquired about him from anybody, whether he was a follower of Rama or not. However, I believe that he was a follower of Rama.

Any place, where an idol of Ramchanderji is, is worshipable, according to my faith. It does not matter, who manages the temple. The thing which matters is an idol installed therein. Manager is not important to us. We see only an idol. Generally, we recognize all idols, temples as worshipable. RamJanamsthan Mandir is situated in the north of the road which is in the north of disputed premises. It is called Sita Rasoi. Neither I ever went there, nor have I worshipped there.

I have referred about the tradition in my statement yesterday. Tradition means a practice, which is in continuance. There is a tradition about the disputed

premises that worship was being performed there since Tretayuga. I know about this tradition since birth. I came to know that worship was being conducted there since Tretayuga. I came to know about this tradition since birth. This tradition has been in usage since earlier. Volunteer : that this practice is in usage since I attain the age of understanding. When did my father tell me about disputed building being a Ramjanambhoomi Mandir, I do not know. I do not know, whether there were any other persons, when my father told me about this or I was alone. The fact on the basis of my knowledge, which I have stated yesterday – about going to the disputed building for four times, was for the period up to 23<sup>rd</sup> December 1949.

Learned advocate cross-examining draw the attention of witness towards the verification page at page - 9 of his Examination in chief affidavit. Witness after seeing it said that para 1 to 17 of my affidavit are true according to my individual knowledge. It is correct. I treat the knowledge gained from tradition and mother-father as knowledge obtained individually. The fact, "No Muslim went towards the disputed building after 1934" written in second Para at Page No. 90 in my statement, given yesterday, is based on tradition.

I came to know about this on attaining the age of sense, from my father and others. This is a fact of tradition. I do not know, who told about it and when. Volunteer : that he remember this fact by hearing at times and again.

Question: Do from your statement that "No Muslim went towards disputed building after 1934" – is it not concluded that in accordance to you, Muslims used to go there before 1934?

(Upon this question Learned Advocate, on behalf of plaintiffs in Other Original Suit No. 3/89, has raised an objection that there may be different conclusions of different peoples about the logistic conclusion of this question. In the case, in which witness has produced positive conclusion, he cannot be asked about the negative aspect of the subject).

Answer: I had not written in my statement anywhere, that Muslims used to go to the disputed building before 1934. I have said that no Muslim went towards the disputed building after 1934.

I came to know about the fact of 1934 from my father. My father had told me that disturbances were happened in 1934 due to cow slaughter. Cow slaughter happened in the village—Shahjahanpur, near Ayodhya. I have no information whether cow-slaughter was acted upon by Muslims or any others. Riots were broken out in Ayodhya. I have no knowledge whether anyone was killed in this incident or not. Because of this fear, Muslims did not seen towards disputed building after 1934. Disputed building was damaged because of this riot. I do not know about the person who caused damage. Thereafter, towers perhaps had been changed. I have stated in my statement that Government in power in 1992 had not attacked upon the Kar-sewaks. But in fact, I have stated that the Government in 1990 was not good because it has ordered to attack upon Kar-sewaks. In my view the incident of firing on Kar-sewaks was full of barbarism. I will not be able to give any view about the incident of demolition of disputed building on 6<sup>th</sup> December 1992. I cannot say whether disputed Bhawan was demolished on 6<sup>th</sup> December 1922 in barbaric manner or moderate way. I

was told that building was an old, hence Kar-sewaks had demolished it. In my view this work was correct as new construction cannot be built up unless old is demolished.

I do not treat any specific difference in between Samadhi and Grave. Dead bodies are buried in the both. We people worship the place where people sits with concentration and merged with God. According to the tradition in use among Hindus, some Samadhies are where dead bodies are buried. Both Samadhies are same in size and shape. The place where one sits for concentration is called Chabutra and the place where a dead body is buried is called Samadhi. I have not seen any Samadhi where any Hindu is buried. I have seen a few Samadhies near the disputed premises. I do not remember, if I have seen a Samadhi where worship is performed. I also do not know, on the basis of tradition, about any such Samadhi. I have not read about such Samadhi. It is not correct to say that the Samadhies, which I have referred in my statement, were the graves of the Muslims. I have heard that idol from outside were kept inside the disputed building on the night of 22<sup>nd</sup>/23<sup>rd</sup> December 1949 at about 3-4 Hrs. Outside, I mean the idols kept at Ramchabutra. Some people say that Ramlalla has taken incarnation on the above date and time, in the disputed building. More than fifty years have been passed away since this incident. I came to the conclusion that idols were kept therein from Ramchabutra and Ramlalla has also taken incarnation. Two suits are subjudice in this regard. One was filed by Sunni Central Board of Waqf. and others etc. Its No. is Original Suit No. 12/61. Second Suit is Original Suit No. 236 of 89, presently is called Other Original Suit No. 5/89. In my view only these two Suits are subjudice. However other suits have been included in it. Both the Suits are for the

title. According to Sunni Central Board of Waqf, a disputed premise is a Babri Mosque, whereas Hindu people say it as Ramjanambhoomi. I know about the Original Suit No. 12/61, since 1968 and since 1989 about second suit. Some individuals are with Sunni Central Board of Waqf. Muslims claim disputed premise as a Babri Mosque. In my view claim of Hindus is correct. I am saying the things only which I comprehended.

I have heard the name of Nirmohi Akhara. There is a suit on behalf of Nirmohi Akhara but the papers related to it were not received to me. Hence I do not have the knowledge about this suit. I have heard the name of Gopal Singh Visharad. I do not know where he lived. I also do not know whether he was from Rajasthan or not. I have no knowledge if he originally belongs to Ayodhya or Faizabad or not. He had filed a suit against the Muslims, so that Muslims may not create obstruction on worship. So far I know, this suit has since been concluded.

I have heard that inner part of the disputed building was attached to avoid disorder. This was attached at the end of the year 1949 and in the beginning of 1950. I have no knowledge whether Hindus and Muslims of Ayodhya were involved in it or not. I have no information whether any native Hindu of Ayodhya has filed a counter-suit in this regard or not.

I do not have the knowledge about the suit of 1885. I do not have the knowledge about the suit of 1945-46 in between the Sunni Waqf Board and Shiya Waquf Board. It is not correct to say that my entire knowledge is one-sided. It is correct that I have not seen the earlier papers.

I do not know about Nirmohi Akhara. I know about Mahant Bhaskar Das ji. People of Ayodhya celebrate "Prakatya Utsav" in the month of December every year, I have heard about this.

Learned advocate cross-examining draw the attention of witness towards the sentence – "Order according to the Section 145 of Criminal Procedure Code" at the last Page No.8 of the weekly magazine "Virakt", dated 10<sup>th</sup> January 1950, filed in the file of Cr.P.C. Witness after reading it said that it is written in it that "the place known as Babri Mosque and Ramjanambhoomi in Mohalla Ramkot of Ayodhya" and "Both Hindu and Muslims who are the bonafied citizens of Ayodhya". There is a mention about issuance of a notice to all Hindus and Muslims, who are bonafied citizens of Ayodhya, to gather at Police Station Ayodhya on 17<sup>th</sup> January 1950 and to obtain a written statement in regard to the rights in connection with disputed property. I have no knowledge if any bonafied Hindu citizen of Ayodhya, after issuance of this notice, had filed any objection before the City Magistrate or not.

Learned advocate cross-examining draw the attention of witness towards document No.109 C-1/3 of Other Original Suit No. 5/89. Witness said that "*Bhagwan Ramlalla Virajman Vivadaspad Mandir Shri Ramjanambhoomi, Ayodhya*", is written therein.

Question: Whether the disputed temple, referred in the above document No. 109 C-1/3, is a disputed building?

(Upon this question, Learned Advocate, Shri Ved Prakash, on behalf of plaintiffs in Other Original Suit No.



5/89, has raised an objection that above document is already on record, so question cannot be asked from the witness about this subject matter).

Answer: The place which was referred as a disputed Mandir might be a disputed temple.

Learned advocate cross-examining draw the attention of witness towards sidelined part "A" at page 6 of document No.109 C -1/5, List -A and map given at page -8 and document No. 109 C -1/7 (Page -9), referred in it, were shown to the witness. Witness after seeing it said that this suit relates to the property, in which I am deposing. This suit was filed by Shri Siya Raghav Saran on behalf of God Ramlalla.

I have read Ramcharitmanas a little. I do not remember, whether there is a reference about dance performed by Hanumanji at any occasion or not. It is heard that there is a reference in a number of books about the dance performed by Hanumanji, but I do not have the knowledge about the books. Hanumanji used to dance, when he sits in meditation or in a mood of pleasure. One kind of an idol of Hanumanji is in the sitting and humble posture at the feet of God. This idol is in the position of a very humble slave. There is one idol where Hanumanji has been shown with a hillock, bringing Sanjivani. One idol is in the form of Roudra-roop, where he is crossing the sea. Learned peoples say that Hanumanji had such a power, that he can form a shape of a mosquito or very big figure. I know about various types of idols of Hanumanji, but cannot say their number because I have to recollect about it. I can recognize the idols of other deities also. I can recognize the idols of Goddess also. I do not know about the sculpture. Every idol has a specific character

which makes him specific. I have stated in my earlier statement that the name of the eastern door of the disputed building is Hanumat Dwar. In this context I also mentioned that nobody can go inside without the permission of Hanumanji. This is referred in 'Hanuman Chalisa. Relevant lines are as under-

*"Ram Dware Tum rakhware, Hot no aagya binu Paisare".*

No permission was required for entering from the Singh Dwar. Permission of a house-owner is required for entering in to his house. Tradition of permission has always been in usage. Same position continued even after demolition of building.

Permission and decency was required for entering in to the disputed building prior to 6<sup>th</sup> December 1992. If any person does not follow the decency, grant of permission was not necessary. A person can go inside without permission, if gate is open, although it is against the decency.

When I grown up, I came to know that there is Janamsthan Mandir, in the side of disputed site, which is called Sita Rasoi. I knew it before but I did not know its name. I used to bow before the Janamsthan Mandir from outside. I never desired to go in to it. Since Sita Rasoi is in the disputed site, so I take its darshan from there and used to recite its name. I have never given thought about this that why there are two Sita Rasoi, side by side? Then said that there are various temples. However people go to those temples only where they have faith. I used to take darshan of Sita Rasoi, situated in the disputed side as I have faith about it. I do not go to Sita Rasoi, situated in the north of road. There was no specific reason for not going there. It is simply a lack of individual resistance

power. People also go for darshan of Sita Rasoi, situated in Janamsthan but in less number in comparison to the people who goes for the darshan of Sita Rasoi, situated at the disputed site. Sita Rasoi of Janamsthan is adjacent to the road leading to Dorahi Kuan. Road is in depth and temple is at a height. I do not know whether there is an embankment in southern side of Janamsthan temple or not. I do not remember when I came to know about the attachment of the inner part of the disputed building, perhaps at the time when I visited for the first time after attachment.

I never heard about this that a clash ever took place in the side of the disputed premises, in which some people were killed. Disputes about the disputed site arise when Meerbaki demolished the building situated there and constructed another building there. I have no knowledge if any quarrel took place there or not. I came to know about Ganj-e-Shahidan in the east of disputed premises from the copy of Other Original Suit No. 5/89 and not from other sources. I have recognized some of the photos, shown to me in the Court during the statement. I have categorically recognized an idol of Ganeshji. Besides, I have stated about the other idols recognized by me during the course of statement. These idols were on the pillars. These idols were engraved on the pillars. Pictures of the pillars might have been taken at a number of times in which idol of Ganeshji are. I told about the places, wherever I have seen the idols of Ganeshji. Idols of Ganeshji are in various types. How many types of idols of Ganeshji are, I cannot say. I can recognize an idol of Ganeshji from his trunk, Lambodar, Chaturbhuj or on the basis of his carrier, the rat. I do not remember if I have seen the idols of Ganeshji on the pillars in the disputed building, whenever I went there for darshan. I cannot say what kind of idols of

Ganeshji was, in the picture shown to me. This idol was in fair complexion. It is written in Ramcharitmanas that – “*Jaaki Rahi Bhawana Jaisi, Prabhu Moorat Dekhi Tin Taisi*”. However I do not see an idol on this basis and do not recognize the idol on the basis of feeling expressed in the above saying. It is not correct to say that I did not go in to the disputed building before February 1986.

Question: You have stated that you went to Ayodhya for four times before 1949, which is not reliable, as you have said that you used to go to Ayodhya by rail and get down at Faizabad and not at Ayodhya and from there used to go to Ayodhya by a rickshaw?

Answer: It is not correct to say that what I have stated in my statement about going to the disputed site for four times before 1949, is correct.

It is not correct to say that I have no knowledge about the disputed site. It is also not correct that disputed building was constructed on the virgin land and there was another building in place of the present building. It is also not correct to say that five times Namaz was being read there before 23<sup>rd</sup> December 1949. It is also not correct to say that disputed building was never a Ramjanambhoomi Mandir. It is also not correct to say that I am giving statement under prejudice.

(Cross-examination, by Shri Mushtaq Ahmed Siddiqui, Advocate, on behalf of plaintiff No. 7 in Other Original Suit No. 4/89 and defendant No. -5 Mohd. Hashim, in Other Original Suit No. 5/89, - concluded).

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(Shri Irfan Ahmed, Advocate on behalf of defendant No. 6/1 in Original Suit No. - 3/89, Shri Fazle Alam, Advocate on behalf of defendant No. 6/2 in Original Suit No. 3/89 and Shri C.M. Shukla, Advocate on behalf of defendant No. 26 in Original Suit No. -5/89 has accepted the Cross-examination conducted by Shri Abdul Mannan, Advocate, Shri Zaffaryab Jilani, Advocate and Shri Mushtaq Ahmed Siddiqui, Advocate).

Cross-examination on behalf of all defendants concluded.  
Witness is discharge.

Verified the statement after reading

Sd/-

Ramesh Chander Tripathi

17.5.2005

Typed by the stenographer in an open court.

Sd/-

(Hari Shankar Dubey)

Commissioner

17.5.2005