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

OTHER ORIGINAL SUIT NO.3/1989

Nirmohi Akhara and other..... Plaintiffs

VERSUS

Baboo Priya Dutt Ram and other... Defendants

**STATEMENT OF D.W. 3/13
MAHANT RAM SUBHAG DAS SHASHTRI**

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EXAMINATION IN CHIEF OF WITNESS NO D.W. 3/13
UNDER ORDER 18 RULE 4 OF CODE OF CIVIL
PROCEDURE

I, Mahant Ram Subhag Das Shastri, disciple of Janki Das, Age about 86 years . Presently residing at Mahant Ram Mahal, Mohalla Katra, Pargna Haveli Awadh, Ayodhya City, Distt. Faizabad solemnly affirm on oath as under :-

Para 1. I originally belong to Bihar; I came to Ayodhya in December 1933. I became a Sadhu in Bihar according to the tradition of Ramanandiye Vairagi Sadhu Samparday and became a disciple of Shri Janki Das Ji Maharaj Ji. I became his disciple in Bihar itself.

Para 2. My Guru Shri Janki Das Ji Maharaj was a Bhanandi Sant. He did not make any position. He was connected with Nirmohi Akhara. He used to be pilgrimage most of the time.

- Para 3. The name of Shri Janki Das ji's Guru Maharaj, who built Ram Mahal Mandir, Mohalla Katra, Ayodhya in 1927, where I am Mahant at present.
- Para 4. When I came to Ayodhya in December 1933, I came to Rang Mahal Mohalla, Ramkot and began to live there. At that the Mahant of Mandir Rangmahal was Damoder Sharanji. I was well versed in Hindi, when I came to Aloha and learnt Sanskrit in Ayodhya. I stated learning Sanskrit in 1936 and got the degree of Shastri. I am master in Sanskrit.
- Para 5. It was my daily Schedule to enchant Rammnam for an hour in the evening at Ram Janam Bhoomi. The distance of Ram Janam Bhoomi from Rang Mahal Mandir was about 400-500 ft. and the walk hardly 2 to 3 minutes. The way to Ram Janam Bhoomi was upward from the tiraha crossing of Sakshi Gopal Mandir and had gone from north east side to south west side.
- Para 6. I had found two gates in 1934 to entry in the Ram Janam Bhoomi Mandir. The first was towards east and the second was towards north. The east side gate was without doors and the north side gate had a tin door. The east side gate, which was without door had two touchstone pillars. The pictures were visible on the pillars. The daily pilgrims called them the picture of Hanuman ji and too had the same view. There was an epigraph at the Hanuman Dwar.

Para 7. Figure 1 and 'Janam Bhoomi Nitya Yatra' in Devnagri was engraved on that epigraph. Janam Bhoomi in English was also written. There was a iron railing wall between the main temple and the grabah griha towards east side gate. Three-side wall is in the outer compound which was 9-10 ft. high and the parikarma of the main temple was in the west side. The parikarma was 4-5 ft. wide and in the west of parikarma there was a parapet wall (Muredi), which was 2 ½ to 3 ft. high. Thereafter there is a slope of 20-25 ft. in the west side. The north side door mostly opened during Mela. It is also called "Singh Dwar". There are staircases for going down towards east from the north door and the road at which the staircase come to an end, that road is on Hanumangarhi Dorahai Kuan, which is on the slope. No upper gate is visible from that road.

Para 8. After taking an entry into the premises from the side door i.e. Hanumant Dwar, the Ram Chabutra Mandir is in the south side, in the outside compound. Ram Chabutra Mandir was about 3 ft. wide and about 21-22 ft. long.

Para 9. There was a wooden throne at Ram Chabutra studded with Ganga-Jamuni, where Lord Ram Lala was seated. Ram Lala and Laxman Ji were also there and the others Bharat ji Shatrughan ji were in the cave. The cave had been built at the altitude of Mandir Chabutra. Kaushilya ji was in the east side of cave temple and Bharat ji and Shatrughan ji were in the west side and

on the both side walls of that cave temple a small idol of Hanuman ji was placed.

Para 10. The marble idol of six headed Shanker ji, Ganesh ji, Parvati ji, Nandeshwar Bhagwan etc. were placed in the compound wall of the circular small Chabutra under the Peepal tree in the south east side of the Ram Chabutra.

Para 11. I had seen the Chhathi Poojan Sthal in the north of outer compound and there the charan chinha of the four brothers of Loed Rama and Chakla, Belan, Chullaha were made. I had been seeing it regularly since I had gone to Ram Janam Bhoomi for Pooja. The priests of Nirmohi Akhara had been performing Pooja, Aarti at Ram Chabutra Mandir at Ram Janam Bhoomi where the 5 time Aarti were regularly performed. The store room and Sant Niwas for preparing prasad and for staying of Sadhus, Priests of Nirmohi Akhara were adjacent to east side gate in the inner side of east side wall and was spread towards north where the Sadhus, Priests and Panch of Nirmohi Akhara used to live. The aarti and pooja of six headed Shanker ji, Ganesh ji, Parvati ji, Nandeshwar Bhagwan placed under the Peepal tree were performed by the Nirmohi Akhara alike that of Ram Mandir Chabutra. That too was performed by the Priests of Nirmohi Akhara in Snatan method regularly the pooja and aarti at Chhatti Poojan Sthal was performed regularly by the priests of Nirmohi Akhara. Devotees had been visiting the place for seeing all these three places and have darshan of God. The devotees used to offer

money, frits and flowers, sweets and other material according to their own faith. The material offered used to be under the control of Punch and Mahant of Nirmohi Akhara, which they got through the priests of Ram Mandir Chabutra for maintaining the places.

Para 12. I had been going to Ram Janam Bhoomi Mandir since the day I come to Ayodhya in 1934. And I had been regularly going to that place till two days before the demolition of the structure. Now I scarcely go at the time of Ram Navmi in Kartik. The Ram Chabutra Mandir, six headed Bhagwan, Chhathi Poojansthal, Store Room etc. were in existence till that date. I had seen Narotam Das ji as the Mahant of Nirmohi Akhara in 1934. He had been putting a sword and a piece of cloth.

Para 13. I saw the control of Nirmohi Akhara from the date I had gone to Janam Bhoomi. I had seen this control till the time of attachment in 1949. The outer portion was attached in 1982 and that was of the inner portion of the outer side. Shri K.K. Ram Verma was its Receiver.

The attachment of 29th December 1949 was of the inner portion and its Receiver was Babu Priya Dutt Ram, Chairman, Nagarpalika, Faizabad. As per the traditions of Akhara several Panchs and their disciples had been living all around the Ram Janam Bhoomi Mandir by making small temples. Their description is as under:-

- (1) Sitakoop Mandir- The Sadhus belonging to Govind Das Akhara. These Sadhus were also the priests of Janam Bhoomi.
- (2) Sumitra Bhawan Mandir- Panch Mahant Ram Das was the Panch of Nirmohi Akhara. Sumitra Mandir was about 150 ft. south of the disputed building.

Para 14. The Samadhis of Rishis are there from the time of old Panchs. The Tomat Chaura was very famous. There is an ancient Kuber Teela in the south west of Sumitra Bhawan and at a sufficient height from the level of Janam Bhoomi Mandir. There are Angad and Nal-Neel Teelas in the eastern side that are at a lower level of Janam Bhoomi.

Para 15. Lord Ram Lala had been sitting at the high wooden throne in the Grabha Graha. Lord Ram Lala had been there from the time immemorial. Laxman ji, Hanuman ji and salikram Bhagwan also had been with him there that time. These idols i.e. the idol of Lord Ram Lala was made of Asthadhatu (eight metals) and similar is the idol of Laxman ji. The idol of Hanuman ji is of stone and also that of salikram Bhagwan. The throne was in the middle. I had been visiting Ram Janam Bhoomi for darhans regularly from the time I came to Ayodhya and had been seeing continuously Ramlala sitting in the grabha graha. I had these darshan regularly till two days earlier to 6th December.

Para 16. Whenever I had gone to Ram Janam Bhoomi on Nit Yatra I had spend more then one hour in Ram Anusthan and Poojan. I had been doing

the Anusthan of Ram Nam some times by sitting near the Ram Chabutra some times by sitting before the God in Grabha Graha and some times under the Maul Shri tree in front of the east of the side gate and some times under the Peepal tree in front of Shiv-Darbar From 1934 to 23rd December 1949, the date when this fictitious incident had been reported; the worship had been performed by the several priests belonging to Nirmohi Akhara. The Head priest for many years was Mahant Baldev Das ji. When I came in 1934 at that time Sita Ram Das ji the gurubhai of Baldev Das ji was priest and many Assistant priests were under him. They were connected with Ram Janam Bhoomi Chabutra, Chhathisthan, Gragh graha Mahant etc. In between many priests left and many new came viz. Ramsakal Das ji, I (Ramsubhag Das Shastri), Sudarshan Das, Ram Vilas Das, Virindavan Das etc.

Para 17 I had been assisting the priest on behalf of Akhara, because I had been living in Rang Mahal near Janam Bhoomi and had been doing Ramanusthan daily for two to three hours in Ram Janam Bhoomi complex and doing meditation there. So the Sadhus of Nirmohi Akhara had taken possession of the worship of these religious places much earlier than 1949. I know the method of worship of Vairagi Sampradaya.

Para 18. I had been appointed as Assistant priest by the Nirmohi Akhara and had remained as Assistant Priest till attachment in 1949.

Para 19. The devotees had been visiting the Grabha graha for darshan regularly till the incident of 23rd December 1949 and been offering money, sweets and other articles which was received by the Panch, Mahantas and Priests of Nirmohi Akhara for the services of God. I had been seeing the maintenance and position Graha Mandir in the hands of Nirmohi Akhara since 1934 before 1934 the control and maintenance of it had continuously remained in the hands of Nirmohi Akhara from the centuries past. I came to know about it from some saints and history.

The six Sadhus of Akhara on 23rd December 1949 were myself, Sudarhan Das, Ramsakal Das, Virindavan Das, Ram Vilas Das of Nirmohi Akhara and the other was Sadhu Adhiram Das ji Hanumangarhi. Police constable Mata Prasad, a deceit Muslim under the pressure of Deemen and a constable, had registered the report. I got the true copy of the Court charge sheet against me, my personal bond and Bail Band, the copy of all these three documents I got from Mahant Bhaskar Das, Sarpanch of Nirmohi Akhara and I am enclosing its Photostat copy 1-3 with my affidavit. All this had happened under the conspiracy of a deceit Muslim. After the riots of 1934 the Muslims were not in a position to go to the disputed complex. It was because many Muslims were killed in the riots of 1934 and only few families of Muslims were in Ayodhya so they did not go there.

There are hardly 15-16 houses of Sunni Muslims near the disputed complex. In the north of disputed complex in Suthati Mohalla there were 4-5 houses of Muslims and in the west Alamganj Katra Tedhi Bazar there

had been 2-3 houses respectively in each Mohalla and 3-4 houses were in Panjee Tolla. The population of Muslims at that time was less and they remained terrified. In the cow-slaughter (Gaukashi) riots of 1934 the Hindus killed Muslims and destroyed some graveyards and Riot Tax was therefore imposed only on Hindus, so the Muslims did not go there. So the question of reading Namaj does not arise. To my knowledge Namaz had never been read by the Muslims in the disputed grabh graha or in the entire complex since 1934.

Para 20. There are three famous principal Melas in Ayodhya i.e. Shree Ram Navami, Sawan Jhoola and Kartik Parikarma. Devotees from all over India visit Shree Ram Janam Bhoomi for darshan on these occasions.

Para 21. Such devotees also visit every Mela who perform Navaah Path also arrange for small Bhandaras. The devotees had been getting all this work through the Mahant or Panchas of the Priests of Nirmohi Akhara every year in each Mela, which remained in practice till December 1949 and remained in vogue till attachment in 1982 in the outer part.

Para 22. River Saryu is in the north of Ayodhya and Bharat Kund, Tamsa, Prayag, Ganga-Jamuna Saraswati, Akshyavat, Chitrakoot, Kamahagiri, Panchavati, Rameshwaram etc. in the south. The geographical situation of the place where Ramkatha was recited during the time period of Shrimad Valmiki is at a distance of 1 ½ yojan (i.e. 6 Kos).

Para 23. Rama Nand Swami had been the founder of Ramanandiye Sampradaya and his follower were called Ramanandiye. There are number of monasteries and temple of this Sampradaya in

north India and their deity is Lord Rama. Ramanandiye's detached Sadhus had been organized on the pattern of soldiers. It is about 600 years old. One sitting spot of Nirmohi Akhara in Ayodhya is at Ramghat where one temple is of Vijay Raghav ji and the other Shree Ram Janam Bhoomi. The other disciple of Sursuranand was Madhav Nand and his disciple was Narhari Das and his disciple was Tulsi Das, who wrote Shri Ramcharit Manas. The geographical area in the Manas is the same as has been shown in the Valmiki Ramayana.

Para 24. Namaj had never been read in the disputed grabh graha and outer compound and it had never been used as a Masjid.

Deponent
Sd-
Mahant Ram Subhag Das Shashtri

Verification

I, the above named deponent Mahant Ram Subhag Das Shashtri do solemnly affirm that the statement made by me in my affidavit paras No. 1 to 24, are true and correct to the best of my knowledge. Nothing is false or nothing has been concealed. May God help me.

Verified today on dated 5.7.2004 at the premise of High Court, Lucknow bench Lucknow.

Deponent
Sd-
Mahant Ram Subhag Das Shashtri

Shri Mahant Ram Subhag Das Shashtri is well known to me and he has put his signature on the affidavit in my presence.

Sd/-
(R.L. Verma)
Advocate

CHARGE SHEETCharge Sheet No. 4

District: Faizabad

Dated:

Police Station: Faizabad

In first

information No.

Dated:

Name, address and Occupation of complainant or informant	Name & address of accused person not for trial whether arrested or not arrested including absconder (show absconders in red ink)	Names & addresses of accused person sent up for trial		Property (including weapons) found with particulars of where, when and by whom found and whether forwarded to magistrate	Name and addresses of witnesses	Cl in Ni O ci cc wi cc ur se La
		In Custody	On bail or recognizance			
1.	2.	3.	4.	5.	6.	7.
By Government Shri Ramdev Dubey Senior Incharge Police Station Ayodhya, District- Faizabad			1. Abhiram Das, Disciple of Naga Jamuna Das 2. Ramvilas Das, Disciple of Ram Das 3. Shiv Darshan Das, Disciple of Gobind Das	1. One Ladder 2. Two bowls which are polished 3. One Garuri (illegible) 4. Illegible	Given at pusth.	It su th a h in id B th M 2: D

			<p>4. Ramshalak Das, Disciple of Saryu Das</p> <p>5. Vrindavan Das, Disciple of Rambalabh Sharanji</p> <p>6. Ram Subagh Das, Disciple of Biharisharan Das Sakinan, Ayodhya, District Faizabad</p>			19 cl fc a in U S 14
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Signature

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10088

S.O.S. No.4/89

Under Section 145 Cr.P.C.

Joint Provincial Police

Serial No.-----

Surety bound before the Police Officer at the time of First investigation
(Under Section 169 of Act No.5 of 1898)

I Baldev Das Disciple of Mahant Swami Mohan Dass R/o Janam Bhoomi Police Station Ayodhya hereby stand surety (or sureties) (together & separately) for Ramsubhag Das Disciple of Bihari Sharanji Shastri & together declare that he will appear before the Court of Magistrate of Faizabad in the forthcoming hearing date (or on any other day which will be fixed by the Court) to give additional answers in connection with the charges leveled against him in the subjoined matter which I (or we) are liable to pay Rs. 500/- to Shriman Samrat.

----- 194-----month-----day.

Form No. 10-A-1948

Signature -----

Witness -----

Stamp -----

10089

S.O.S. No.4/89

Under Section 145 Cr.P.C.

PERSONAL BOND

We, the following accused promise that in the case Rakes versus Abhi Ram Das and others Under Section 295/448/147, Cr.P.C., We will present ourselves in the Court of city Magistrate or in the Court, wherever summoned and failing which we will be liable to pay a fine of Rs. 500/- each.

1. Baba Abhi Ram Das, Disciple of Shri Naga Jjamuna Dass, Hanumangarhi.
2. Baba Vindravan Das, Disciple of Pt. Rambalabh Saranji, Janaki Math.
3. Baba Ram Vilas Das, Disciple of Ram Dasji, Janam Bhoomi.
4. Naga Sudharshan Das, Disciple of Shri Gobind Das ji, Janam Bhoomi.
5. Ram Shalak Das, Disciple of Sarju Das ji, Janam Bhoomi.
6. Ram Subhag Das, Disciple of Bihari Sharan ji, Janam Bhoomi.

Dh: Abhi Ram Das

Dh: Brindavan Das

Dh: Sudarshan Das

Dh: Naga Ram Kaldas

Sd/-

Ram Vilas Das

Before commissioner Shri Hari Shanker Dubey, Additional District judge/Officer of special Duty, Hon'ble High Court, Lucknow Divisional Bench, Lucknow.

[Appointed under the orders dated 21.5.2004 of Hon'ble Full Bench, Lucknow.]

Other original suit No. 3/1989

R.S. No. 26/1959

Nirmohi Akhara and other..... Plaintiffs

Versus

Baboo Priya Ram and other Defendants

Date:5.7.2004

D.W.3/13 Mahant Ram Subhag Das Shastri

An affidavit in examination-in-chief Page No.1-11, of Mahant Ram Subhag Das Shastri, Age about 86 years, Disciple of Janki Das, Resident of Mandir Ram Mahal, Mohalla Katra, Pargana Haveli Awadh, City Ayodhya, Distt. Faizabad, submitted and taken on record.

[Cross-examination on oath of DW 3/13 Shri Mahant Ram Subhag Das Shastri, in other original suit No. 4/89. On behalf Defendant No. 17 Shri Ram Chander Tripathi and Defendant No.2 Shri Umesh Chandra Pandey by Shri Vireshwar Dwivedi, Advocate begins.]

XXX XXX XXX XXX

I passed the Shastri examination in 1942. I had passed the Shastri examination from Vaishnav Dharam Viverdhami, Barda Sthan, Ayodhya. This educational institution is affiliated to Varanasi Sanskrit University. This university is still in existence. The priests in temples are not their owner. Then said that the Managers appointed by the Mandir Samiti are its owner. The Managers are the Managers of the property and not the proprietor. The Ramanandiye Nirmohi Akhara came in existence 600 years ago. The principle of Ramanandiye Sampardaye was propounded 600 years ago. With the passage of time different Akharas of Ramanandiye Sampardate were

created. One of them was Panch Ramanandiye Nirmohi Akhara.

In my knowledge and belief I do not know the age of Ram Janam Bhoomi Mandir. It is true to say that this Mandir is Thousands of years old.

[On behalf of Defendant No.17 Shri Ramesh Chander Tripathi and Defendant No.22 Shri Umesh Chander Pandey, in other original suit No. 4/89 cross-examination by Shri Vireshwar Dwivedi, Advocate concluded.]

[Cross-examination on behalf of Defendant No.2/1 Mahant Suresh Das in other original suit No. 4/89 by Shri Madan Mohan Pandey, Advocate begins.]

XXX XXX XXX XXX

The Sanatan Dharami Hindus in India and abroad call and worship this place as Ram Janam Bhoomi. On the occasion of Sawan Jhoole and Ram Navami millions of Hindus and the followers from India and abroad visit this place for worship etc. Ayodhya is called a place of pilgrim because of the birthplace of Lord Rama.

[Cross-examination on behalf of Defendant No.2/1 Mahant Suresh Das in other original suit No. 4/89 by Shri Madan Mohan Pandey, Advocate concluded.]

[Cross-examination on behalf of Plaintiffs in other original suit No. 5/89 by Shri Ved Prakash, Advocate begins.]

XXX XXX XXX XXX

People from India and abroad who come to see the Ram Janam Bhoomi after Darshan perform the Parikarma. There are four types of Parikarmas in Ayodhya. The first one is that of Mandir, which conducted within Mandir. The second Parikarma is Panchkosi and the third is Chaudahakosi Parikarma and the fourth is Chaurasi kosi Parikarma, which is completed in 24 days.

[Cross-examination on behalf of Plaintiffs in other original suit No. 5/89 by Shri Ved Prakesh, Advocate concluded.]

[On behalf of Plaintiff – 1/89 time for Cross-examination was given to Shri Putulal Mishra, Advocate but he refused to cross-examine the witness.]

[Opportunity to cross-examination the case was given to Km. Ranjana Agnihotri on behalf of Defendant No.20 Akhil Bhartiye Ram Janam Bhoomi Punurdhar Samiti in other original suit No. 4/89 but she refused to cross-examine the witness.]

[Cross-examination on behalf of Shri Moh. Farookh Ahmad Defendant No.11 by Shri Abdul Mannan, Advocate begins.]

XXX XXX XXX XXX

I am in Ayodhya for the last 70-71 years. Then said I have permanently living in Ayodhya since December 1933, I used to live at my native place before December 1933. My birthplace is in Bihar State. My age was 16 years, when I came to Ayodhya. I was matured by the time I came Ayodhya. There had been a disturbance in Ayodhya in April 1934. After this disturbance, Tax was imposed on the people living in Ayodhya. Volunteer: that cow-slaughter (Gokushi) took place in which some

Muslims were killed and thereafter the Hindus begins demolishing the structure, which was at Ram Janam Bhoomi. British were the ruler at that time. The army scattered the crowd and Hindus were fined after that. The fine was to the tune of Rs. 85 Thousand. I was in Rang Mahal Mandir at the time the disturbance took place. The disturbance begins at 9-10 A.M. and lasted for 3 hours i.e. up to 12.00 noons. About 8-10 Muslims were killed in the disturbance. Slaughtering the cow was the main reason for killing. Army came during disturbance and restored peace. Army men came at about 1.00 P.M. The Army did not take that place in their control but they only scattered the mob. The army men were in tune of hundreds. I doing a child ran away in to the Mandir due to fear therefore I can't tell what happened to the dead bodies of those 10-12 Muslims who were killed. The fine on the people of Ayodhya, of the Hindus but I do not know how much was each monastery Mandir fined imposed after 3-4 month of the disturbance. The fine was recovered from Monasteries or Mandirs. The fine recovered from Hindus was deposited in the Government Treasury. I had passed the Shastri examination from Banaras in 1942-43. There was a Queens College in Banaras in 1942-43. I have no knowledge of History I only enchant Ram Nam.

Question:- Did you also study History at the time of studying Shastri?

(On this question the learned advocate of Plaintiffs in other original suit No. 3/89 Shri Ranjeet Lal raised objection that this question has repied earlier and it was said that he had no knowledge of history. So there is no justification in asking this question)

Answer:- I did not study history during the education of Shastri.

After my coming to Ayodhya in 1933 I had gone out of Ayodhya several times. I went to Chitrakoot also during

this period. Then said that I had been the Chairman of Ramanandiya Sampardaya for 10 years. So I had to go out of city in this connection. Being the General Secretary of Ramanandiya Sampardaya, I had to go to the places where the work of Sampardaya required my service i.e. Orissa Gujarat and Bihar. I did not get the opportunity to go to any other state except these states because I had been deputing my secretary to other places. I remained in Ayodhya during the period my secretary remained out on work. There were two Deputy Secretary in Ramanande Sampardaya, I was the General secretary and both the Deputy Secretary lived in Varansi. One of the Deputy Secretary was changed during my tenure and one remained on the same post .

Vasudevacharya became the Deputy Secretary when the earlier Deputy Secretary was. The Deputy Secretary from Ayodhya, went to various places in my place, the information change, which I can tell by seeing the register only. I had not brought the register with me. It might be in the Institute office at Varanasi, I left it after my tenure. I had left the post of Genneral Secretary of Ramanande Sampardaya in 1983. I do not remember who was my successor. I voluntarily left the post of General Secretary. After leaving the post of General Secretary of Ramandaya Sampardaya in 1983 I did not hold any post in any other institution and I remained in Ayodhya. I am still living in Ayodhya. I am presently living in Ram Mahal at Katra Mohalla. Other people also live with me in Ram Mahal. Among them are Ram Sunder Das ji the Priest, Surinder Tiwari, student, Arvind Tiwari, student and one retired policemen who are living there with me. Shyam Sunder Das the priest of Ram Mahal has been living with me for the post 30-35 years. Both the students, who are brothers, are living with me for about three years. The property of the Mandir is in Bihar. It is in the from of 50 acre land. The

expenditure of the Mandir is met from the income of that land. The land is given on lease to the tenant at Rs. 3000/- per acre. The expenditure of the Mandir is met from it. There is one Dharmashala in Bihar, which is under the trust. The trust is registered in Bihar. The trustees do the farming work in Bihar. Sometime I go there, if required and some time. I do not go there. The farming of Mandir is at the famous place known as Barhia. Mokama is ahead of Patna and Barhia is before Kueol junction. I have been to Barhia many times. The distance of Barhia from Patna is about 150km. The earring from Mandir property is approximately one and a half lakh rupees per annum, but I can take 40% it. The remaining 60% is for the maintenance of Dharamshala, school and the balance amount is deposited in the provisional account. There are about Rs. 10 Lakhs in the permanent account. In 1933 when I came to Ayodhya at the age of 16, I remained mostly in Ayodhya, I seldom got the opportunity to go out of the city. I had to go to Bihar in connection with the management of the property.

Verified the Statement after reading

Sd/-

Shri Mahant Ram Subhag Das

05.07.2004

The Stenographer typed in the Open Court as dictated by me. In this order for further cross examination the case be presented on 6.7.2004. Witness be present.

Sd/-

Commissioner

05.07.2004

Date 6.7.2004

D.W.3/13 Mahant Ram Subhag Das Shastri

Before commissioner Shri Hari Shanker Dubey, Additional District judge/Officer of special Duty, Hon'ble High Court, Lucknow Divisional Bench, Lucknow.

[Appointed vide orders dated 21.4.2004 of Hon'ble Full Bench, in the case of Other original suit No. 3/89 (Other original suit No.26/59) Nirmohi Akhara and other versus Babu Priya Dutt Ram and others.]

(In continuation of dated 5.7.2004 cross-examination of D.W.3/13 Mahant Ram Subhag Das Shastri on oath on behalf of Shri Moh. Farookh Ahmad Defendant No.11 by Shri Abdul Mannan, Advocate continued.)

I had passed the Shastri degree in 1942. There is no indication of Division in Shastri degree. The Shastri degree is a three-year course. Madhyama is taught before Shastri. Madhyama is a four-year course. I had studied Madhyama for four years. Prathama is before Madhyama. I had got the Prathama, Madhyama and Shastri degree from Queens College, Banaras. I got Madhyama degree in 1942 and Shastri degree in 1947. I remained in Ayodhya after getting Shastri degree and I did not go anywhere, I do not remember the subjects of Shastri course. Then said due to old age I forget things. Which questions are asked for getting Shastri degree, that also I do not remember. Then said I don't remember anything in this regard. The witnesses Volunteer that he does not remember anything. After obtaining. After obtaining the Shastri degree, I had gone to Bihar sometime for two to four days. I had gone to Bihar for one week or so after obtaining the Shastri degree. I had gone to my village in Bihar where there is

my agricultural land. I used to go Bihar once or twice in a year after obtaining the Shastri degree. Then said the trustee lives there. There are nine trustees from Bhiar. No trustee from outside Bihar is there. Earlier there were trustees from village Barhia. The village outside one such trustee from outside Barhia was Shri Babu. Then said the brother of Shri Babu was the trustees from outside Barhia. Shri Babu was the Chief Minister of Bihar. I was acquainted with Shri Babu. I used to visiting Bihar to attend the meeting of Committee and on getting information. The committee meeting were organized twice or thrice in a year as per requirement. The committees meeting were held in Bihar only. Our Guru who formed the trust knew the chief Minister of Bihar, Shri Babu. I had gone to Bihar 25 to 30 to 40 times. Then said I did not use to stay there on invitation for yagya and other purposes. Shri Babu did not personally know me. Then said he knew my Guru ji. I cannot say when Shri Babu passed away. Beside Utter Pardes I had gone to Ranipur in Madhay Pardes. My Chairmen was the resident of that place. I used to go there on his request. I had gone to Raipur 4 to 6 times. I had gone to Raipur in 1965 – 1967. I first went to Raipur in 1965. My Guru ji was not alive at that time. When I went to Raipur for the first time I had stayed there for 2-3 to 4 day. I never stayed anywhere beyond that period and used to return to Ayodhya. It takes 20-22 hours to reach Ayodhya from Ranipur. Then said the route of the train from Ayodhya is via Katni and there is a direct train for Ranipur. I used to go Ranipur from Ayodhya via Allahabad. It takes 18-20 hours to reach Raipur via Allahabad. The passenger train form Allahabad takes 6 hours and the Mail train takes 4 ½ hours. I have been living in Ayodhya for 70-71 years. I came to Ayodhya in 1933. it takes about 24 hours to reach Raipur from Ayodhya. I used to stay in Doodhadhare Math in Raipur. I

have not been going to Raipur for about 8 years. Before 8 years I used to go there. I used to go to Raipur till Mahant ji was the chairman I have not gone to Raipur after his death. Vaishnav Das the Mahant was the chairman, Vaishnav Das ji died 8-10 years ago. Then said I had noted the time of his death somewhere in the diary. Vaishnav Das ji died in Raipur. Mahant Vaishnav Das ji was the Chairman till his death. I was in Ayodhya at the time of the death of Mahant Vaishnav Das ji. I got the information about the death of Vaishnav Das ji through his disciple. I do not remember the name of that disciple. I know the of the disciple at that time, who gave me the information about the death of Vaishnav Das ji, but I do not remember it now. It is not correct to say that my memory is not fit at present. I engage myself in Bhajan and concentration on Bhajan makes one to forget.

Question:- When do you engage in Bhajan?

[On this question the learned of Plaintiffs in Other Original Suit No. 5/89, Shir Ajay Kumar Pandey raised an objection saying that this question is not connected with any point of the suit is totally irrelevant and is tonally connected with personal matters. So permission to ask such question should not be given.]

Answer:- I get up at 3.30 in the morning. After taking a bath I sit down for Pooja. I did not talk to any body till 7.00 A.M. My jaap starts after 7.00A.M. and I keep doing jaap while taking with other and said all the people of Ayodhya know this fact.

After 7.00 A.M. I have normal talks with the public. People who come to see me after 7.00 A.M. I simply talk

with them and than part ways. People who come to me with their problems, I send them back after giving a reply. The general topic of talk is the demand of something by some one from me. After 1980 I used to talk to the people who came to see me in the closed room. After hearing them and giving them a reply. I ask them to go back. My students, who come to study from me, tell me that sir some one has come to see me. So I get the information about the person who has come to see me. After knowing about the visit of a known person and knowing his name I come out of the room and have a talk with him. I do not talk to an unknown person. There is no time schedule of meeting the known person. After knowing from the student, if found necessary I meet them. I cannot tell when Babri Masjid was constructed in Ayodhya. Then said I can only tell the things that happened after December 1933. The people used to say that prior to 1933 there was a Babri Masjid. But when I saw its formation, I found it a Mandir. People say that on the request of Babar's Maulvi the Masjid was constructed after demolishing the Mandir. Babar's Maulvi used to say that he would curse upon them. It has been written in Quran that you cannot caonstruct Masjid on others land nor can offer Namaz. Mir Baki or some one else constructed Babri Masjid I do not remember. Then said it was constructed after demolishing the Mandir. I cannot say whether after construction of Babri Masjid it remained at its place or not. I have no information whether Babar ever visited Ayodhya or not. I con not tell whether Babar through his Minister Mir Baki got the Babri Masjid constructed in 1528 or not. There were three tombs above the Babri Masjid. Babri Masjid was about 50 ft. long and that much wide. Then said the length and breadth were almost equal. It is wrong to say that Masjid was constructed on a vacant land but it was constructed after demolishing the Mandir. Namaz had not

been offered in the Babri Masjid from the time. I was in Ayodhya. Babri Masjid remained erect at its own place the same way it was before I was not at the disputed building on the night of 22/23-12-1949. I go there during daytime only. There had been disturbance in the disputed building on the night of 22/23-12-1949, What happened on that night, I do not know, but this much I know that new idols was placed. The witness was shown paper relating to section 145 of Cr.Pr. Code and asked when the FIR was logged. The witness said I come to know later that on 23-12-1949 at 6.30 A.M. Ram Dev Dubey, Sub-Inspector registered an FIR about this incident in Kotwali Police Station, Ayodhya. Ram Dev Dubey was a Hindu Brahman. He only got the report registered. I came to know that Ram Dev Dubey in the above Paper No.115 had got written that "Badahu Magma—Mammura Duty and Behut se Aadmiun ne ese dekha hai." (Many people saw it) I had later heard about the intention of Ram Dev Dubey in writing such report that fifty to sixty unknown persons after creating disturbance in the Masjid and installing the idol in the Masjid had made it unholy. Ram Dev Dubey got registered the report of such type. I got information about this incident the next day in the morning. After getting the information I went to that place in the morning. There I heard a lot of noise and saw that Kirtan Bhajans were going on.

[Cross-examination on behalf of Defendant No.11 Moh. Farook by Shri Adbul Mannan, Advocate concluded.]

[Cross-examination on behalf of Defendant No.9 Sunni Central Board of Waqfs, Uttar Pradesh by Shri Zaffaryar Jilani, Advocate begins.]

XXX XXX XXX XXX

I do not remember my date of birth, I was born in 1918, I had know this fact traditionally that I was born in December 1918. The tear of my birth is noted in my diary. The scholars of my birthplace came to Ayodhya and they told me the month, year and the time of my birth, which I noted in my diary. I know the year of birth before I came to Ayodhya and the scholars of my village, who visited Ayodhya, confirmed it I noted the year of birth in the diary in Ayodhya only. Before 1933 I stayed at my house in my village. I did not keep a diary till I was in my village. I studied up to 8th class in my village. I got my education up to 8th class from Government School, village Manak pur, Distt. Mongyer, but I do not remember the name of the school. I got enrolled for the first time in school in 2nd or 3rd class. Before that I studied at home. Where I got admission for the first time in 2nd or 3rd class. I studied up to 5th class in that school. After passing class 5th I continued my studying Behuni village. Behuni village was at a distance of 1 ½ mile from my native place. The name of my native village is Manikpur. My brother had gone to Manikpur to enter my name. The witness then said, that it is possible that my brother had gone to enter my name, I do not remember, who accompanied me to Behumi for getting admission in class VI. I got the education in class 6th, 7th and 8th with other students by going to Behuni village from my own village. I used to go to Behuni and return to my village daily for my education. At the time of my admission for the first time in the school and second time in Behuni village in class 6th, my date of birth must have been entered. After passing class VIII I came to Ayodhya after two or three years. I had not taken admission anywhere for class IX. Then said I had begins learning Sanskrit. After passing class VIII, I took Prathama examination in grammar in 1937. I took this examination

from Jaidev Sanskrit Vidyalaya Chitrakoot, Karvy. After Prathama I took Madhyama examination in Chitrakoot. In 1942 I took Madhyama examination in four parts. I appeared in this examination at the above school in Chitrakoot. The witness again said that I took two parts of Madhyama examination in Chitrakoot and two parts after coming to Ayodhya. I took examination of two parts in 1942 in Ayodhya. At Chitrakoot I took two parts of Madhyama examination in 1940. In Ayodhya I took two parts of Madhyama examination from Vaishnav Dharm, Barha Sthan, Ramkot in Ayodhya. Earlier Madhyama examination used to get finish between Navratra to Holi. Then said the time has how changed. The Madhyama examination, which I took in 1942, used to get finished before Holi. The result was declared within one two months of giving the examination. After Madhyama I passed Sahitya Shastri examination from a private college known as Saket Mahavidyalaya, Ayodhya. The duration of this Shastri course is three years. The Shastri examination was completed in about 1944 – 45. I passed Shastri examination from Saket Mahavidyalaya, Ayodhya. I did not pass any other examination after Shastri. I appeared in the Shastri examination from Ayodhya. Then said the present Saket Mahavidyalaya is not the college from where I took the Shastri examination. The name of that school was Sanskrit Saket Vidalaya, Ayodhya.

The witness was read out extract of his statement – dated 5.7.2004 on page 16 “ that I had passed Shastri examination in 1942 –43 from Banaras. There was Queens College in Banaras in 1942 – 43 “. The witness stated that his statement is wrong and has been given in confusion. I had never studied in the Queens College, Banaras. Then said its name was used. I do not remember whether till the Shastri examination my date of birth was written in

Prathama, Madhyama and Shastri examination or not. 59 years have passed since my taking of Shastri examination. I do not remember the facts of 59 years ago. I remember the facts after 1933 -34. I had passed Prathama, Madhyama and Shastri examination after 1933 - 34.

Question: You had just given a statement above that you remember the things that had happened after 1933 -34. Then please state that when you sought admission in Prathama, Madhyama and Shastri classes after 1933 -34, did you entered your date of birth or not?

Answer; It is possible that the things happened after 1933 -34 have also begins to go out of my mind. It means that the things after 1933 - 34 have begins to vanish from memory.

It is wrong to say that my age is less than 86 years,

Therefore trying to hide my date of birth. I would have got the certificates after passing 5th, 8th, Prathama, Madhyama and Shastri examination, but I do not remember what happened to those certificates.

At the time of seeking admission in the above classes I had written the name of my father as Shri Ram Dhan Sharma. After 1933 I begins to write down the name of my Guru ji in place of my fathers name. I entered the name of my Guru ji in place of my fathers name while taking admission in Prathama, Madhyama and Shstri classes.

The extract of the statement given by the witness today on page 28 was read out in which he had stated that "at the time of admission in the above classes I had

written the name of my father as Shri Ram Dhan Sharma. The witness said that this statement is wrong. Then said the name of Guru was written in place of father. I remember this fact that at the time of seeking admission in Prathama and Shastri I had written the name of my Guru in place of my father, so I am giving my statement to this effect. The certificates are available with me in Ayodhya and that on basis I am giving my statement that at the time of admission in Prathama, Madhyama and Shastri I had written the name of my Guru in place of my father. I have Prathama, Madhyama and Shastri certificate in Ayodhya.

The extract of today's statement of the witness on page 28 was read out that "I would have got the certificates after passing 5th, 8th Prathama, Madhyama and Shastri examination, but I do not remember what happened to those certificates" I had wrongly given the earlier statement. My this statement is correct that my 5th, 8th, Prathama, Madhyama and Shastri certificates might be in Ayodhya. I will go back to Ayodhya today in the evening. After reaching Ayodhya I will search those certificates and if I get them, then I will submit those certificate tomorrow at the time of my statement.

My Guru made me his disciple in month of Vaisakh (May) 1933 at Naya Gaon, Munghyer, in Bihar in a Sant Sammelan. At that time I alone got initiation from my Guru. My guru was Virakt at that time. After initiation I immediately converted myself as Virakt. Virakts do not marry. I was not married before initiation. After getting initiation I never went to my native place. The five pledges, which are administered at the time of initiation, one of them is that I will never go to my native place. Before initiation when I was two years of age my father-mother-uncle-aunt, all died in plague. My two brothers

were at home at the time of my initiation. I had no sister at that time. After taking initiation from Guru ji, I always remained in Ayodhya. Then said I had at times gone to Chitrakoot in connection with my education. I used to come back to Ayodhya during holidays in the school. During my education at Chitrakoot my expenditure was borne by the same school where I studied. After studying and before going to Chitrakoot, I used to stay in a place called Rang Mahal in Ramkot Mohalla. The management of Rang Mahal in Ramkot Mohalla was under the Nirmohi Akhara and Nirmohi Akhara was related with Rang Mahal. The Mahant of Rang Mahal was Damodar Charan. My Guru ji admitted me in Rang Mahal. My Guru ji often used to travel engaged in Bhajan and go on pilgrimage. On return to Ayodhya he used to stay for 10, 20 or 5 days, but he did not stay permanently in Ayodhya. My Guru ji used to come every year to Ayodhya till he was alive. In Ayodhya he always stayed in Rang Mahal. The witness again said there was no specific place of his stay. Besides Rang Mahal, he also used to stay in Nirmohi Akhara. He used to stay in Ramghat Mandir of Nirmohi Akhara. My Guru ji was related to Nirmohi Akhara, the distance of disputed building from Rang Mahal was less than one furlong. That place was after two-three Mandirs. Rang Mahal was directly in the east of the disputed building. There was Manas Bhawan, then Anand Bhawan and thereafter Rang Mahal in the east of disputed building. Rang Mahal, Anand Bhawan and Manas Bhawan are on the south side of the road. This road leads to Dorahi Kuan from Hanumangarhi. Till 6th December 1992 on moving towards west side this road the disputed place was in the south and the Janam Sthan Mandir was in the north. Janam Sthan Mandir is in the same position till today. The Rang Mahal is not closed at present. People live in it and there is a Mandir in Rang Mahal. Then sides there are two

Mandirs; one is Rajmahal Mandir and another is Ran Mahal Mandir. Both the Mandirs are in Rang Mahal. The idol of Sita Ram and Hanuman ji there in the Rangmahal there are 8 idols in Rang Mahal. The pair of Ram Janaki is established at four places. These idols are adjacent to each other in one Mandir. Two idols are of stone and the two are of Asthadhatu. The length of the stone idol is equal to the length of a hand. Out of these eight idols four are of Asthadhatu and four are of stone. The length of idols of Asthadhatu is equal to the length of idols of stone, as I had stated above. The idols placed in Rang Mahal are at least 200 to 250 years old. The Rang Mahal Mandir was also built about 200-250 years ago, but who built the Rang Mahal Mandir, that I do not remember. Then said some sevak (Seth) from Azamgarh built it. The witness them said that this Mandir was built by Sarjoo Sharan. The owner of Rangmahal is Mahant, who works under the directions of Panchas. He does not work independently. The Panchayat of Rang Mahal does not work in the manner in which the Panchayat of Nirmohi Akhara works. There is difference in the work style of both. Panchas of Nirmohi Akhara after taking a decision can remove the Mahant at once. But Panchas of Rang Mahal have to face some problem in removing the Mahant.

Raj Mahal Mandir was built about 100 years ago. Some businessman built it and donated to Rang Mahal. The idol of Ram, Janki, Laxaman and Hanuman ji are there in the Rajmaha. The idols of Rajmahal are of Asthadhatu. The height of these idols is equal to one hand and so. Rajmahal Mandir is in one room. Then there is one varandha and seven rooms in Rajmahal Mandir. The parikarma of Rajmahal consist the Parikarma of all the seven rooms. In the west of idols of Rajmahal Mandir the idol of Rangmahal are placed north facing. A street

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separates these two temples. I had always been staying in Rangmahal Mandir. I had been living in the east side in this temple. I do not stay in Raj Mahal Mandir.

Verified after reading the statemant.

Sd/-

Mahant Ram Subhag Das.

6.7.2004

Typed by the stenographer in the open Court. As dictated by me In continuation of the suit may be present for further Cross-examination on 7.7.2004. Witness be present.

Sd/-

Hari Shanker Dubey

Commissioner

6.7.2004.

Date 7.7.2004

D.W.3/13 Mahant Ram Subhag Das Shastri

Before commissioner Shri Hari Shanker Dubey, Additional District on Special Duty, Hon'ble High Court, Lucknow Divisional Bench, Lucknow.

[Appointed vide orders dated 21.5.2004 of Hon'ble Full Bench, in the case of Other original suit No. 3/89 (Other original suit No.26/59) Nirmohi Akhara and other versus Babu Priya Dutt Ram and others.]

(In continuation of dated 6.7.2004 cross-examination of D.W.3/13 Mahant Ram Subhag Das Shastri on oath on behalf of Defendant No.9 Sunni Central Board of Waqfs by Shri Zaffaryar Jilani, Advocate continued.)

I had told you that origin of Nirmohi Akhara took place 600 years ago but I cannot name the founder of it. The Nirmohi Akhara must have been come into existence at one of the four places i.e. in Prayag of Nasik or Ujjain or Haridwar, but I cannot specifically name the place where it came into existence. Ramanandacharya established the Nirmohi Akhara. Then said the disciples of Ramanandacharya created Nirmohi Akhara after his death. Nirmohi Akhara was established 600 years ago, I have not read this anywhere but had heard about it. The aged saints of the Sampardaya had given me the information that Nirmohi Akhara was established 600 years ago. I do not know the name of the ruler who ruled over India 600 years ago. Ramanandacharya used to live at Panchganga Ghat in Kashi. Muslim King was the ruler of Kashi at time. The witness then said the entire India was under Muslim rulers, but Kashi Naresh was the king of Kashi Naresh was an independent king or he was under some king that I do

not know. Ramanandacharya had 12 disciples. None of his disciple lived in Ayodhya permanently. It may be possible that they used to and go to Ayodhya. In the chain of his disciples the third and fourth disciple lived permanently in Ayodhya. It is also possible that Nirmohi Akhara did not have come into existence 600 years ago but have come 400 years ago. Then side the disciple of Ramanandacharya was Bala Nand Sursuracharya, who created the Akhara, Nirvani Akhara and Digambar all three Akhara were founded by Balanana.

Vikramaditya had built the disputed building. A forest surrounded the place where Vikramaditya established the Mandir. This is the same Vikramaditya after whose name the Vikrami Samvat is going on. I had been seeing that 14 pillars building in Ayodhya since the very day I came to Ayodhya. It may be possible that after modifying the structure the building was constructed. I have no information whether the building which was demolished on 6th December 1992 was the building built by Vikramaditya. The disputed building bearing 14 pillars was an ancient building and was than 200-300 year old. My statement dated 5.7.2004 on page 13 to the effect that "the Mandir is Thousands of years old is true". To my knowledge the Ram Janam Bhoomi Mandir is at least 2000 years old. After demolishing the Mandir built by Vikramaditya and after changing the structure, Babar built a new building at that place. then said in the renovated building some material of the Mandir was also been used. The building constructed by Babar may be 500 years old. Volunteer, that the building was constructed at the time of Babar. Whan Babar built the building people said it was built to be a Masjid. But from appearance the building seems to be a Mandir. The form, in which Babar built this disputed

building, remained till 1992. The witness later said that the structure was modified in between this time period.

Question;- The Paper List I which you submitted with the Affidavit date 5.7.2004 of your Examination in chief, what is that and at which paragraph of your Affidavit, it has been referred to?

(On this question the learned advocate of Plaintiffs in Other Original Suit No. 3/89 Shri Ranjeet Lal Verma raised an objection that this question contains two-facts. The second part of the fact is related to the statement and describes that which has been referred to in the Affidavit. So the Specific paragraph of the Affidavit must be read out before the witness. It should not be left on the witness to locate that paragraph in which it has been referred. The facts asked in the question do not correlate to any of the statement of the witness given earlier and in the present. So such type of question should not be permitted to be asked).

Answer:- Mahant Bhaskar Das had given me this paper two-three months ago. It seems that Ram Dev Dwivedi, a Police Inspector in Ayodhya, had prepared this paper. He prepared it in the name of the priests. The paper prepared by Ram Dev Dwivedi, has been entered as List I

At this stage the witness was given time to read the Affidavit of his Examination in chief. After going through the affidavit the witness said I cannot tell the paragraph in which paper list I had been referred to.

The witness requested that he might be given an opportunity to read the entire affidavit. After going through

his affidavit he will be in a position to reply the above question. After granting permission to go through the Affidavit, the witness after reading it said, list I has been referred to in Para 16 of the Affidavit. The above paper List I have been referred to in line 6 to line 9 of Para 16.

Question:- I have to say that there is no mention of list I or any Paper in line 6 or from beginning to end of Para 16. What have you to say in the regard I

Answer:- The above paper had not been referred in this paragraph but the incident had been referred. The incident of 1949 had been referred to in this paragraph. I will not be able to read out this paper that had been enclosed with the Affidavit of my Examination in chief. The Hindi part in it is not legible. Something is written in Hindi but it is not clear.

Question:- I have to say that there is no mention of list I or any Paper in Line 6 or from beginning to end of Para 16. What have you to say in this regard

Answer:- The above paper had not been referred in this paragraph but the incident had been referred. The incident of 1949 had been referred to in this paragraph. I will not be able to read out this paper that had been enclosed with the Affidavit of my Examination in chief. The Hindi part in it is not legible. Something is written in Hindi but it is not clear.

Question:- Whether something in Urdu is also written in the paper in List I.

(On this question the learned advocate in Other Original Suit No. 3/89 raised an objection that this question is not relevant.)

Answer:- Whether something in Urdu or English is written on this paper is not clear. Bhaskar Das ji gave me this paper. At that time when Bhaskar Das ji gave me this paper I could not make out which paper is this Bhaskar Das ji told me to keep this paper as it will be of use at a later stage.

Question:- With what intention you had enclosed the above paper as "List I" of your affidavit I?

(On this question the learned advocate of Other Original Suit No. 3/89 Shri Ranjit Lal Verma raised an objection that it had already been mentioned in the Affidavit and the witness cannot be asked about it. It is a matter of discussion, so this question cannot be asked.)

Answer:- The main intention to my mind is that many people have doubted about my age, that I am not of the age as declared by me. So with that intention I had submitted this paper.

Question:- When you have not read the paper List No. I above earlier, nor you are able to read it today then how can you say that age is mentioned in this paper?

Answer:- This paper will prove that I have been living continuously in Ayodhya since December 1933, When I was 16 year old, so it proves the authenticity of my age.

Question:- Whether your name had been mentioned anywhere in the above Paper List I?

Answer:- It appears from this paper that my name has been written at a place there is a tick mark by pen.

Ram Subhag is written at that place. Only "Ram Subhag Das" is written at that place. My age has not been indicated. At this place the name of my Guru is not mentioned with my name.

Question:- My point is that the place where you are saying your name is mentioned the name of Chela Bihari Sharma Das is also written?

Answer:- It is not clear in the Paper List I that name of Bihari Sharan Das is also written with my name.

I am not the disciple of Bihari Sharan Das. He was the Guru of my Guru.

Question:- You had not attached the Paper list I along with your affidavit but it had been enclosed by your advocate, what do you have to say in this regard?

(On this question the learned advocate of Plaintiffs in Other Original Suit No. 3/89 Shri Ranjit Lal Verma raised a serious objection that the affidavit has been prepared by the Advocate and his office, so this fact is not relevant in any manner. Beside it, that paper is a part of the affidavit bearing the signature of the witness and the same had been attested by the commissioner and also permission to ask such question can also not be granted under section 137 of Indian Evidence Act.)

Answer: The paper, which I have submitted along with my affidavit, I was not aware about it at that time and it is correct that I myself had not submitted the above paper along with my affidavit.

It is correct that the affidavit of my Examination in chief was dictated first and typed thereafter. The advocate Shri Ranjit Lal Verma dictated the affidavit before me.

Question: How many days before this date, this affidavit of yours was dictated?

[On this question the learned advocate of Plaintiffs in other original suit No. 3/89 Shri Ranjit Lal Verma raised a serious objection whether the talks between an advocate and his clients fall under the privileges right and that too in the condition when the witness is saying that the affidavit was dictated by the advocate in his presence, so the law in this regard should be followed faithfully. So permission to ask the above question due to these reasons should not be granted.]

[On the above objection the learned arguing advocate gave this reply in written that there is no such type of information of privilege between the witness and the lawyer and to ask when the affidavit was dictated does not violate the alleged privileges, so the objection raised on this point is baseless.]

Answer; This affidavit was dictated about one week or so before I came for giving my statement.

When Shri Ranjit Lal Verma, Advocate dictated the affidavit for my Examination in chief, at that time I was

present in his office. After getting it typed I had seen the typed affidavit three to four days before I was to come for giving my statement. I had read this affidavit at that time. After reading and going through it I had signed the affidavit at the same time. I had seen the affidavit at the advocate's residence in Ayodhya and had signed the affidavit at the advocate's residence itself. I had come to Lucknow to give my statement days of signing the affidavit. After reaching Lucknow I had come directly to this courtroom by car for giving my statement.

I have attached a paper as List 2 with the affidavit of my Examination in chief. I had received a warrant and Baldev Das ji gave my bail in that matter. That paper is the bail paper is the bail paper. My name also figured in the riots of 1949 and a warrant in that regard was issued in my name. The riot in 1949 took place on the disputed land. That riot took place at night on 23rd December 1949. I got its information the next day i.e. 24th December 1949. It is correct that the incident took place at mid night of 22/23 December. The riot was about placing of an idol at the disputed land. Some people say that incarnation of God took place and some say that the idol was placed. I was not at the disputed building on that night. I had not been to the disputed building on that night, even then my name was included. The reason was because I visited the Mandir during daytime and assisted the priests, so my name was included.

A paper as list 3 has been attached with the affidavit of Examination in chief. As it is not clear I cannot what the paper attached as list 3 relates to I am not able to read this paper. As I had stated above this paper was given to me by him. And as I had stated above it was handed over by him. The same person had given all these 3 papers to

me, which I have enclosed with my affidavit. He had not given me any other paper except the above – mentioned three paper. When he handed over these papers to me I did not read them but kept them me. When the affidavit was written I had not read these papers but had only read the affidavit. I had attached paper List 3 to the affidavit because I thought it is a paper related to the affidavit. Without reading the paper I had attached it with my affidavit because the advocate had enclosed it. The advocate did not tell me what the paper was about nor did he tell me about its contents. It is correct that there is no mention of list 2 and list 3 in my affidavit dated 5.7.2004. The case in which warrant was issued against me that case was not pursued against me. It came to be known that till the decision was pending; there will be no litigation against any body. In the riot of 22nd December 1949, which I had referred to in my statement no prosecution was carried out against me. The case in which the warrant was issued in my name, five more persons were persons were involved in that beside myself. But they have now expired. I know the name of all the five persons. The five persons other than me in whose name warrant was issued, even against them no prosecution could start in the court.

The Ram Mahal Mandir, whose Mahant is my self and about which I had mentioned in Para 3 of my affidavit of examination is located at a distance of one furlong from the disputed building towards west. I am Mahant of Ram Mahal Mandir since 1941 but I was not living there earlier. I began living in Rang Mahal at the time of becoming the Mahant of Ram Mahal in 1941. Then said the Mahant of Rang Mahal was old man and therefore he was not reliving me, so I remained in Rang Mahal even after becoming the Mahant of Ram Mahal. I remained in Rang Mahal from 1941 to 1955. After, that I shifted to Ram Mahal was

constructed by Mahant Bihari Sharan Maharaj ji. After the death of Bihari Sharan and on refusal by my guru to become the Mahant, the Trustees appointed me as the Mahant of Ram Mahal.

In 1936 after joining the study of Sanskrit, the details of the book that I had studied in Ayodhya are not in my memory. Then said I used to study only the books on Ram Nam.

Question:- Whether any book on Ram Nam has been written in Sanskrit?

Answer:- All the book that had been written by Ved Vyas has the context that the fruits to Tapasya, Yagya, donation, pilgrim could be achieved only by uttering Ram Nam.

There is a couplet in this regard:

‘Satkoti Mahamantra Chitvivhrant Karka, Ekav Paromantra Ramiti Akshrat Vayam’.

This couplet is from Padam Puram, then said which is the biggest book, I have read Padem Puran. The context of Lord Rama has in Padam Puram, but there is no mention about his birth. Other stories are there.

I have read Valmiki Ramayana. I have also read the Ramcharitmanas written by Tulsidas. Beside Ramcharitmanas, Tulsidas had written 11 other books and I had read those books also. Tulsidas had written a total of 12 books. The names of there 12 books are Vinay Patrika, Dohawali, Kavitawali, Geetawali, Ram Prashnotari, Krishan Kavitawali etc. I do not remember the

rest of the names. I have read some of the books from beginning to end certain parts of some of the books. The books written by Tulsidas are in Avadhi and only couplets in the beginning of each Kand in Ramcharitmanas have been given in Sanskrit. The couplet given in the beginning of each Kand in Ramcharitmanas is in Sanskrit. Those couplets too have composed by Tulsidas ji. Then said Tulsidas was a great scholar and he had written Ramcharitmanas after studying a number of Shastras. I had not read the whole of Ramcharitmanas. People are there who had studied it fully. Earlier I used to reading Ramcharitmanas daily but now I do not read it daily. Earlier I used to read Valmiki Ramayana daily but now I do not read it daily. I have left the daily reading for the last 20-25 years. Valmiki Ramayana is completely in Sanskrit and at places to understand it's meaning I had to take help of its translation.

I have also about the life of Tulsidas retails about the life of Tulaidas has been given in the beginning of Ramcharitmanas, which I had studied. I had not studied about his life independently in any other book except Ramcharitmanas. Valmiki Ramayana and Ramcharitmanas both have a reference of Ramchander ji. I had not read nay book, which had only a reference of Ramchander ji. I had not read any book which has only a reference to Tulsidas or a reference of Ram chander ji along with him I have heard the name of Acharya Ram Chander Shukla. Acharya Ram Chander Shukla is an accredited literary man whose wards are of great importance. Whether Ram Chander Shukla has written any book on Tulsidas is not in my knowledge. I have the name of Dr. Hazari Prasad ji. He was a poet and an orator. He was an accredited literary man. I have not read the key of any of the twelve books written by Tulsidas. There are four to five

Ramanandacharya under the Ramanandiye Sampradaya. In Kashi, Ram Naresh is the acharya. Swami Bhadracharya is in Chitrakoot and some Gujrati is an acharya in Gujrat. Besides this there is one Madhavacharya but he is from Ramanujacharya Sampardaya. When I was the Prime Minister of Ramanandiye Sampradaya, Shiv Ramacharya was the Acharya and jagged guru of the Sampradaya. Shiv Ramacharya was the only Acharya at that time. After Shiv Rama Acharya, there were number of Acharyas in Ramanandiye Sampradaya. I had given my resignation to the Samiti in 1982-83 from the post of Prime Minister. The name of the Samiti was Ramanandacharya peeth Samit, Varanasi. I was the Prime Minister of this Samiti till 1983. When this Samiti was in existence, at time it was only the greatest high-powered Samiti. This Samiti almost came to an end after my resignation. I was the Prime Minister of Ramanandiye Sampradaya and not its chairman. The witness was shown the extracts of his statement on page 16 dated 5.7.2004, "Then said I had been the chairman of Ramanandiye Sampradaya for ten years". The witness said that the fact about being chairman is wrong in his statement. I was Prime Minister of Ramanandiye Sampradaya for 10 years. I know Swami Ram Bharacharya from the time he was having a family. When I was Prime Minister of Ramanandiye Sampradaya and Shiv Ramacharya was holding the post of Chairman, at time Ram Bhadracharya was in the family ashram. Swami Ram Bhadracharya is younger to me in age. He is less than 70 years of age. Whenever Swami Ram Bhadracharya comes to Ayodhya I met him in some Katha-Varta. Or the other. I do not go to him of my own. Then said when I go to Chitakoot in the mouth of Agrhayan on Bharat yatra, at that time I happen to meet him. When I was studying in Chitrakoot, at that time the university of Swami Ram

Bhadracharya was not in Chitrakoot. Then said his whereabouts were not known at that time. To my mind, who is the present Ramanandacharya I cannot say because all the Mahatmas for me are Gods and I respect them. Then said my principle is "Siya Ram Sab Main Jag Janni, Karao Joor Jug Paani."

The age of Swami Ram Bhadracharya at present may be 50-55 or 65-70. I have heard the name of Jagadguru Ram Bhadracharya Viklang Vishwavidyalaya. Have not gone to that university since its establishment. I have not studied the books written by Jagadguru Ram Bhadracharya on Tulsidas ji's Ramayana. Besides the name of the six books written by Tulsidas which I have stated in my statement, the other books written by Tulsidas are 'Ramagya Prashan, Janki Mangal, Parvati Mangal, Ram Lal Nahechhu, Varvey Ramayan, Virhad Varvey Ramayan.

I have been daily visiting Janam Sthan since the day I came to Ayodhya. I had been going there in the morning on the call of the priests and to go in the evening was my daily schedule. Then said used to do jap of Ram Nam by sitting for one to one and a half hour there. The place of my sitting was at the place of Shiv ji near peepal tree in the Southeast direction of Ram Chabutra. Apart from it I at time used to sit under the "Maulshree tree" and at times in front of God. I had been sitting in front of the God at the place where there was Ram Chabutra. I always used to enter in the disputed building from east gate because the north gate remained closed. It used to open during Melas. That gate is known as Singh Dwar. The east gate is called Hanumat Dwar. Then said two touchstone pillars were fixed in it from the front side. From the north side door by moving towards east one has to go down from the north

side stairs. The number of stairs was between 15-18. After going down from these stairs there was Janam Sthan Mandir in the north beside the road. I used to go to Janam Sthan Mandir once or twice in a month. Narotam Das ji was the Mahant of disputed premises when I went to Ayodhya in 1933. The same Narotam Das ji was the Mahant of Nirmohi Akhara. At that in 1933 the Mahant of Janam Sthan Mandir was Hari Har Das ji. Hari Har Das ji remained the Mahant of Janam Sthan Mandir for about 30-35 years and disputed arose after his death. After that one become the Mahant of this place and the place was acquired. Hari Har Das ji passed away three-four years the acquisition. Bhaskar Das ji had also been the priest of Janam Sthan Mandir for three-four years. When Bhaskar Das ji was the priest of Janam Sthan Mandir, Hari Har Das ji was its Mahant. Janam Sthan Mandir is known as the place of Rama's birth. Then said Ram Janam Bhoomi was a disputed site. There is no other name of Janam Sthan Mandir. It is not called as "Gudadtad Mandir." Sita Rasoi is a place in Janam Sthan Mandir. There is a Chhathi Poojan Sthal of Mata Kaushilya ji in the disputed premise and the people call it Sita Rasoi, but infact it is not Sita Rasoi. The Sita Rasoi which is in Janam Sthan Mandir that is actually the Sita Rasoi or not, I cannot say exactly about it. The public knows the Sita Rasoi of Janam Sthan Mandir as Sita Raso, so I also treat the above place as Sita Rasoi.

The Ram Chabutra, which I had mentioned in the affidavit of my Examination in chief, I cannot tell the time of its construction but it is very old. Some king with a view that there should not be dispute gave the place of Ram Chabutra. Whether during the time of Nawabs the Hindus were given a place for their worship etc at the Ram Chabutra side, I have not information about it. Similarly I have no information whether Namaz was offered in the

west side of Ram Chabutra during the time of Nawabs. The iron rod wall is from the beginning or it is 100 years or 200 years old, I have no information of it. There were two doors in the iron rod wall. One door was near the Hanumat Dwar and the other door was at a distance of 8 –10 hands length near the Maulshree tree. The iron rod doors were earlier unlocked but after the deployment of police there, the doors had been locked. One policeman with a gun has always been standing at the Hanumat – gate. The doors were locked when Jawahar Lal ji was the Prime Minister. Before the doors were locked, people used to have darshans by standing by the side of the wall. I used to sweep the place by entering in it and used to offer worships etc. In the evening whenever I used to go at the disputed site whenever I got a chance I used to sweep that place. When, used to sweep that place four to five priest were permanently residing there. The servant who cleans the utensils used to sweep the place. On seeing the dirt I also at times used to sweep that place

Question:-On seeing the dirt you had said you used to sweep that place, generally who else used to sweep that place?

[On this question the learned advocate of Plaintiffs in other original suit No. 3/89 Shri Ranjit Lal Verma raised an objection that this question is being asked again, so permission to ask this question could not be given.]

Answer: The place where I had said above I used to sweep on seeing the dirt, normally the servant used to sweep that place.

The servants kept changing. They were changed after serving for one or two months and another servant

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began to sweep in his place. After lock of the place the servant did not sweep that place. Because of its being declared as disputed, the work of sweeping was closed. I used to take about half an hour in sweeping that place, whether I under took the work.

Verified after reading the statement

Sd/-

Mahant Ram Subhag Das

7.7.2004

Typed by the stenographer in the open court as dictated by me. In continuation for further cross-examination the Plaintiff may present on 8.7.2004. The witness be present.

Sd/-

Hari Shanker Dubey

Commissioner

7.7.2004

Date 8.7.2004

D.W.3/13 Mahant Ram Subhag Das Shastri

Before commissioner Shri Hari Shanker Dubey, Additional District Judge/Officer on special Duty, Hon'ble High Court, Lucknow Divisional Bench, Lucknow.

[Appointed vide orders dated 21.5.2004 of Hon'ble Full Bench, in the case of Other original suit No. 3/89 (Other original suit No.26/59) Nirmohi Akhara and other versus Babu Priya Dutt Ram and others.]

(In continuation of dated 7.7.2004 cross-examination of D.W.3/13 Mahant Ram Subhag Das Shastri on oath on behalf of Defendant No.9, Sunni Central Board of Waqfs by Shri Zaffaryar Jilani, Advocate continued.)

The witness after seeing picture No. 32 of Black and white album Paper No. 201'C-1, said I used to do jap in the evening by sitting in the south east corner of the site seen in this photograph. I cannot say whether the white stone with black writings seen in there pictures were fixed there since 1950 or fixed later. I cannot remember whether the tin shed in Picture No.32 was there in 1930 or it was fixed at a later date. I do not remember the place that is shown in picture No.31 of this album. Now I seen to remember that it is of the cave that was under Ram Chabutra. I used to do jap in the west and east of this cave because that place was crowded. The idol seen in Picture No. 31 is of Hanuman ji and other of Kaushilya ji. I cannot see the black writing on white stones in picture No.31 Picture No.29 and 30 of the album are of Ram Chabutra. The witness was shown extracts of his statement dated 7.7.2004 on page 47 "and I at time used to sit before the God, where Ram Chabutra has been

constructed I used to sit before God near that Chabutra". After seeing it the witness said that in picture Nos.29 and 30, where the policeman is seen standing, some time in the east and some time in the west I used to do jap by sitting in front of God. The witness was shown extract of his statement-dated 7.7.2004 on page 47 that "Besides it I sometime used to sit under the Maulshree tree." The witness after seeing it said in picture No. 37 of this album, the tree that is seen is the Maulshree tree, under which I used to sit. The above three places, where I used to sit in the evening for jap according to my estimate. I used to sit there 5.30 P.M. to 6.30 P.M. It was my principle during summer season to do jap 5.30 P.M. There was sunshine under the Maulshree tree seen in picture 37 during the summer. It was shaded and shadow of grabh graha also fell there. During winter it used to be dark at 6.30 P.M. at that time I used to sit towards east of the Maulshree tree, where a residence of saints and a Rasoi has been constructed. There used to a lantern, there because the lamp (Deepak) would extinguish. The electricity came there after it was locked. I seldom used to do jap at chhathi poojan sthal. I used to sit at a place of convenience, Tombs are seen in picture 4 of this album, and two tombs are seen in this picture. I cannot say that the tombs seen in this picture are the disputed building or of any other building. I had gone to the backside of the disputed building 2-4 days before 6th December 1992. The structure of disputed building is seen in Picture No.5. I can see three tombs in this picture. Three tombs in a signal line this are in Laxman Qila in Ayodhya. There might be such tombs at other place also but I do not remember it. Laxman Qila is a temple situated at the bank of Saryu. Laxman Qila Mandir is at least 150 years old. The disciples of Juglanand Sharan constructed Laxman Qila Mandir. I cannot make out the place to which picture

No. 8 this album belong to a wall is visible in Picture No. 8 but I cannot make it out which side of the wall it is picture No. 9 is out of my understanding and I will not be able to tell what is being seen in it. On 7.7.2004 at page 41 I had given a statement that a riot took place on 22/23 December 1949, which was related to the placement of an idol in the disputed building. Some says that God has taken incarnation and some say that the idol was placed. This statement is correct.

Question:- You in your statement had used 'some' say about incarnation of an idol, Does this 'some' relate to Hindu or Muslims?

Answer:- Hindus say about the incarnation of God. Only one Muslim watchman said that suddenly there came a light and, It looked like some idol had appeared.

Question:- You in your statement on page 41 had said that 'some say the idol was placed' by 'some' you mean Muslims or Hindus?

Answer:- By 'some' in the above sentence I mean Muslims.

I reached the disputed site on 23rd December 1949 at 6.00A.M. When I reached there thousands of people were assembled at the disputed site. The policemen and other officers were not at the disputed site at that time. On reaching there I sat down at the place where the sants of Nirmohi Akhara were sitting. I remained sitting there for 1 ½ to 2 hours. Then said the mob was increasing. At that time I also went to that place where the idol had been placed. When I reached below the tomb there was crowd of 100 – 50 people. The witness was shown paper Picture

No. 154/13 produced in a case Gopal Singh Visharad versus Zahoor Ahmad etc. After seeing it the witness said that the place seen in this picture is where the idols had been placed at that time. There are three stairs made at this place and on the Top stair the idols had been placed. The idols were three or four in numbers. These metal idols were of Ram ji, Laxman ji, Bharat ji and Shtrughan ji and one was of Hanuman ji. All these five idols were placed on the top stair. The throne was also placed on the stair at that time. The throne was on a swing that was made of wood. I had seen these idols from an arms distance. I had darshan at that time by standing on the east side of the stairs. The shape of the swing was of the same shapes as has seen in Picture No. 81 and 82 of Black and white album paper No. 201 C-1. The swing was placed in the same manner under the middle tomb as is seen in Picture No.81 and 82. One person holding a railing is seen in Picture 82. This railing was not that place on 23rd December 1949. The swing seen behind this railing in photo No. 62 is in the same position as had been on 23rd December 1949. I cannot tell distance and thing on which this swing had been placed seen in Picture paper No. 154/13.

Question:-I have to say that the thing which you have called a swing in Picture No. 81 and 82 above was a throne which was placed there in 1986 and had not been there on 23rd December 1949 or 1950?

Answer:- It appears that the throne had been placed after demolition of the structure and the idol were kept on it.

My intention is that the throne seen in Picture No.81 and 82 had been placed at the above place after 6th

December 1992. It is wrong to say that the throne seen in Picture no. 81 and 82 had been at that very place on 6th December 1992. When I visited that place on 23rd December 1949 in the morning I had seen a wooden swing like throne on the stairs and the idol placed on it. That throne was of the same type as is seen in Picture no. 154/13 above. I am calling that throne swing. The swing is not visible in Picture no. 81 and 82 but the throne is seen on which the Lord is sitting. The throne seen in Picture no. 81 and 82 was not there at the disputed site kon 23rd December 1949.

The witness was shown Picture no. 152 to 154 of colored album paper No. 200 C-1. The witness after seeing it said that is the same throne, which is seen, is seen in Picture no. 81 and 82 of Black and white album Paper No.201 C-1. It is not a swing but a throne. Then said it is a wooden throne. The witness was read out the extract of his today's statement "I had darshan at that time by standing in the east side of the stairs. The staple the swing was of the same shape as has been seen in Picture no. 81 and 82 of Black and white album Paper No. 201 C-1 the swing was placed in the same manner under the middle tomb as is seen in Picture no. 81 and 82" the witness was also read out his today's statement "the swing is not visible in Picture no. 81 and 82 but the throne is seen. On which the Lord is sitting." And was asked why there is a difference in his both the statement? The witness said that out of both my statement my later statement in which I had that "in Picture no. 81 and 82 the swing is not visible but it is throne" is correct. In the earlier statement a reference about the existence of swing in Picture no. 82 is not correct. The first statement I had given inadvertently. The lock was opened on 1st Feb. 1986. I remember the fact of that time. I had gone under

the tomb after the opening of the lock. I had gone there within two or three days of opening the lock. For the first time after unlocking the doors when I went to the disputed site. In Feb. 1986. I went under the middle tomb and the idols had been placed there in the same position as are seen in paper picture No. 154/13. After six years of opening the lock the idols under the tomb were placed in the same manner as are seen in colored album picture No. 152 to 155. The manner in which the idols are seen placed in colored album picture No. 152 to 155, the idols had been placed in that position after the demolition of disputed building. I do not remember whether the manner in which the idols are seen placed in colored album picture No. 152 to 155, is the manner in which were placed in 1990 or not the way the idols are seen in picture paper No. 154/13, I had seen the idols placed in that position for the first time on 23rd December 1949. I do not remember if the idols that are seen placed in paper No. 154/13, were seen at some other place before 23rd December, 1949 or not. When I went down the tomb side part of the disputed building, the west side wall of that building had the same type of carving as seen in picture paper No. 154/14. The west sidewall of the disputed building had same type of carving as is in picture paper No. 154/13 and 154/14. I do not remember whether there had been such type of carving on the west side of the disputed building as in picture paper No. 154/12. The view seen in picture paper No. 154/9 is of the disputed building, but the part to which it belong to that I cannot tell. The stairs below of the North side gate of the disputed building are seen in picture paper No. 154/5 in this picture above the stairs to wards in the north side a Chabutra is seen. Some people call the Chabutra seen in the picture a grave and some say it is samadhi of Mahatmas. In picture paper No. 154/5 a small wall is seen adjacent to the south wall of the disputed

building. I do not remember whether the people use it as a urinal or not.

It is necessary to write the name of the Mandir particularly on the outside gate of the Mandir, to give Padhra to the idol of Hanuman ji and to make construction according to ones will. Then said people believe that by giving padhra to Hanuman ji's idol, it is a Mandir. It can be called a Mandir even without the idol of Hanuman ji. Then said the name of the mandir is written that it is so and so mandir. If the name of any Mandir has not been written then it is treated as the house of some one.

Question:- I have to say that no name o the Mandir was written on the east side wall of the is building before 22nd December 1949. What have you to say in this regard?

Answer:- The name of the Mandir was written there. There was a stone on which Ram Janam Bhoomi Nitya Darshan was written. Some thing in Urdu was written was in the Grabh Graha. What was written in Urdu, that I do not know? I have no knowledge that no where the name of the Mandir was written in Urdu. Then said whenever the name of the Mandir will be written it will be in Hindi and not in Urdu. The stone, which I had said ws on the east side gate is the same stone which is seen in Picture No. 25 of black and white album Paper No. 201. Ram Janam Bhoomi Nitya Yatra was written on the stone and not Janam Bhoomi. On the stone in Picture No. 25 word 'Ram' is not visible before Janam Bhoomi but Janam Bhoomi's seen written on it. A gate is visible in picture No.36

of black and white album Paper No. 201 C-1 but I cannot tell the side to which it belong. It may be possible that the 'Shri Ram Janam Bhoomi' word written on the gate seen in this picture may be written after 22nd December 1949. Then said I do not remember anything about it.

There was nothing written on the north gate of the building. Then said two Pictures No.20 of black and white album Paper No.200 C-1, two fishes are seen on it.

The disputed building is seen in Picture Paper No. 154/4. The east side part of the disputed building is seen in this picture. The inner part of the Graha of the disputed building is seen in this picture. It is wrong to say that east side gate of the disputed building is visible and the inner part of the inner side of the tomb is not visible in this picture. After seen Paper No. 197 C-2/4 the witness said in the picture neither the full shape of the Mandir nor that of Masjid can be seen. It is wrong to say that a Masjid can be seen in this picture. Minars are not seen in this picture, so it cannot be a Masjid. Then said that from the existence of Minar it can established that the building is a Masjid. To my mind if a building is without minars then it cannot be a Masjid. The name of Mandir is not written in this picture, I am therefore, saying that it is not a Mandir. In picture paper No. 197/5, the other qualities of the Masjid are visible but it too does not have minars, so to my mind Masjid is not seen in this picture. The tomb is seen in the picture, on that basis I can say that other qualities of Masjid are it but in the absence of minars I am saying that it is not a Masjid. I am not finding any quality of a Mandir in Picture paper No. 197-C/2/5. No sign of Mandir is visible in Picture Paper No. 197-C/2/4. Picture Paper No. 197 C-2/7 is looking like a Masjid in shape. No sign of Mandir is seen in this picture. The quality of Mandir is

seen in Picture Paper No. 197 C-2/8. The shape of Mandir is not seen in this picture.

After seeing Paper No. 309 C-1/5 in Other Original Suit No. 5/89, the witness said that I cannot say about the location of this picture. It is correct to say that the photograph is of the outer portion of Ram Janam Sthan Mandir. No where Ram Janam Sthan Mandir is mentioned in it. I have been seeing this gate from the date I started living in Ayodhya. Then said some time I had gone through this gate also. The witness after seeing Paper No. 118 C-1/45 in Other Original Suit No. 5/89 said that the picture is of a Mandir. On the basis of its structure and the five small tops I am saying that it is the photograph of a Mandir. The type of top seen in this picture is the type that are found in a Mandir and not in a Masjid. The witness after seeing Paper No. 188 C-1/54 of this suit said that it is the picture of a Mandir in Ayodhya or in some other place. the tops are visible in this picture and on that basis I am saying it a Mandir. The types of tops seen in this picture are not found in the Masjid. There is some difference in the top of Masjids. The tops that are seen in this picture, these tops are in a way different than the tops of Masjid, because the tops of the Masjid are in circular form.

Verified after reading the statement

Sd/-

Mahant Ram Subhag Das

8.7.2004

Typed by the stenographer in the open court as dictated by me . In continuation for further cross-examination the Plaintiff may present on 9.7.2004. The witness be present.

Sd/-

Hari Shanker Dubey

Commissioner

8.7.2004

Date 9.7.2004

D.W.3/13 Mahant Ram Subhag Das Shastri

Before commissioner Shri Hari Shanker Dubey, Additional District judge/Officer on special Duty, Hon'ble High Court, Lucknow Divisional Bench, Lucknow.

[Appointed vide orders dated 21.5.2004 of Hon'ble Full Bench, in the case of Other original suit No. 3/89 (Other original suit No.26/59) Nirmohi Akhara and other versus Babu Priya Dutt Ram and others.]

(In continuation of dated 8.7.2004 cross-examination of D.W.3/13 Mahant Ram Subhag Das Shastri on oath on behalf of Defendant No.9, Sunni Central Board of Waqfs by Shri Zaffaryar Jilani, Advocate continued.)

Hanumangarhi is an ancient Mandir. Tis top is long in shape. Whether there is only one top or many tops over the Garbah Graha in Hanumangarhi is not in my mind. The top on Garbah Graha in Hanumangarhi is of the same shape as is visible in Pictuer Paper No.118 C-1/54. Kanak Bhawan Mandir is also an old Mandir, and, it has many small tops. These topes are circular and are not of that type as are seen in Picture Paper No.188 C-1/54. The top of Kanak Bhawan is not of the same shape as are seen in Paper No. 197 C-2/8. The tops of Kanak Bhawan are same as many small tops seen in Paper No. 197 C-2/4, 197-C-2/5, 197-C-2/6 and Paper No. 197-C-2/7. The shape of the top is in the same manner as are visible in these picture. But they are many in number.

The tops of Laxman Teela Mandir are in circular form and are not of that tops as are seen in Para No. 197-C-2/4 to 197-C-2/8. The tops of Laxman Teela Mandir in height

and circular are of the same from in the above pictures, but they are many in numbers. I cannot tell the area of Grabhgiaha of Hanumangarhi Mandir. The length and breadth of Grabh Graha of Hanumangarhi Mandir might be 20-25 ft. all around the Grabh Graha of Hanumangarhi Mandir there are walls and two doors. One door is in the front and the other in the back. The front door is north facing and the back door is south facing. The Garbh Graha of Laxman Teela Mandir must be about 20 feet in length and 15 feet in breadth. There are 3 idols of Ram Laxman and Janaki ji in Laxman Teela Mandir. There are stone idols. The height of these idols is about 4 ft. in Hanumangarhi Mandir the main idol as of Hanuman ji and the idols of Ram Laxman and Janaki are in the backside only. The face of Hanuman ji's seen in the Grabh Graha of Hanumangarhi Mandir, and it is not clear whether the idol is in a sitting posture or in a standing position. It is made of stone. The idols behind Hanuman ji all are in standing position and of stone. There are two doors in the Grabh Graha of Laxman Teela Mandir. One of the door is in the front side towards north and the other is in the backside towards south direction. The length of Graha of Kanak Bhawan is at least 20 ft. and its breadth is also about 20 ft. There are in all two doors in the Grabh Graha of Kanak Bhawan Mandir. One door is in the front facing east, which is used for darshans and the second door is towards north. The north door is used for the entry and exit of priests and movement of Bhog etc. The Nageshwar Nath Mandir in Ayodhya is very ancient. The area of the Grabh Graha of this Mandir is about 15ft. long and 12 ft. wide. The Grabh Graha of Mandir has three doors. The east side door is used for darshan. Then said all the three-door remain open. The people enter from east side door for darshan and come out from north and south side doors. The idol of Mahadev Ji is placed in Nageshwar Nath

Mandir. This idol is of stone and about 1 ½ ft. high. The pilgrims offer worship in this Mandir after entering the Grabh Graha. Then said it is necessary in a Shankar Ji's Mandir to go inside for offering water to the idol (Jalavishek). The pilgrims do not enter Kanak Bhawan, Hanumangarhi and Laxman Teela Mandir. They can only have darshans from outside. The pilgrims can only in the Grabh Graha on Shankar Ji Mandir with the purpose of offering water (Jalavishek). The Dashrath Mahal i.e. Barha Sthan Mandir is in Ayodhya. The length of its Grabh Graha is about 20 ft. and the breadth is about 15 ft. the Barha Sthan Mandir has three doors. The door from which the darshans are done is east facing. The darshan of idols in this Mandir are also done from outside the Grabh Graha. The Grabh Graha of Barha Sthan Mandir is with out top.

Question:- Besides above Mandirs, which are other Mandirs in Ayodhya which in your opinion are also ancient?

Answer:- There are only two ancient historical Mandirs in Ayodhya.

When God takes incarnation there are only two main places of his. The first place is where He takes girth and the second place is the place of his action. In view of is action. In view of this Ram Janam Bhoomi and Rajgaddi Rattan Sinhasan are the only two major places in Ayodhya. Rajgaddi Rattan Sinhasan is a Mandir, which is situated behind the Barha Sthan Mandir. The length of Grabh Graha of Rattan Sinhasan Mandir is about 15 ft. and the breadth is about 10 ft. The Grabh Graha is surrounded by wall. The Grabh Graha has a single door and that door is in the east side. People have darshan from outside the same door. The priests offer bhog etc. by

using the same door. This Mandir has two black stone idols of Vikramaditya's time. These are the idol of Ram and Janki. These idols are about two feet high. The idols are in standing position. There are there more idols in front of these two idols, which are of Ram, Janki and Laxman ji. These three idols are not of Vikramaditya's time but are of later age. A top has been made on the Grabh Graha of Rattan Sinhasan Mandir, as are visible in Picture Paper No. 118 C-1/54. Rattan Sinhasan Mandir has only one top. The Grabh Graha of Rattan Sinhasan Mandir is not connected with any room, but it has a Prikarma Path all along. After ascending 7-8 stairs one reaches the Grabh Graha. After ascending the stairs side, there are about 7-8 rooms. Besides above idols in the Grabh Graha of Rattan Sinhasan Mandir there are other idols of Hanuman ji, which are down in the courtyard of the Grabh Graha. Both the idols of Hanuman ji are in one room. There is no top on the room, where the idol of Hanuman ji had are placed. In the Grabh Graha of Hanuman Garhi Mandir in addition to idols the Katha Mandep is made in the north side of the Grabh Graha. There are three idols of Ram, Laxman and Janki Ji in west. Side of Katha Mandep. These idols are at a distance of 20-25 ft. from the Grabh Graha. These idols are also in one room. I do not know whether that room has a top or not, because I have never gone on the roof. I have not gone on the roof of that room where these idols are established. I have also not gone on the roof of Grabh Graha of Hanumangarhi. The top, which is seen from the ground on the Grabh Graha of Hanumangarhi Mandir, that of top, is not visible over that room where the idols of Ram, Janki and Laxman Ji are placed. The Parikaram of Grabh Graha of Hanumangarhi is around it. No room is attached to Grabh Graha of Hanumangarhi. Then said there is a room after Parikarma. In Hanumangarhi except

in the above places if there are any idols kept at any other place, I do know about it because I had not gone to any other place except the aforesaid. In Kanak Bhawan Mandir no other idol at any place except the Grabh Graha is installed, where people may have been offering worship, darshan etc. Parikarma is all around the Grabh Graha of Kanak Bhawan. No room is attached to Grabh Graha. The room is beyond Parikarma. No room is attached to the Grabh Graha of Nageshwar Nath Mandir. The rooms are after the Parikarma Path. No room is attached to the Grabh Graha of Laxman Qila Mandir. Then said there are room attached to the Grabh Graha and the Parikarma is in the outer side. In the Laxman Qila Mandir except in the Grabh Graha, no idols are any other rooms. Only Sadhus live in those rooms.

The Janam Sthan Mandir that is on another side of the road in the north of the disputed site, it's Grabh Graha must be 25-30 ft. long and 15 ft. wide. Whether there is top on the Grabh Graha of Janam Sthan Mandir, I have no idea of it. The Parikarma Path is along with the Grabh Graha and the rooms are next to Parikarma Path. The Janam Sthan Mandir Grabh Graha consist of the idols of Ramchander ji, Janki ji, Laxman ji Raja Dashrath, Kaushilya ji and Sumitra ji. All these idols are made of stone. The height of all these idols would be about 4 ft. all these idols have placed on one Chabutra.

Question:- Whether there are walls around the Grabh Graha of Janam Sthan Mandir and it has one door?

[On this question the learned advocate of Plaintiffs in Other Original Suit No. 3/89 Shri Ranjit Lal Verma raised an objection that this question itself is a contradictory and

each fact is against one another and in the event of boundary wall it is not possible to ask the second part of the question together.]

Answer:- There is a wall around the Grabh Graha of Janam Sthan Mandir and it has two doors, one in the east and other in the west. then said two priests sit there regularly. These doors are in the east and west direction. The pilgrims have darshan from the outside court of the Grabh Graha. The devotees have darshans by standing outside both the doors.

The rooms next to the Parikarma Paths adjacent to this Grabh Graha has no idols. The stair that have been made in the north of Grabh Graha of Janam Sthan Mandir, after descending the stairs, the Sita Rasoi had been built at that place. Then said the stairs are 10 –15 in numbers. There are no idols in the Sita Rasoi of Janam Sthan Mandir. What is placed in Sita Rasoi I do not remember because I had not gone there for a long time. There is a gate in the east of grabh graha of Janamsthan Mandir. The paper No. 309/5 of other original suit No. 5/89 is the picture of the same gate. Grabh graha is also in Rang Mahal Mandir. The length of grabh graha of Rang Mahal Mandir will be 30 ft. and the width will be about 20 ft. Four twin idols are in that grabh graha 4 of these idols are of Ramachander ji and 4 are of Janki. 4 out of them are stone idols and the rest made of Asthadhatu. Then said idols of two mandirs have been placed at one place. Some Sevak had brought the idols from some other room of Rangmahal and had placed them together. These all four idols were removed from that room and placed in the grabh graha. It may be possible that these four idols are of some town mandir, which might have broken down in

1937 when I reached there, all these eight idols were in the grabh graha of the mandir. All these eight idols were placed on one throne and that throne was placed on one Chabutra. All the idols of Ramachander ji and Janaki ji are in standing position. The height of stone idols will be more than one feet. The idols of Asthadhatu are also of the same height. There was top over this grabh graha. The entire Rangmahal Mandir is about 150 ft. long and about 100 feet wide. The idols in Rang Mahal Mandir are only in grabh graha and not at any other place. In the east of grabh graha there is one idol of Hanumanji. Its height is equal to the height of a man. Then said the height of the idol would be 6 feet. This idol of Hanumanji is within the Parikrama Path. Parikarma Path is out side the grabh graha. The rooms that are next to the Parikrama Path are the residence of Sadhus. Raj mahal mandir is attached to Rangmahal Mandir. There is grabh graha in Rajmahal mandir also. The width of grabh graha of Raj Mahal Mandir will be 12 feet and the length 10 feet. There are two idol of Ram, Janki in Raj Mahal and these are made of stone. The idol of Ramchander ji is as Dhanushdhari Ram. Thses idols are on the throne built on the Chabutra. Both these idols are not less than 1 ½ ft. in height. There is a courtyard infront of this grabh graha that is about 55 feet long and 45 feet wide. There is a wall all slong the grabh graha with one door. All cannot have darshan from there only selected persons are entitled to have darshan from there. General public is not allowed have darshan of this mandir. In Rang Mahal general public goes for darshan. There is only one door in the grabh graha of Rang mahal and there are all along the grabh graha. Rang mahal is attached to Raj Mahal. It is in the west side of Rang Mahal Anand Bhawan has already been acquired. Anand Bhawan is also a Mandir. Anand Bhawan too consists of grabh graha and the idols are also placed there. It too has the

idols of Ram Janaki. The grabh graha of Anand Bhawan is about 20 feet long and 15 feet wide. The grabh graha of this Mandir is also surrounded by walls and has one door. People have darshan from the hall built in front of the grabh graha of this Mandir. Then said, perhaps this is the practice in every Mandir. There is no top over the Anand Bhawan Mandir's grabh graha. Parikrama path is all around the grabh graha of this mandir. The Parikarma path is after the grabh graha of the mandir and the rooms are after the Parikarma path. The road on which Raj Mahal Mandir and Anand Bhawan Mandir are situated on that road after one mandir of Riyasat, Manas Bhawan Mandir is situated. Riyasat Mandir is between Aanand Bhawan and Manas Mandir, which is called Pachkha Mandir and was named after Pachkha village. It is also has idols. The idols are in grabh graha of this mandir too, but whose idols are there that I cannot tell, because I have never visited that mandir. I have never gone inside the Pachkha Mandir between 1933 to 1992. I meet the priests sitting on the chabootra by the side of the road, with whom I used to exchange my wishes. The Pachkha Mandir was also acquired in 1933. The Pachkha Mandir's grabh graha has a top. This top is at a height. The top over the Pachkha mandir is of the same shape as the top visible in paper No.118 – C – 1/54. The Manas Bhawan, which is in the west of Pachkha Mandir, is also a Mandir. Manas Bhawan Mandir also has a grabh graha. I cannot tell the area of grabh graha of Manas Bhawan even by guess. The grabh graha of Manas Bhawan Mandir would be about 15 feet long and bout 10 feet wide. This grabh graha has no top. Walls surround the grabh graha of this mandir and it has two doors. One door of the grabh graha is in west and other too is in the west direction. This Mandir must also be having the idols of Ram Janaki. I must have gone there hardly once or twice so I do not remember exactly. The

idols of Ram Janaki are made of stone, which had been placed on the Chabutra and are at least 4 feet in height. This mandir is opened for general public. The people have darshan from the west side door. This Mandir is situated on that road which lead towards Do Rahi Kuan from Hanuman garhi. On the south side of this mandir that part of Manas Bhawan is built, in which there is a dharamshala.

Verified after reading the statement

Sd/-

Mahant Ram Subhag Das

9.7.2004

Typed by the stenographer in the open court as dictated by me. In continuation for further cross-examination the Plaintiff may present on 12.7.2004. The witness be present.

Sd/-

Hari Shanker Dubey

Cpmmissioner

9.7.2004

Date 19.7.2004

D.W. 3/13 Mahant Ram Subhag Das Shastri

Before Commisssioner Shri Hari Shanker Dubey,
Additional District Judge/ Officer on Special Duty, Hon'ble
High Court, Lucknow Divisional Bench, Lucknow.

[Appointed vide orders dated 21.5.2004 by the Hon'ble
Full Bench in the case of other original suit No. 3/89
(original Suit No. 26/59) Nirmohi Akhara and others versus
Babu Priya Dutt Ram and others.]

(In continuation of dated 9.7.2004 cross-examination of
D.W. 3/13 Mahant Ram Subhag Das Shastri on oath on
behalf of defendant No. 9, Sunni Central Board of Waqfs
by Shri Zaffaryar Jilani, Advocate continued.)

The walls surround the grabh graha of Laxman Qila
Mandir that is walls are around it and grabh graha has a
top, which is circular. Laxman qila Mandir has only one
top. The witness after seeing Paper No. 118 C – 1/54
submitted in other original suit 5/89 said the Laxman Qila
Mandir does not have the of top as is visible in this
picture. The top over the Laxman Quila Mandir is not the
same types as is seen in Paper No. 197 C-2/6 submitted in
Other Original Suit No. 4/89. The Grabha Graha of Kanka
Bhawan Mandir also has walls around it. The walls are
also around the Grabha Graha of Nageshwar Nath Mandir.
I do not remember whether the Grabha Graha of
Nageshwar Nath Mandir has a top or not. The Dashrath
Mahal Mandir i.e. Barha Sthan Mandir's Grabha Graha has
no wall around it. Then said it also does not have
Parikarama Path. The witness again said that Barha sthan
Mandir's (Dashrath Mahal Mandir) Grabha Graha has walls
around it. I in my above statement have said by mistake

that no walls surround the Grabha Graha. The idol placed in Janam Sthan Mandir are east facing. The darshans of idols is done from that said where they are facing. The darshans of idols of Janam Sthan Mandir is done from the east side. The darshan of idol is not done from the west direction. The witness was read out page 68 of his statement-dated 9.7.2004 that "Darshans in Janam Sthan Mandir is done by standing all the four side." The witness said that the Grabha Graha Janam Sthan Mandir has two doors. Both doors are facing east, it is not so, one door of the Grabha Graha of this Mandir is east facing and the other is west facing. In this connection my earlier statement is due to misunderstanding. The faces of idol in the Mandir are mostly towards east and at some of places towards north and at some places the idol are west facing. Then said the Rajgopal Mandir situated in Ayodhya the faces of the idols are towards west direction. The chowk had been referred to in my statement above on pages 68 and 69, by that, I mean to say the place in front of the Grabha Graha, having a ceiling, is called a chowk can be bigger than the Grabha Graha. Normally the chowk is bigger than Grabha Graha. Chowk and Jag Mohan are two separate places. Jag Mohan is close to Grabha Graha and the chowk is on the outer side. Jag Mohan is in every Mandir. Chowk is not necessarily found in every Mandir. If the land is vacant, then the chowk is built. Raj Gopal Mandir in Ayodhya is a very big Mandir and that Mandir has sufficient funds. The Grabha Graha of Raj Gopal Mandir is about 10-12 feet long and 8-10 feet wide. Then said the Mandir is has both Jag Mohan and a chowk. The length of Jagmohan of Raj Gopal Mandir would be at least 25 feet and the width would be at least 15 feet. There is no top over the Grabha Graha of Raj Gopal Mandir. The wall from all the side surrounds the Grabha Graha of Raj Gopal Mandir. Then said one door is at the gate of Jag

Mohan and the second is in the Grabha Graha. The face of idol of Raj Gopal Mandir is towards west direction. The major Mandirs which I have mentioned in my statement apart from those, there are many other big Mandirs in Ayodhya. Some of them are "Chhoti Chawani of Mani Ram Das ji". Tapsiji Ka Sthan; Barhi chhawani of Raghu Nath Das ji; Ram Valbha Kunj of Ramvalbha Sharan ji; Barha Sthan, at Janki Ghat; Bhakt Mali Mandir; Digambar Akhara are also the major Mandirs. The Mandirs. That I have named above, only the face of idols in Raj Gopal Mandir is towards west and faces of idols in none of the other Mandirs are towards west. The extract of statement on page 71 and 72 dated 9.7.2004 was read out that "the Grabha Graha of this Mandir.. People have darshan from the west side door". The witness said that, my statement is correct. Then said the Mandir was constructed after the construction of Dharamshals, so the face of the Mandir is towards west. The face of the idol in this Mandir is towards west. the Mani Ram ki chawni, Barhi chawni, Tapsi ji Sthan; Digambar Akhara etc. which I have referred in my statement all these have Grabha Graha and the Grabha Graha of all these Mandirs are surrounded by walls. In front the Grabha Graha of all these Mandirs Jagmohan is there. In my statement earlier all the major Mandirs that. I had referred to my statement i.e. Hanumangarhi etc. all these Mandirs have Jagmohan in front of them. In all the Mandirs after Jagmohan there is often a chowk. Some Mandirs have Katha Mandep and some Mandirs do not have Katha Mandeps.

The face of idols of Rang Mahal Mandir and Raj Mahal Mandir is towards north. The face of idol of Rattan Sinhasa Mandir is towards east. The oldest idols of the Mandirs in Ayodhya are in Rattan Sinhasan Mandir, which are of the time of Vikramaditya. I have no knowledge

whether among the ancient Mandirs; any other Mandir except Rattan Sinhasan Mandir had the oldest idols of the later period, as the idols in some Mandirs are 100 years and in some Mandirs are 150 years old. I cannot say the time period to which the idol placed under the middle tomb of the three-tomb building at disputed site belongs. First three line of Para 15 of the affidavit of Examination in chief were out to the witness. The witness replied that the facts mentioned in these three lines are true. In the second line of first three lines of Para 15 by 'the time immemorial' I mean 500 years to 1000 years period. The reference to presence of Lord Ram lalla in the Grabha Graha before the time immemorial means that the idols were there at that place at that before the construction of the disputed building. The wooden throne on which I had said the idols were placed, the idols had always been on that wooden throne from the past. The wooden throne that I had referred in Para 15 of my affidavit of Examination in chief is not throne, which is visible in the Picture Paper No. 154/13 in the suit Gople Singh visharad versus Zahoor Ahmad. The wooden throne referred in Para 15 was placed on stairs.

Question- Whether that wooden throne which had been referred by you in Para 15 of your affidavit for Examination in chief is seen placed on the stairs in Picture Paper No. 154/13?

[On this question the learned advocate of Plaintiff in Other Original Suit No. 3/89 Shri Ranjit Lal Verma raised an objection that the mention about the throne had already been made in Para 15 of the affidavit. Pictures were shown to the witness at the time of making reference of this Paragraph. The witness in his statement had denied the existence of throne in this picture. Again that question

is being asked by making reference of Para 15 of the affidavit of Examination in chief. So permission to ask one question twice should not be given.]

Answer:- The throne, which I had referred in Para 15 of affidavit of Examination in chief, is visible in Paper no. 154/13. The throne in this picture is visible on the first top stair. In this connection I had given two statements above. In one of the statements in Picture Paper No. 154/13 I had said about the non visibility of the throne that had been mentioned in Para 15 of my affidavit and in the second I stated have referred to the placement of that throne on the top stair in Picture Paper No.154/13 above. Out of these two statements my later statement is correct. My first statement is not correct. There is mention of "the throne was in the middle part" in line 7 of Para 15 of my affidavit for Examination in chief. By it I mean that "the throne was under the central tomb of the three-tomb building". By middle part my intention was to say the middle under central tomb of the three-tomb building. It is correct to say that the throne seen in Picture Paper No. 154/13 was not in the middle under the central tomb but it was in the corner on northwest side. Whenever I had darshans I had seen the idol in the same position, as are seen in Picture Paper No. 154/13 above.

The attachment of disputed building took place on 23rd December 1949. Ramdev, the S.H.O. in connivance with the Hawaldar had submitted the wrong report. Who ordered for attachment that I cannot tell. Ram Dev Dubey

was the S.H.O. in Ayodhya Police Station. Since much time has past so Other Original Suit No. Is not in my memory whether Ram Dev Dubey had reported for attachment on 23rd December 1949 or not.

Question:- Whether Ram Dev Dubey had lodged any report in Police station, Ayodhya on 23rd December 1949, which became the basis of attachment?

[On this question the learned advocate of Plaintiffs in Other Original Suit No. 3/89, Shri Ranjeet Lal Verma raised an objection that first part of this question had already been replied. The second part of the report has also been answer that on the basis of wrong report the action for attachment had been taken. By asking a question in such a manner benefit of age of the witness, which is 86 years, is being taken. So permission to ask such type of question should not be granted.]

Answer:- Ram Dev Dubey, S.H.O. logged a report on 23rd December 1949 on basis of which action of attachment had been initiated.

I know Ram Dev Dubey, S.H.O. 2-3 years prior to 1949. Ram Dev used to visit my Mandir and Janam Bhoomi Mandir for darhans, so I know him I did not myself go to Police Station. I cannot say since when Ram Dev Dubey had been visiting the disputed site for darshans before attachment. I cannot say whether he had been going for darshan since an year or two or month or two. I cannot say the time since when Ram Dev Dubey was the S.H.O. of Ayodhya before the happening of the incident. After the incident for how much time i.e. one or two years or one or two months he remained in Ayodhya that also I can't tell. The date of 23rd December 1949 that is the date

of attachment is in my memory because I received a warrant about that incident. Then said warrant was served to all the priests.

I do not know whether the three tombed disputed building was under attached on 23rd December 1949 or not.

My statement just now, that the disputed building was attached on 23rd December 1949 is not correct. Report about attachment was made on that date. The exact date on which the attachment took place that I do not know. Whether the disputed building was attached on 29th December 1949 or not is not my mind. The attachment took place after the report. I do not remember whether when I wrote my affidavit for the Examination in chief the correct date of attachment was known to me at that time or not. I had read the affidavit for Examination in chief before signing it. The points mentioned in the affidavit for my examination in chief had dictated by me. It is not in my mind that in Para13 of my affidavit for Examination in chief in the point regarding the fact about attachment of inner portion on 29th December 1949, the date written in it is correct or not. The extract of Para 13 of my Examination in chief that "Near about Ram Janam Bhoomi Mandir, a number of Panchas and their disciples used to live according to the tradition of Akhara by building small Mandirs" is correct. The Panchas and disciples of Nirmohi Akhara had made Mandirs near the disputed site. This fact has a reference on Page 6 of the affidavit of Examination in chief. These Mandirs were not constructed before me. They were constructed than me. Sita koop Mandir and Sumitra Bhawan Mandir are very old. Who built these Mandirs that I do not know. I know the people residing in these Mandirs.

Question:- One page 13 of your affidavit you had mentioned "that near about Ram Janam Bhoomi Mandir, a number of Panchas and their disciples used to live according to the tradition of Akhara by building small Mandir." Please tell which of the Mandirs had been built by these Panchas and their disciples?

[On this question the learned advocate of Plaintiffs in Other Original Suit No. 3/89 Shri Ranjit Lal Verma raised an objection that the question is not clear. Each small Mandir cannot be named by the witness and in such a condition the question cannot be asked that, which Panch or his disciple had constructed those small Mandirs.]

Answer:- Panch Mahant Ram Das of Nirmohi Akhara in place of the old Sumitra Bhawan.

Similarly Sita Koop Mandir was also in tattered condition. Govind Das reconstructed it with the same name. Govind Das was the Sadhu connected to Akhara. Except these two Mandirs I cannot tell the name of other Mandirs and also which Panch of Nirmohi Akhara or disciple had constructed it. It was about 150 feet away in the south side from the disputed Bhawan. Sumitra Bhawan was not in the east south of the disputed building, but was directly towards south. Then said that Sitakoop was towards east of the disputed building. They were destroyed when the disputed building was destroyed. Then said that place was about 50 feet towards east from the disputed building. Sita Koop Mandir and Sumitra Bhawan Mandir are at present not in existence. These have been destroyed. It is wrong to say that Sumitra Bhawan Mandir was destroyed year or two back before the demolition of disputed building. How was Sumitra Bhawan Mandir

demolished, I have no information about it whether it was automatic or some one destroyed it. Who demolished Sitakoop Mandir, I have no information about it, and I had seen the debris after the demolished of these Mandir. I had heard that Sitakoop Mandir and Sumitra Bhawan Mandir got destroyed and after their destructions, I had not seen their debris. Then said I had discontinued to go to that side. I used to enchant Ram-Ram. I do not know what happened to the idols of Sitakoop Mandir and Sumitra Bhawan Mandir that is, who took away those idols. I have no information if those idols had broke. I have no information what happened to the idols of disputed building after 6th December 1992. Perhaps persons of Akhara might know about it.

Question:- On 6th December 1992 when the disputed building was demolished then the Ram Chabootra and Chhati Poojan Sthal as revealed by you on the disputed site were also destroyed?

[On this question the learned advocate of Plaintiffs in Other Original Suit No. 3/89 Shri Ranjit Lal Verma raised an objection that the question is totally unclear. A number of facts have been asked in one question. Apart it the witness must know which is the disputed property and the question should be asked about it after telling it to the witness. Only Ram Chabootra had been called the disputed site in the question. Chhati Poojan Sthal had been not called as disputed. As such the from in which question had been asked, should be not be permitted.]

[On this point the learned advocate cross-examination the witness raised a counter objection that the learned advocate of Plaintiffs is raising irrelevant objection only to waste time. The witness is fully aware about the disputed

building and disputed site and he had used these words number of times in his statement. In the question asked the so-called Chhathi Poojan Sthal has also a mention. Question is quite clear and therefore the objections raised are totally baseless.]

[On the above counter objection the learned advocate of Plaintiffs in Other Original Suit No. 3/89 Shri Ranjeet Lal Verma raised this objection that by asking same type of questions repeatedly the time is being wasted.]

[The learned advocate Cross-examining the witness said the learned advocate of Plaintiffs had no more witnesses. He therefore for delaying the suit is taking long time for the statement of one witness to be finished by raising irrelevant and undersired objections.]

[On the above objection the learned advocate of Plaintiffs Shri Ranjeet Lal Verma said that I have more witnesses and I had requested to summon two more witnesses today itself.]

I cannot say whether Ram Chabootra and Chhathi Poojan Sthal were also demolished at the time of demolition of disputed building. Then said I ran away from there in bear and could not seen whether the aforesaid places were demolished with the disputed building or not. I left Rang Mahal Mandir, where I was living and went to Ram Mahal near Katra Chowki after leaving that place. the time the disputed building was demolished at time I was present in Rang Mahal Mandir. I came to know about the demolition of disputed building on 6th December 1992 it self. It was about 1.00 P.M. After going to Rang Mahal on 6th December 1992 it is possible that I had gone to that place after one year. After that I had been to disputed site for 10 to 5 times till now. Last time I went to disputed site

about three years back. During these there years whether any changes had taken place or not at the disputed site, I have no knowledge of it. There was a Chabootra at east-west corner of Ram Janam Bhoomi, which was called Lomash Chabootra. This Chabootra was also worshipped by the people and they came for its darshan. Some Panda or Priest used to be sitting on the Lonash Chabootra also. The Priest sitting there took the offerings and handed it over to the priest of Nirmohi Akhara. That Chabootra was about 12 feet long and 8 feet wide. That Chabootra was at a height of 2 feet from earth. That Chabootra had been there from ancient time. That Chabootra was the Samadhi of Lomash Rishi. Lomesh Rishi was of the time of Ramchander ji. The period of Ramchander ji had passed lakhs of years ago. Then said the land was the same. The Samadhis of Rishi, which I had referred in Para 14 of the affidavit of my Examination in chief, the samadhi of Lomash Rishi was among them. I do not remember the name of other Rishis. Tulsi Chaura was at east and south corner of the samadhi of Lomash rishi. Tulsu Chaura was not the Samadhi of any Rishi, it was only called Tulsi chaura.

Question:- The place of disputed site at the southeast corner, where you had told the samadhi of Lomash Rishi was there whether the samadhi of any other Rishi was also there?

Answer:- Many structure were built near that samadhi. The people called them the samadhis of old rishis.

Those structures were in the east and south direction of the samadhi of Lomash Rishi. Those structures were in the shape of Chabootra. Other

Chabootras were smaller then the Chabootra of Lomash Rishi. I had not measured the area of small Chabootras. These were 5 to 6 feet long and 3 to 4 feet wide. I cannot say the number of these Chabootras but they were several in number. All these Chabootras were of cement. I cannot say whether these were graves or Chabootras. It is wrong to say that Muslims called these Chabootras as graves.

Verified after reading the statement

Sd/-

Mahant Ram Subhag Das

19.7.2004

Typed by the stenographer in the open court. As dictated by me In continuation for further cross-examination the Plaintiff may present on 20.7.2004. The witness be present.

www.vadaprativada.in

Sd/-

Hari Shanker Dubey

Cpmmissioner

19.7.2004

Date 20.7.2004

D.W. 3/13 Mahant Ram Subhag Das Shastri

Before Commisssioner Shri Hari Shanker Dubey,
Additional District Judge/ Officer on Special Duty, Hon'ble
High Court, Lucknow Divisional Bench, Lucknow.

[Appointed vide orders dated 21.5.2004 by the Hon'ble
Full Bench in the case of other original suit No. 3/89
(original Suit No. 26/59) Nirmohi Akhara and others versus
Babu Priya Dutt Ram and others.]

(In continuation of dated 19.7.2004 cross-examination of
D.W. 3/13 Mahant Ram Subhag Das Shastri on oath on
behalf of defendant No. 9, Sunni Central Board of Waqfs
by Shri Zaffaryar Jilani, Advocate continued.)

The witness was shown Picture No. 47 and 48 of
colored album Paper No. 200 C-1 and asked portion being
seen in these Pictures had been fixed in which part of the
disputed building. The witness said that the parts, which
are seen in these Pictures, were Hanumat Dwar of
disputed building. Pillars are visible in these Pictures.
Both these Pictures are of different pillars. Then said the
pillars were on both the side of the gate. The writing on
white stone in black ink, which is seen on these stones,
had been seen by me before 1950 at that place. it is
wrong to say that the pillars seen in these Pictures are the
Pictures of one pillar. I do not remember that the white
stone with black writing fixed by the side of these pillars,
in both the Pictures were fixed after 1950 or not. A piece
of pillar is seen in Picture No. 50 of this album, which is
beyond my understanding. Whether the pillar seen in this
Picture, was fixed somewhere at disputed site or not. Is
not in my mind. The witness was shown Picture No. 51

and 52 of the same album, the witness after seeing it said I am in a fix after seeing the Pictures. I used to go for darhan and men come back. So I cannot say that the pillar seen in this Picture was fixed in which part of the disputed site. The pillars seen in Picture No. 49 and 53 of the same album, were fixed where in the disputed site, that I cannot tell. Then said I have the information of only 14 pillars out of which 12 pillars were in the inner side and 2 were in the outer side.

Question:- The 14 pillars about you have knowledge out of those pillars does pillars or any pillar are visible to you in the above Picture No. 47 to 54?

Answer:- I can't say whether any of the 14 pillars that I had mentioned are seen in Picture No. 47 to 54. The witness was shown Picture No. 104 to 114 of the same album and asked that out of the 14 pillars, which you have mentioned does any of the pillar out of those pillars is seen in these Picture. The witness said Picture No. 106 and 107 are the Pictures of the pillars inside the Gragh Graha. I cannot the pillars seen in Picture No. 104, 105 and 108 to 114, (beside Picture No. 106 and 107) belong to which part of the disputed land. The pillars seen in v No. 104 to 114, I cannot find the Pictures of any God or Goddess on their pillars. I cannot tell the pillars seen in Picture No. 115. To 126 of the same album, belong to which part of the disputed site, I cannot find the Pictures of any God or Goddess on the pillars seen in these Pictures. I cannot tell where the pillars seen in Picture No. 127 and 136 to 138 of the same album, were fixed in the disputed building. I

cannot Picture of any God/Goddess on these pillars. I cannot tell to which part in the disputed building the pillars seen in Picture No. 139 to 147 of this album were fixed. I can also not find any Picture of God or Goddess on these pillars. I cannot tell the part in the disputed building where the pillars in Picture No. 157 to 167 of this album were fixed. I cannot find any Picture of God-Goddess on these pillars. I cannot tell on which part of the disputed building the pillars seen in Photo no. 176 to 186 were fixed I cannot find any Picture of God and Goddess on these pillars I cannot tell in which of the disputed building the pillars seen in Picture No. 187 to 200 had been fixed. I cannot find the Picture of God- Goddess on these pillars. Hanuman ji is Devta and I cannot find any Picture of his on the above pillars. I cannot find the Picture of any God-Goddess on the pillars seen in Picture No. 47 to 54 of this album.

The witness was read out extracts of Para 6 of the affidavit of his Examination in chief. "Pictures on the pillars..... I too was of the same understanding "The witness said in the Pictures of pillars shown me today I had not seen the Picture described in that Para or the idol of Hanuman ji. On the pillars in the Pictures.

The witness was shown Picture No. 55 to 66 of Black and white album Paper No.201 C. The witness said I cannot say where the pillars seen in these Pictures had been fixed in the disputed building. I cannot find any Picture of God-Goddess on these pillars. About the pillars seen in Picture No. 73 to 76 of the same album, I cannot

say where these had been fixed. The Picture of any God-Goddess is also not seen on there pillars. The witness said my eyesight is not up to mark and I am going to get it treated upon it. I cannot say to which part in the disputed building the pillars seen in 87,89 to 91 of the same album had been fixed. I can also not find the Picture of any God-Goddess on these pillars. Then the witness said I am even unable to read the words. I cannot say where the pillars seen in Picture No. 95 to 106 had been fixed in the disputed building. I cannot find the Picture of God-Goddess in Picture No. 26 and 27 of this album.

The witness was shown Picture No. 11 and 12 of the colored album Paper No. 200 C-1. After seen it the witness said that these are the Pictures of front part of the disputed building. These are the Pictures of east side of the disputed building. I can see a wall in these Pictures. These are the Pictures of eastern part of the disputed building. It is wrong to say that these are the Pictures of south side of the east wall. In Picture No. 40 of the album I can see two fishes. This the Picture of north gate of the disputed site. In Picture No. 57 of the same album the view of the Chabootra of Ram Lalla is seen. The white and black stone are seen in this Picture, which had been fixed before 1950. In Picture No. 59 and 60 of the same album writing stones with black ink is visible. These were fixed at a place known as the place of Shanker-Parvati. These stones were fixed prior to 1950. It is wrong to say that the stones seen fixed in Picture No. 57, 59 and 60 were fixed after 1950.

A tin shed and a rubbish-thatched roof is seen in Picture No. 56 of colored album. The rubbish-thatched roof had been placed over the Ram Chabootra for its safety. That thatched roof had been lying there before

1950. The thatched roof seen in Picture No. 56 appears to be new. Then said after repair that thatched roof would have been converted into new. The tin shed visible in Picture No. 56 had been put there after 1950. After 1950 when it had been put there, that I cannot tell. I never sat under the tin shed seen in Picture No. 56. The pilgrims must have come and gone under the tin shed. What was the use of this tin shed that I do not remember. Picture No. 58 of colored album is the Picture of a cave under the Ram Chabootra. The cave visible in Picture No. 58 is the east side cave. The idols inside the cave are clearly seen in this Picture, Three idols are visible in this cave. These are the idols of Kaushilya ji. And Ram Lala ji in the lap of Kaushilya ji. Besides Kaushilya ji I do not remember the name of the other idols. Then said the idols of Bharat ji and Shatrughan Lal had been placed on the west side. Both the caves were about 3-4 feet high and about 3-4 wide. The darshans of idols in these cave were done from outside. Only priests used to enter in these caves. Pilgrims did not go. The depth of these caves from inside must be at least 4 feet. Caves are visible in Picture No. 57 of the colored album. These caves are visible in Picture No. 29 and 30 of the Paper no 201 C-1 of the black and white album. The cave which the Guard is standing is the east side cave. In Picture No. 31 of the same album a cave is seen and that is the east side cave. Three idols are seen in this cave. One of them is idol of Hanuman ji and other is of Kaushilya ji. Then said, two idols of Hanuman ji are visible. Windows are seen in the cave of Picture No. 31 this cave can be 4 feet high and 4 feet wide. Black writing on white stone is seen in Picture No. 31 I cannot say whether these stones were fixed before 1950 or after it. I cannot clearly see the black writing on white stone in Picture No. 33. The part being seen in Picture No. 34 of the same album is north and west part of

the disputed building. The Chhathi Poojan Sthal was in northwest. Picture No. 34 is of that place. It is wrong to say that Picture No. 34 is the Picture of south east part of the disputed building. The view seen in Picture No. 12 is not clear. It may be possible that it is the Picture of the back side of the disputed building. Picture No. 12 is the Picture of south wall of the disputed premise or not. Is beyond my knowledge. Picture No. 36 of the same album is of that first gate which falls after entry from Hanumat Dwar and while moving towards Grabh Graha. This gate is the gate of wall with railing. Picture No. 35 is of the south part of the railing wall. Then said Picture No. 35 is the Picture of north side of the railing wall or not, this I cannot say Picture No. 37 of the same album is the Picture of front side of the north part of the Grabh Graha. The railing wall is seen in this Picture. I cannot black writing on white stones in his this Picture. The place where the watchman is standing a tree is visible. The tree seen in Picture No. 37 might be the Maulshree tree at the disputed site.

The Maulshree tree was on the north side of main gate of the Grabh Graha. One more gate was there for entrance on the west of Maulshree tree. That gate remained locked.

This gate is seen in Picture No. 77 of colored album paper No. C – 1. The same gate is also visible in picture No. 75 and 76 of the colored album. The gate seen in Picture No. 78 appears to be the outer gate. The witness then said that this gate is of the inner side-railing wall. The store or Sant Niwas is not visible in picture No. 75 of this album. The store was in the east side of the tree that is visible in this picture.

The store was at distance of 10-15 feet from the tree that is seen in this picture. The witness then said the distance is 10-15 steps. It has wrongly been said in feet. There was no roof over the store and the store and the Sant Niwas. It was shaded by tin. The tin was fixed on the outer wall on its east side. The tin was resting on the wooden pillars on western side. A tin sheet separated the store and the Sant Niwas. The tin sheet was in the shape of a railing. There was also a door dividing the store and the Sant Niwas. The door of the store and Sant Niwas was toward south. The store was totally closed on the west side. A cave had been there on the south side. Sant Niwas was open on two sides. There was only one door in the south of the store. The east side gate of the disputed premises was at a distance of 4-5 ft. from this gate. Sant Niwas was in the south of the store. The grass leaves did not shade the Sant Niwas and the store but tin and clay tiles shaded it. I seem to remember that big tiles had shaded Sant Niwas and the store. It is wrong to say that till 1950 at the place which I am saying as Sant Niwas and Bhandar had been the dwelling place of Moazzin who made the call for Azan. It is correct to say that there had been no tile roof till 1950.

The witness was read out extract of Para 11 of the affidavit of his Examination in chief. "The Sadhus and priests of Nirmohi Akhara..... Sadhu, Panch and priests of Nirmohi Akhara had been living there". The witness said the fact recorded in it are correct. By the facts given in Para 11 about Sadhus, priest I mean that after 1934 till 1992, I had seen them living there. The witness said that in Para 13 of my affidavit for Examination in chief the 'outer part' referred in the third line; by it my intention was to refer to Ram Chabootra Chatti Pujan Sthal and Shanker Chabootra. All these three places were attached in the

year 1982 and K.K. Ram Verma was appointed its Receiver. On K.K. Ram Verma's appointment as Receiver, even then the people belonging to Nirmohi Akhara used to offer pooja etc. but to prevent the outsiders from raising any riots the Receiver had been appointed. K.K. Ram Verma himself appointed the priests of Nirmohi Akhara as the priests at the above three places. I cannot say whether K.K. Ram Verma had been paying salary to the priests appointed by him or not. Then said whatever he would have got from the pooja etc. would have been used to pay the salaries. It may be possible that after the death of former Receiver Shri Priya Dutt Ram. K.K. Ram Verma would have become Receiver of inner part in addition to Receiver of the outer part. It is wrong to say that the store room and the Sant Niwas referred to by me had been there from 1950 to 1982 only and neither it was before 1950 nor remained after 1982.

In Para 1 of my affidavit for Examination in chief the fact that "I come to Ayodhya in December 1933 and in para12 that 'in the beginning of 1934, when I began to go to Ram Janam Bhoomi after coming to Ayodhya ," both the correct. Till 1933 I had been going these occasionally, I did not have full faith till that time. Since 1934 I had been going to Ram Janam Bhoomi Mandir regularly.

I had seen the Hindu Muslim riots of 1934 when the disputed building was attacked I was in Rang Mahal at that time. Noise arose at about 2 or 2.30 P.M. I was retiring from my bath in Saryu, when on the way a lady who was the wife of a teacher put me in a room and said that people are killing each other and damaging the properties, so you should not go out side. I had returned to Rangmahal Mandir before the sun set. The riot had subsided by the time I reached Rangmahal. I had not gone

to disputed site on that day. After the peace was restored, I began going to disputed site regularly after 2-3 days of the riot. At that time I found that some of the of the west side wall of the disputed building had been pulled out and same upper part of the structures cement etc. had been demolished. It might be possible be that hole had been done in the tombs. But all the three tombs were in their original shape. The broken part had been repaired. Then said Hindus were find in the tune of Rs. 85000/- The repair had been carried out by the Government contractor. The repair work would have one week or so. I cannot tell whether the contractor carrying out repair work was a Muslims or not. No police was deployed there after the riot. Hindu were arrested in the riot on the charge of sabotaging the disputed building.

Verified after reading the statement

Sd/-

Mahant Ram Subhag Das

20.7.2004

Typed by the stenographer in the open court. as dictated by me In continuation for further cross-examination the Plaintiff may present on 21.7.2004. The witness be present.

Sd/-

Hari Shanker Dubey

Cpmmissioner

20.7.2004

Date 21.7.2004

D.W. 3/13 Mahant Ram Subhag Das Shastri

Before Commisssioner Shri Hari Shanker Dubey,
Additional District Judge/ Officer on Special Duty, Hon'ble
High Court, Lucknow Divisional Bench, Lucknow.

[Appointed vide orders dated 21.5.2004 by the Hon'ble
Full Bench in the case of other original suit No. 3/89
(original Suit No. 26/59) Nirmohi Akhara and others versus
Babu Priya Dutt Ram and others.]

(In continuation of dated 20.7.2004 cross-examination of
D.W. 3/13 Mahant Ram Subhag Das Shastri on oath on
behalf of defendant No. 9, Sunni Central Board of Waqfs
by Shri Zaffaryar Jilani, Advocate continued.)

In 1934 the Vairagees attacked the disputed building.
Considering it as Mandir. Those Vairagees had been
visiting the disputed building. At that time for offering
Pooja.

Question:- Whether in Hindu religion to break a Mandir
where the pooja is offered is seen as an act of
spiritual reward?

Answer:- If the building is in tattered condition, efforts
are made to construct a new building.

Question:- Whether in 1934 the disputed building was in
such a tattered condition that the Hindu made
efforts to construct a new demolishing it?

Answer:- *On 6th December 1992 when Hindus
demolished the disputed building even at that
time their intention was to construct a new
building by demolishing it. The witness was

read out Para 18 of his affidavit. The witness said the facts mentioned in this Paragraph are correct, I had not been receiving any remuneration for working as Assistant Priest of the Nirmohi Akhara. I used to do the work free of cost. I was in 1934, the disputed building was in such a tattered condition that Hindus back the need to demolish it. Then said the outer part was build a new appointed as the Assistant Priest of the disputed building in 1934, because I knew how to perform Pooja and ornamentation, so my assistance was sought. I was not the priest of that Mandir where I used to live. The priest and the Mahants were other people. In Para 17 of the affidavit of Examination in chief, I had stated to know the offering of pooja by the traditions of Vairagee Sampardaya. The traditions of Vairagee Sampardaya in regard to offering pooja are different than other Sampardaya. It has wrongly been written as 'Neeti Riwarz, in the statement which is wrong. 'Reeti Riwarz' should have been written in its place. The facts mentioned in my affidavit of Examination in chief "sometime in front of Ram Chabootra. Offering pooja" when my assistance was not sought by the priest, at that event I used to sit at any of the place of my choice for Pooja etc.

Question:- You in your statement above had said that besides Shankar ji Mandir, in any other Mandir and especially in Ram Mandir I had doing darshans from out side the Grabh graha then how did you get right of going inside the so

called Grabh Graha, and sitting there and having darshans?

Answer:- Four-five others people and I was permitted by District Magistrate Nair Sahab to go inside the Grabh Graha and offer pooja. With the same right I used to go inside the Grabh Graha and offer pooja.

I do not remember whether the above order of Nair Sahib was issued before attachment or after attachment. Yesterday during evidence I was shown some pictures, and among them the picture of Maulshree tree was also there under which I used to enchant Ram-Namand, which I had mentioned in the fourth line of Para 16 of my affidavit for Examination in chief. After seeing Picture No. 79 and 80 of the colored album Paper No. 200 C-1, the witness said it was the same Maulahree tree under which I used to enchant Ram-Nam. I cannot make it out whether the tree seen in Picture No. 79 and 80 was on the corner near the wall of south side tomb of disputed building or not. The Chhathi sthal referred in para 16 of my affidavit refers to the Chhathi Poojan Sthal. Chhathi Poojan Sthal was not called the Sita Rasoi but was called Kaushilya Rasoi. The number of charan Chinha at Chhathi poojan sthal was eight. How old were these charan chinha, that cannot say. Then said these were always there and I had seen them. Those charan chinha were not of the time of Ramchander Ji, because much time had passed since the time of Ramchander Ji. As per tradition these chinha were made one after another. It may be possible that place which I had referred to as Chhathi Poojan Sthal in Para 16 of my affidavit might be called as Sita Rasoi before 1950. I had come to know from Mahant Narotam Das and Baldev Das of Nirmohi Akhara that the disputed building was under the

charge of Nirmohi Akhara before 1943. I had not read in any book about the control of the disputed building before 1934. The history, which I had referred in the last line of Para 19 of my affidavit for Examination in chief, has not been read by my self-but, had heard from others.

I was not present at the time of attachment of the disputed building. Because I used to visit that place in the evening. No inventory was prepared at the time of attachment because there was nothing in it. I had gone to the disputed complex in the evening on the day of attachment. Wooden throne was in the disputed building at the time of attachment. It might be that a silver throne was inside the wooden throne but that was invisible. It was invisible because it always remained covered by cloths. The small throne was covered with cloths. I had seen the small throne. I had touched the small throne and it is possible that I had garlands it. The articles that were put to attachment, I had no discussion about it with other priests. Later when I got a warrant, then I was given a paper after bail, which had a reference of Ghanti (bell) etc. that had been attached. Later the paper I got in this respect had an inventory of the articles attached. The paper I had received was not of that type as had been prescribed in section 145 of Criminal Procedure Code, which is attached as paper No. A – 24.

The witness was read out last two lines of Para 19 on page 8 of the affidavit of his Examination in chief, the witness said the facts mentioned in it are correct. The fact mentioned in the above extract that Muslims hardly went towards the disputed complex, by saying so my intention was to say that under the orders of the then District Magistrate Nair Sahib no Muslim was authorized to enter within 200 yards of the disputed complex. Nair Sahib

passed these orders due to the riots of 1934. After the above orders of Nair Sahib, Muslims couldn't go towards Hanumangarhi to Dorahi Kuan after 1934. Full name of Nair Sahib was K.K. Nair Sahib was district Magistrate, Faizabad on 23rd December 1949. The idols were not placed in the night of 22/23 December 1949 in the disputed building, when Nair Sahib was the District Magistrate. The idols were there before only. Whether the Muslims used to go towards disputed complex before riots of 1934, I have no information about it. I have no knowledge of it, because I was not there. The population of Muslims in Ayodhya in 1950 would be 100-150. Ayodhya was within the Municipality of Faizabad. I do not know the number of members from Ayodhya in the municipality at that time. No member from the Muslim community was the member of municipality from Ayodhya at that time. I did not know Hazi Fayaku, Zahoor Ahmed, Khawaja Fayak. I knew Achan Miyan and Munnu Miyan. I have no information if Hazi Fayak had remained a member of municipality for many years. The population of Muslims in Ayodhya at this time would be 200-250 or 300. it is wrong to say that I am giving wrong statement in this regard. It is possible that the present population of Muslims in Ayodhya be 3000 out of which 2000 are the voters. I cannot say that there are more than 25-30 houses of Muslims in Tedhi Bazar, Ayodhya. It is wrong to say that about 300 houses of Muslims were set on fire in Ayodhya on 6th December 1992. The number of houses and population of Muslims which I had mentioned in para 19 page 9 of my affidavit of Examination in chief might have been written wrong due to the increase of the population of Muslims, but in my affidavit I had mentioned the number, which was known to me. In Para 19 of my affidavit the reference of destruction of graveyards that I had made, those graveyards were at a distance from the

disputed complex, I do not know the present number of graveyards in Ayodhya. To my knowledge the number of major masjids in Ayodhya is 30-35. Small Masjids are located in different Mohallas. In sub Para of Para 19 of my affidavit of Examination in chief 'that fake report by constable Mata Prasad had been registered,' It is about the incident that took place on 22/23 December, 1949 night. I cannot say the report had been registered on the instance of the Ram Dev Dubey and Mata Prasad had reported it. My statement in which I had mentioned about registering of report by Ram Dev Dubey, Inspector in Police Staion Kotwali, is correct or not is not in my mind. In Para 19 of affidavit of my Examination in chief the fact mentioned that the fake report had been registered under the pressure of Muslims, Deewan and constable, is regarding the incident of placing idol on 22/23 December, 1949 night. I do not remember property whether the report had been registered by Ram dev Dubey, Inspector or by Mata Prasad, constable. The fake report had been registered under the pressure of Muslims, Deewan and constable, is not based on hear say but it is a fact because a warrant was issued against me. I cannot name the Muslim, Deewan or constable under whose pressure the report was registered. The 'Nawaha Path', which had been mentioned in Para 19 of affidavit of my Examination in chief was performed on Ram Chabootra or by the side of three-tomb building, according to the place that is available. Sadhu – Sant used to do the 'Nawaha Path'. The priests of disputed complex and the people who had come from out side used to perform the Nawaha Path. There were in restriction on people coming from out side to perform the Nawaha Path. Permission to perform Nawaha Path was not required from the then District Magistrate Nair Sahib or any other authority.

I had seen the 'Nawaha Path' being performed in the Grabh Graha of major Mandirs in Ayodhya. The Nawaha Path is held in Laxman Qila, Chhawani, Barha Sthan Mandir on Jagmohan placed near the throne. Jagmohan is out side the Grabh Graha.

Question: You had seen the Nawaha Path being held on the Jagmohan but never seen it being held in the Grabh Graha?

Answer: Grabh Graha where the Lord is seated, Nawah Path is not held at that place. The Jagmohan, which is placed before the Grabh Graha where the Nawaha Path is performed

In Para 22 of affidavit of my Examination in chief the extract that the writing place of Shrimad Valmiki was at a distance of 1 ½ yojan (i.e. 6 kos), by saying so my intention was that during the time of Valmiki in Ayodhya, Ramkatha, Kirtan Bhajan etc. were performed within the limit of 6 kos. The Katha was also held outside 6 kos but it was specially performed within the 6 kos. I had read Valmiki Ramayana for the last time 30-40 years ago. I can under stand the meaning of the couplets given in Valmiki Ramayana but sometimes. I cannot make out their meaning where the couplets are difficult Ram Janam Bhoomi Mandir is been mentioned in Valmiki Ramayana. That particular place has not been mentioned in Valmiki Ramayana, where Ramchander took birth. That place where Ramchander ji took birth has also not been specifically mentioned in Ramcharitmanas, but it has a reference of Ramkot. That particular place where Ramchander ji took birth has not been mentioned. The area of Ramkot is also not been described. It has been referred in other books. I cannot name the book where the area or chaudhi of Ramkot has been referred. I only know

that between Tamsa and Saryu River, on one side of which is Bilvahsri Ghat and the other Guptar Ghat, Ayodhya is situated where Ramchander ji took birth. The witness was shown complete No. 7 of fifth chapter of Shrimad Valmiki Ramayana (Part-I) Paper No. 261 C-1/1. The witness said the fact mentioned in it that Ayodhya Mahapuri was 12 yogan long and 3 yogan wide is correct. According to it the length of Ayodhya comes to 48 kos and width 12 kos. I cannot tell even by guess the present area of Ayodhya. At present Faizabad city is in Ayodhya.

Question:- I have to say that you are advertently trying to quote the area of present Ayodhya wrong and thereby giving wrong statement and your this version that at present Faizabad city is in Ayodhya is totally wrong?

Answer:- It is correct that while giving statement some irrelevant things are said and it may be possible that my statement that Faizabad is included in Ayodhya may be wrong.

The length of present Ayodhya is from Saryu to Ranopalli, which is less than 4 kos. Similarly the width of Ayodhya is less than 3 kos. The facts mentioned in Para 23 of the affidavit of my Examination in chief are based on hear say the reading the book by myself. I had read Ramanand Digvijay book in which the above facts are given. Ramanand Digvijay is written by Bhagwatacharye. This book has been written within hundred years. The fact mentioned in Para 23 of the affidavit of my Examination in chief that the Ramanand ji was Sursuranand and his disciple was Madhvanand and Madhavanand's disciple was Nar Hari Das and his disciple was Tulsi Das is correct. During the time of Ramanand Ji due to the dispute three Akharas, Nirvani Akhara, Nirmohi Akhara and

Digambar Akhara were established. Then said it is correct to say that no Akhara was established during the lifetime of Ramanand ji. But the Akharas were established during the time of Balanand ji in Jaipur. Blaand ji came after Tulsi Das. I cannot say whether the disputed building had been constructed during the time of Tulsi Das or not. It is wrong to say that I am giving wrong statement in this connection.

Question:- I have to say that the disputed building was the Babri Masjid it was never the Ram Janam Bhoomi Mandir. What have you to say in this regard?

Answer:- The disputed building was not the Babri Masjid. Babar by breaking down the Mandir made it into Masjid but it could not become a Masjid completely. The building had 14 pillars bearings idols. Therefore it was a Mandir.

Whether there were idols in the disputed building before the night of 22/23 December 1949, I cannot tell, because I myself was not there. Then how can I tell anything about it. It is wrong to say that till the night of 22nd December regular namaz was offered in the three tomb disputed building. It is wrong to say that no kind pooja or darshan was held in the disputed building before the night of 22nd December 1949. it is wrong to say that the disputed building had not been treated as Mandir till the night of 22nd December 1949. It is wrong to say that I am giving wrong statement due to my attachment with Nirmohi Akhara.

[Cross-examination on behalf of Defendant No.9 Sunni Central Bard of Waqfs by Shri Zafaryar Jilian, Advocate concluded.]

[Cross-examination on behalf of Plaintiff No. 7 in Other Original Suit No. 4/89 and Defendant No.5 in Other Original Suit No. 5/89 Moh. Hashmi by Shri Mushtaq Ahmad Siddiqi Advocate begins.]

XXX XXX XXX XXX

The pilgrims used to have darshan from Jagmohan. No one other than the priest goes towards the Grabh Graha. Jagmohan was adjacent to Grabh Graha. Jamohan had been under the shade. It was such, so that the devotee may not have any inconvenience and they could have the darshan in all the seasons conveniently. I had described the disputed building as a Mandir. The disputed building had Jagmohan. Jagmohan was there till recently Jagmohan was where the idols had been placed. The inner side part of the middle tomb building, which I called Grabh Grah. Jagmohan too was there. There was no separate Jagmohan.

At present the Mahant of Nirmohi Akhara is Jagannath Das. He is Mahant for the last 8-10 years. Ram Kewal Das the Mahant prior to him. I am closely connected with Nirmohi Akhara, so I know all the Mahants. At the time of my admission in Nirmohi Akhara, Narotam Das ji was Mahant at that time. Raghunath Das became Mahant after Narotam Das. Ram charan Das ji was Mahant after Raghu Nath Das ji. Was acquainted with Narotam Das ji Ram charan Das was Mahant for 2-3 years only. Ram charan Das was hurt by bomb. Someone was making a bomb, Ramcharan Das ji was sitting by his side and he sustained injuries. One person died at that time by the bomb explosion. Ram charan Das also died in the same bomb explosion. It may be possible that only his eyesight

was lost in that bomb explosion and he would have lived even after that incident. After bomb explosion the Name of Ram charan Das was retained as Mahant but Baldev Das had been looking after his work as his representative. Whether resignation was obtained from Ram charan Das or not, I have no knowledge whether any suit was filed for getting the resignation written or not. The incident of bomb explosion took place more than 50 years ago. I am not in the habit of making friendship with all, therefore, I am not aware about all the facts. Whether Mahant Ramcharan Das passed away in Ayodhya or died at some other place, I have no knowledge of it. It is not so that I am concealing the facts adversity. My mind is not stable.

The witness was shown paper no 45C1/1 submitted in Other Original Suit No. 3/89, which was Hindi version of the agreement written in Urdu. The witness said I am not aware of such type of agreement. Mahant Ramcharan Das mentioned on this paper is some other Ramcharan Das. He is not the Ramcharan Das referred above in my statement. Ramcharan Das referred in my statement was the disciple of Mohan Das Ji. From whom mantras are taken is the principal guru. Who gives mantra is the Siddh guru and one who takes mantra is called sadhak disciple. It is possible that the name of Mahant Ram Charan Das, which is written as Plaintiffs in paper No. 45 C1/I, his sidhh guru might be some one else and that other type of guru might be guru Purshotam Das Ji. The name of 8 defendants that have been written in this paper, I do not know any one of them. I was related to Nirmohi Akhara only to the extent that I used to perform pooja after going to Ram Janam Bhoomi and nothing else. The aforesaid Raghunath Das Ji, I do not know the name of his guru. Baldev Das ji, whom I had said was the Mahant of Nirmohi Akhara was the disciple of Mohana Das ji. The above said

Baldev Das ji, whom I had said was the Mahant of Nirmohi Akhara is the same Mahant Baldev Das ji whose name is written as defendant No. 4 in paper no 45C1/1/1.

The learned advocate cross-examining the witness read out the lower part of the Agreement Deed and section 1 of paper No. 45 C-1/1/1 AND 45 C/1/1/2 to the witness.

Question: Do you understand these things, which I have just read out to you?

(The learned Advocate of Plaintiff in other original suit no. 5/89 Shri Ajay Kumar Pandey raised an objection that the witness had shown his ignorance about the above paper so to ask question repeatedly on this point should not be permitted.)

Answer: I could not make out anything of what had been just read out by the learned advocate.

What the learned Advocate read out had a reference of Nirmohi Akhara. I do not know whether it has a mention of the property of Nirmohi Akhara or not, but Ram Janam Bhoomi was written in it. I do not know the 'Ichha Bhawan' written in section-1. The learned Advocate read out section 4 of above paper No. 45 C1/1/3 and 45-C1/1/4. The witness said that cannot make anything out of it. It has something about Nirmohi Akhara but nothing about me.

When Ram charan Das was injured by a bomb I was in Ayodhya at that time. The incident took place at Ramghat in Nirmohi Akhara. I cannot tell whether the incident took place in the daytime or in the evening. Then said much time had passed since then. I got information about it from the people. One of the servants of Rangmahal who was Kahar by caste informed me about the incident. His name was Badri. He had since expired.

The witness was shown paper No. 45 C1/2A in other original suit No. 3/89. The witness said it is the blueprint of disputed site. The articles which were at the disputed site, almost all are mentioned in this blueprint. The writer has written masjid Babri in this paper but it is wrong. The other things written in it are correct. I had thoroughly checked this blueprint. The chauhdi of Nirmohi Akhara Mandir at Ramghat and its description is given in Paper No. 45 C 1/1/6. The chauhdi has been correctly written. The chauhdi and the description written at S No. 2 of the same paper, some description of it is correct and some is wrong. At S No. 2 of this paper the chauhadi and description given in it the mention of Babri Masjid, had been made in a wrong way. The graveyards mentioned in this chauhdi, people call them the samadhi of saints. The graves were in the east and south, whether they were graves or the samadhis. The chauhadi and description given at S No. 3 of the same paper, is beyond my understanding.

Verified after reading the statement

Sd/-

Mahant Ram Subhag Das

21.7.2004

Typed by the stenographer in the open court as dictated by me . In continuation for further cross-examination the Plaintiff may present on 22.07.2004. Witness be present

Sd/-

Hari Shanker Dubey

Commissioner

21.07.2004

Date 22.7.2004

D.W. 3/13 Mahant Ram Subhag Das Shastri

Before Commisssioner Shri Hari Shanker Dubey,
Additional District Judge/ Officer on Special Duty, Hon'ble
High Court, Lucknow Divisional Bench, Lucknow.

[Appointed vide orders dated 16.7.2004 by the Hon'ble
Full Bench in the case of other original suit No. 3/89
(original Suit No. 26/59) Nirmohi Akhara and others versus
Babu Priya Dutt Ram and others.]

[Cross-examination on behalf of Plaintiff No. 7 Other
Original Suit No. 4/89 and Defendant No. 5 Mohd Hashim
in Other Original Suit No. 5/89 by Shri Mustaq Ahmed
Siddique, Advocate begins.]

I had told about having talks with the three Mahants
Baldev Das. Raghunath Das and Ramcharan Das of
Nirmohi Akhara. Besides it I had no conversation with any
other Mahant of Nirmohi Akhara. I used to meet all these
people once or twice in a day. Mahant Damodar Charan ji
of Rang Mahal had relations with Naratam Das ji. They
both often used to see each other. Because of it I used to
meet the above three persons. Out of these Ram Charan
Das was the last Mahant. Both the others were Mahant
since long time. After Ramcharan Das I had no
conversation with those people who were the Mahants of
Nirmohi Akhara for 50-60 years. I did not visit in the
Ramghat Mandir of Nirmohi Akhara. As such I did not meet
the above three persons. Pliitics were prevailing among
the Mahant of Nirmohi Akhara. Then said Mahants are
politicians. I often had meeting with the three Mahants at

disputed site. I used to wish him on meeting. And then I used to take my path. At the disputed place where I used to enchant Ram Nam, if any of the Mahant passed from where I am sitting. I used to stand up and wish him. No other special talks were held. I often to sit under the Maulshree tree. Besides it, I also used to sit at the place of Shanker ji or Chhathi Poojan Sthal for pooja. There was no permanent place of my sitting. I had met the above three Mahants at any of the above three places where I used to sit. I am not aware whether was any internal disputed in Nirmohi Akhara at that time. I have no information about it. There are two parties in this suit, one party is the Nirmohi Akhara and the other is of Muslim brothers. The Muslim brothers call the disputed site as Masjid and Hindus as Mandir. To my mind it is bone of contention between the two. I do not know about the court, but this disputed is there since 1934. I had no talk on this point with the aforesaid three Mahants of Nirmohi Akhara. As per my information the Mandir, which was constructed during the period of Vikramaditya, had been demolished during the time of Baber on incitement from the Maulvi's who asked him to build the Masjid, but Masjid was not possible to build. The construction was carried out during daytime which down in night. One sant used to live in Janam Sthan Mandir who used to do Bhajan but I do not know his name. Babar or his representative went to him and asked why the masjid constructed during daytime falls doen in the night. That sent told him it is not possible to construct it on Mandir's because it is the Janam Bhoomi of Ramchander ji. Everyone knows that there were i4 pillars and idols were made on them. by erecting those pillars the Masjid was constructed without miners. But its shape and from was not like the masjid. Parikarma path is constructed the building, which is found in masjid. Besides non-existence of miner something in Farsi had been

written on the three-tomb building, which it was a Mandir. Apart of it every Masjid had a well for Baju; but it is not there that masjid. So the disputed is different from other masjids in three ways. First it has a Parikarma path. Second there are no minars, thirdly there is no well. In addition to it, the pillars which the masjid had, were bearing the idols. So being an idol house, Namaj cannot be read in it. Except these four deficiencies I do not remember any other. The Parikarma path is constructed around the disputed building. After the west side wall of the disputed building there was 5 feet space and thereafter the land was slippery. In the west side the land was very deep. Parapet was constructed for the safety of people from falling down the west side. This parapet was in the north and south side but not towards east side. It is wrong to say that there was no parikarma path. It is wrong to say that for the support of the building and to prevent it from falling a parapet wall was constructed in the west side and no such parapet was made on the north and south side. Generally the parikarma was performed around the Grabh Graha. Then side there was no space at the disputed site, therefore the people begins parikarama from out side. I had seen the Janam Sthan Mandir, which is in the north of disputed building. The road in the south side of Janam Sthan Mandir is much slippery. The land in the west of Janam Sthan Mandir is very deep. In the east the land is leveled. At Janam Sthan Mandir on the road in the west side where the land is deep a parapet wall has been constructed by the side of the road. The parapet was constructed for the safety of Janam Sthan Mandir.

The witness was read out the name of other Plaintiffs written in Paper No. 109 C-1/3 in Other Original Suit No. 5/89. After reading it the witness said, I know Sia Raghav Sharan out of these. He was appointed the priest of Janam

Bhoomi Mandir. After reading the name of plaintiff No.1 the witness said I cannot say it is a matter related to disputed building or not. The witness was shown backside of Paper No. 109 C-1/6 and paper No.109-C-1/7 relating to the suit and asked whether it is the description related to the disputed site. The details of property given in it relate to the disputed site and I cannot make out to which place the blueprint relates. But on seeing it appears that it is relate to disputed site. In 1934 Hindus were fined Rs. 85000/- It was imposed on big Mandirs. At that time I was a child and I was not fined. The warrant issued against related to the case of 1949. Whereas the matter of 1934 was related to riot over cow-slaughters (gokashi) at Jalpa Nale. Then said it was time of Ram Navmi. The riot took place on the third day of Ram Navmi. In the riot o f1934, Hindus did not suffer nay loss only there had been cow-slaughter. Who could kill Hindus because they were more in numbers? Muslims were less in numbers therefore the Hindus begins riots. If there had been no cow-slaughter the riot of 1934 would not happened. The case in which warrant was issued against me, the suit in that case could not be initiated, because the then District Magistrate Nair Sahib ordered stay in the case saying that till orders are not issued on the concerned dispute the suit will not be initiated. Besides me the warrant was issued against Abhiram Das, Ramsakal Das, Sudarshan Das, Ram Vilas Das and I do not remember the name of the fifth person. I cannot say whether the litigation under section 145 of Criminal Procedure Code was initiated or not after the attachment of disputed building. I cannot say whether the attachment was announced or not in this regard or not. It was printed in some news paper or not that the interested parties who want to put forward their views about the disputed site being a Mandir or a masjid can do so with the City magistrate, Faizabad Court, I had heard the name

of Gopal Singh Visharad who lived in Ayodhya. Gopal Singh Visharad was a lawyer. He was not a successful lawyer; therefore, he became the broken. Visharad ji was the resident of Bundelkhand and not of Ayodhya. He lived in a rented house. He had no house of his own in Ayodhya. Whether Gopal Singh Visharad lived in Ayodhya till his death or not, I have no information about it.

The Masjids of Ayodhya which I had referred in my statement above, whether any of them is without roof or not, I have no knowledge of it. To my knowledge none of the Masjid in Ayodhya is without minars.

The big Mandirs in Ayodhya have enormous immovable property, which the people have donated to Mandirs. I know Barha Sthan Mandir. It has enormous property. Then said the Mandir has at least 20 villages. Janam Sthan Mandir has five villages Hanumangarhi too has much property, Chhotti Chhawani and Barhi Chhawani have no property in the form of land but they had funds.

To my knowledge Ram Janam Bhoomi Mandir has no immovable property. The disputed which is pending in the court, I have never tried to resolve it. God only can resolve it. According to me Mandir and Masjid both should be constructed at same distance.

I do not know whether the Hindu priests used to distribute prasad to the Muslims returning after reading Namaj in the disputed building or not. I have no clear knowledge of the fact that before placing the idol on night of 22/23 December 1949 whether Namaj was read there or not. Then said I have no information about it. It may be possible that before my coming to that place Hindus might be offering their pooja on Ram Chabootra and the Muslims offer prayer in the disputed building situated in the west said and there may be no dispute between the two. I had never seen Muslims removing their shoes in large number near Ram Chabootra on Friday, which may cause some

dispute. It is possible that such a situation could have arisen before my coming to Ayodhya. It is wrong to say that the disputed building was called a Mandir after independence and it was not called a Mandir before that. It is wrong to say that night till the night of 22/23 December 1949 five times Namaj, Friday and Taraveeh Namaj was held regularly in the disputed building or Azan was called out. It is wrong to say that due to my attachment with Nirmohi Akhara I am giving wrong statement by calling the disputed building as a Mandir.

[Cross-examination on behalf of Plaintiff No. 7 in Other Original Suit No. 4/89 and Defendant No. 5 Moh. Hashim in Other Original Suit No. 5/89 by Shri Mustaq Ahmad Siddique concludes.]

[On behalf a Defendant No. 6/1 Shri Irfan Ahmad, Advocate and on behalf of Defendant No. 6/2 Shri Fazle Alam, Advocate adopted the Cross-examination of Shir Abdul Mannan, Advocate, Shri Zafaryab Ziliami, Advocate and Shri Mustaq Ahmad Siddique, Advocate.]

[Cross-examination on behalf of all the Defendants/parties concluded.]

Witness is discharge.]

Verified after reading the statement

Sd/-

Mahant Ram Subhag Das

22.7.2004

Typed by the stenographer in the open court as dictated by me .

Sd/-

Hari Shanker Dubey

22.07.2004]