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

**OTHER ORIGINAL SUIT No. 3/1989**

**REGD. SUIT NO. 26-59**

**Nirmohi Akhara and others .....Plaintiffs**

**Versus**

**Baboo Priya Dutt Ram  
and others**

**.....Defendants**

**STATEMENT OF D.W. 3/15  
NARENDRA BAHADUR SINGH**

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Nirmohi Akhara and others

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.....Defendants

Main Examine Witness — D.W. 3/15 Affidavit Under Order 18 Rule 4 of  
Code of C-vil Procedure

I, Narender Bahadur Singh Sb Shri Mahabir singh, aged 72 years, resident  
of village Rajapur Sareiya, Sub-Division — Amsin, Tehsil — Sardar, Distt.  
Faizabad solemnly affirm that:

Para-1 I belong to Hindu Sanatam Dharm, religious family. My family  
is well- off farmer family. My parents were dedicated to the  
religion and to the  
religious virtual and goes to Ayodhya regularly because of  
their religious feelings.

Para-2 My parents used to go to Ayodhya at Chaitra Ramnavmi,  
Sawan Jhula, Kartik Poornima and parikarma by bullock-cart. I  
also used to go with them. We used to park our bullock- cart at  
Bargadhia, a place where there are a number of Bargad trees  
and which was owned by the King of Ayodhya. From there we  
used to go for Saryu bath, Hanumangarhi, Ram Janambhoomi  
and Kanak Bhawan for darshan.

Para-3 I attained the age of understanding at 11 years. I went for  
darshan of temples by bullock-cart with my parents and

parked the bullock-cart at Bargadhia from where I went for Saryu bath and then for darshan of Hanumangarhi, Shri Ram Janambhoomi and Kanak Bhawan.

Para-4 Ramlalla was sitting beneath the middle shikhar of Janambhoomi Mandir. I took darshan. My father told me that this is God Ramlalia and Bhawan Ram Janambhoomi Mandir.

Para-5 There was a big swing like throne made of wood on the inner past of Garbh Grih. At Sawan Jhula, I took darshan of Bhagwan Ramlalla on the swing and sometimes at the place similar to the staircase, in the north-west corner, in the small throne. In addition to Ram lalla, there was an idol of Lakhan Lal and idol of Hanumanji made of stone outside the throne and 4-5 Shaligram were there.

Para-6 Since the age of 15 years I started going alone for the darshan of Ram Janambhoomi Mandir and continued to go there upto the demolition of structure.

Para-7 After the demolition of structure on 6th Dec. 1992, I paid visits in less number. Once or twice in a year and often at Chaitra Ram Navami. Bhagwan Ramlalla is the same, whose darshan I have been taking since childhood is now sitting in the tent, after demolition of structure. Darshan to the devotees are made by the administration from the corridors covered by iron pipe.

Para-8 Since childhood, whenever I visited Ram Janambhoomi Mandir for darshan, I used to take darshan of all religious site i.e. Ram Chabutra Mandir, Cave Mandir, Chhatte Puja site, Foot print, Ramlala sitting in Garbh Grih, Shiv Darbar under the tree of Pipal by entering from the eastern gate, which is called Hanumanth Dwar and similarly other devotees from all over India used to take darshan, Aarti, offered prasada,

money, flowers and bow before the temple and take charnamrit (sacred drink) from the priest.

Para-9 There was a store room, Sant Niwas above the wall adjacent to the outer wall on entering from eastern gate i.e. Hanumanth dwar, where Sadhus of Nirmohi Akhara and priests lives. I have been seeing since my childhood that Ram Janambhoomi and religious places situated therein being managed or controlled by Nirmohi Akhara.

Para-10 Nirmohi Akhara, as I have been told by my father, is a famous Math of Bairagi Rmanaridi Sahus of Ayodhya. On growing a little having interaction with the Sadhus of Nirmohi Akhara and from other Sadhus I came to know that it is the community arrangement of Nirmohi Akhara and there are a number of temples within, under the control of Nirmohi Akhara. Shri Ram Janambhoomi Mandir is a famous Mandir under the control of Nirmohi Akhara. One Baithaka (drawing room) and a temple of Nirmohi Akhara is at Vijay Raghav Ramghat Mohalla.

Para-11 Sant of Hanumangarhi told me that the Akharas were established 600 years before and that like Hanumangarhi mandir is under the Nirvani Akhara similarly Shri Ram Janambhoomi Mandir comes under Nirmohi Akhara.

Para-12 These are the two main Akharas in Ayodhya. There are other Akharas also but Nirmohi Akhara and Nirvani Akhara are the main.

Para-13 I met assistant priest Bhaskar Das of Nirmohi Akhara for the first time, when I visited alone a few months after independence for the darshan of Shri Ram Janambhoomi. He told me that he is a disciple of the Main Priest Baldev Das. I obtained detailed information from him and also from other sants of Han urnangarhi.

Para-14 The said Bhaskar Das is now a Mahant of Hanumangarhi Mandir Naka where I also go for darshan sometimes.

Para-15 Like me, my parents and all other Hindu Sanatani people have been treatin Janambhoomi Mandir as a temple and taking darshan.

Para-16 I have never seen any Muslim reading Namaz there since I attained the age of understanding.

Para-17 I never saw any Muslim reading Namaz in the disputed inner structure as they do in Masjid.

Para-18 I have been seeing that the disputed inner part of the structure i.e. Garbh Grih and also the outer part i.e. Ram Chabutra Mandir, Chhattee Pujan Sthal, Shiv Darbar and Store room etc. being managed by Sadhus of Nirmohi Akharas.

Witness

Sd/-

(Narender Bahadur Singh)

#### Verifications

I, Narender Bahadur Singh solemnly affirm that the contents at Para 1 to 18, of the affidavit are true to the best of my knowledge, and again I solemnly affirm that the facts detailed in Para 1 to 18, are true to the best of my knowledge.

Nothing is false and concealed in it. May God help me. Confirmed in the premises of High Court, Lucknow on 17.08.2004.

Witness

Sd/-

(Narender Bahadur Singh)

17.08.2004

Shri Narender Bahadur Singh, oath taker, is known to me, who put his signature in my presence.

(R. L. Garg)

Advocate

17.08.2004

Before: Commissioner, Shri Han Shankar Dubey, Additional District Judge/Officer on Special Duty, High court, Lucknow Bench, Lucknow.

(Commissioner appointed by Full Bench Lucknow, vide order dated 13.08.2004.)

Other original suit No. 3/1989

Original sUit No. 26/1959

Nirmohi Akhara

.....Plaintiff

Versus

Babu Priya Dutta Ram

.....Defendant

17.08.2004

D.W. 3/15, Narender Bahadur Singh

Main examinee affidavit, page No. 1 to 6 of Narender Bahadur Singh S/o Mahabir Singh, Aged 72 years, resident of village —Rajapur Sareiya, Sub — Division — Amsin, Tehsil Sadar, Disttt. Faizabad was submitted and taken on record.

(Cross-examination by Advocate, Shri Beereshwar Dwivedi, on behalf of defendat No. 17, Shri Ramesh Chander Tripathi and defendant No. 22, Shri Umesh Chander Pandey, in suit No. 4/89 begins.)

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I have studied up to B.A., B. Ed. I have passed B.A. in the year 1974 and B. Ed. Examination in 1976. I cannot say what age I started going to school but I passed 4th class in 1944. I stopped my study in between which causes interruption for two years. I developed faith towards religion at the age of 7-8 years. I went to Ayodhya for darshan with my parents for the first time at the age of

10-11 years. I have not visited to all temples with my parents which I have referred in my affidavit. In some temples I went with my parents and had heard about some temples. I used to visit Hanumangarhi, Kanak Bhawan, Amawa

Mandir, Rajdwar Mandir, Rangmahal Mandir, and Ram Mandir with my parents for darshan. In addition to this I went to Raghav Mandir and Asharffi Mandir with my parents.

I do not know which Akhara manages the Rangmahal Mandir. About Amawa Mandir I have heard that this temple was built up by King Amawa but who manages it, I do not know. I also have no knowledge who manages the Kanak Bhawan.

Question: You have mentioned above that you do not know who manages those temples referred above by you. Had you ever held interaction with the priests and employees of the Temples of Amawa, Kanak Bhawan Mandir, and Rangmahal Mandir.

(Upon this question, Learned Advocate Shri R.L.Verma on behalf of Plaintiff in other original suit No. 3/89, raised an objection that a single question in regard to three Mandirs, cannot be asked. Rather the witness should be asked in reference of these Temples whether he has ever seen the priests in these Temples. For want of this, such question cannot be allowed.)

Answer: No.

I have not talked with any priest or employee since, I started visiting these temples. He himself said he had talks with the wrestles living in these Temples. I had talked with the wrestles because I was interested in wrestling.

I cannot say who is the priest of Ram Janambhoomi at present but its chairman are Jagannath Dasji and Bhaskar Dasji. They are partons and these people are having the hold.

An upper part of any temple is called shikhar. By upper part I mean dome or pitcher constructed over the terrance. Pitcher is fixed on the upper part of the dome. There were three domes and Pitchers over the Ram Janambhoomi Mandir. These three pitchers

appear to be made up of copper. These pitchers were placed over the dome. Nothing was there in between the dome and the Pitcher.

The Bargadhia place referred in the my main examine affidavit is at a distance of about one furlong from Ram Janambhoomi site. The distance of Hanumangarhi is at the distance of about two and half yard from Hanumangarhi. Similarly the distance of Ram Janambhoomi, from Kanak Bhawan is approx. two to two and half furlong in south-west side. I have very special attachment with the priest and Manager of Ram Janm Bhoomk, as I knew them. Nirmohi Akhara was near to Bargadhia, hence the priest and the manager used to come there very frequently, and for this reason, I developed attachment with them. I used to visited the priest and the Manager of Ram Janambhoomi that is why I had attachment with them. Nirmohi Akhara is in the eastern side at the distance of hundred to two hundred yards from Bargadhia. Nirmohi Akhara has the Mandir Bhawan there. This Mandir is known by the name of Nirmohi Akhara. It has no separate name. There is an idol of Sita Ram in Nirmohi Akhara. It has Ram darbar. Ram darbar is that where there are an idols of Ram, Laxman, Bharat, Satrughan, Sitaji and Hanumanji. There is no idol of Shivji but there is a small idol of Shivji in the courtyard of the temple. This idol of Shivji is in the eastern side of Ram darbar. Idol of Shivji is also called Shivling. He himself is there in above mentioned courtyard. This Shivling is installed in a Argha. There is a practice of offering milk and water to the Shivling. There is a small Shivling in the courtyard of Hanumangarhi also. There is huge idol of Hanuman ji in the courtyard of Hanumanji Mandir. There are many other small temples in Hanumangarhi Mandir. Wherein



various God/Goddess are sitting. These includes idols of Ram, Sita and Ganesh. It is not necessary that each temple in Ayodhya have the small temples of God/Goddess, besides the main temple. There may be small temples or may not be. In Kanak Bhawan Mandir I have not seen any small temple except the main Temple. He himself stated that there are Ram, Laxman Bharat and Satrugan in the main temple. The foot prints are on the platform on the outer side. Small temples except the main Mandir are not seen in Rangmahal Mandir. I have not seen Vamdev Manir in Ayodhya.

I have no brother, I am alone. There lives Ram Kirpal Singh in my village. I know him very well. He is my niece. I have never visited with Ram Kripal Singh for darshan. Mandir is constructed for Bhagwan. Any individual can built a space in that temple for his living as worshipping.

Question: Whether Mandir belongs to the God or to a person?

(Learned Advocate Shri R.L. Verma on behalf of Plaintiff in other original suit No. 3/89, raised an objection that this question is being asked again, hence cannot be allowed.)

Answer: Temples are constructed by an individual or by the groups of people and later on it is named after God after due disposition.

After it is dedicated to the God, organization of community takes its control in accordance with the regulation prepared for this purpose. A particular person or groups is the owner of Mandir Bhawan.

I cannot say who constructed Ram Janambhoomi Mandir but it is controlled and managed by Nirmohi Akhara not from today but from centuries.

So far I know, this temple is since the ancient time i.e. from the period, which one cannot count. Ramanandi sect is very old, but

how old it is, I cannot say. This sect was from the time of Ramnandji. I do not know, whether Nirmohi Ashara is 600 years old or not.

Witness was shown para 11 of the main examinee affidavit. He said the contents of para 11 of the affidavit is correct. Witness was shown the main examinee verification report. Witness said that in accordance to his knowledge the fact written in Para 11 of the affidavit is correct. I started going to the Ram Janambhoomi for darshan at the age of 15 years. But before this also I used to go with my parents.

Para 6 of the affidavit was read out to the witness. Witness said the facts written in the para are correct.

Question: When you have started going to Ram Janambhoomi for darshan alone also since the age of 15 years. Do you know, whether there was any dispute over the Ram Janambhoomi, before its demolition?

(Learned Advocate Shri R. L. Verma on behalf of plaintiff in other original suit No. 3/89, raised an objection that this question is vague. Hence such type of question should not be allowed.)

Answer: No dispute came to my knowledge in regard of Ram Janambhoomi during this period.

It is not correct to say that I am making false statement knowingly, in favour of Nirmohi Akhara.

(Cross - examination by Advocate Shri Veereshwar Dwivedi, on behalf of defendant No. 17 Shri Ramesh Chander Tripathi and defendant No. 22 Shri Umesh Chander Pandey in suit No. 4/89, concluded.)

(Cross-examination by Learned Advocated, Shri Ajay Kumar Pandey, on behalf of plaintiff in other suit No. 5/89 began).

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This term "Janambhoomi Mandir" used to para 4 of the main examinee affidavit means "Ram Janambhoomi Mandir". In the second and third line at para 7 of the main examinee affidavit, there was mention that I used to go once in a year and mostly at the time of Chaitra Ramnavami. By this I mean that people from various parts of the country and I too goes for darshan at Ramnavami which falls in month of Chaitra. Rama was born on that date. Chaitra Ramnavami falls once in a year. People from various parts of the country come to ayodhya except at Ram Navami on the occasions of Sawan-Jhula and Kartik Poornima. Among these three fairs, there is a huge crowd at Chaitra Ramnavami, in which lakhs of people come for darshan. There in not that much crowd in the remaining fairs.

I have heard about two door-keepers Jai and Vijay of Bhagwan Vishnu. I have not visited any temple of Bhagwan Vishnu, where there was an idol of Bhagwan Vishnu alone. I have never visited Gorakhnath Mandir.

At para 9 of my main examinee affidavit I have mentioned that since childhood I have been seeing Ram Janambhoomi Mandir and religious places situated therein, which were being managed by Nirmohi Akhara. By childhood I mean since the age of 5-6 years to 8-9 years. Sadhus of Nirvani Akhara, Digambar Akhara, Khakee Akhara and Maha Nirvani Akhara are also seen in Ayodhya, in addition to Sadhus of Nirmohi Akhara. In childhood I could not tell by looking at the Sadhus that to which Akhara they are related but the style of putting Chandan by the Sadhus of different Akharas was different. I was not much in touch with the sadhus of Nirmohi Akhara, so I cannot say about them.

But I do not remember, in what style I have in my childhood seen the Sadhus of Nirmohi Akhara were putting Chandan. I was more related to Nirmohi Akhara. At present too, I cannot say in what style the Sadhus of Nirvani Akhara puts chandan. I can tell about the style Chandan the Sadhus of Nirmohi Akhara put but I do not know about the Sadhus of other Akharas. In para 16 of my main examine affidavit I referred word "there" which means Janambhoomi. "Janambhoomi" and "Shri Ram Janambhoomi" are one and the same.

After reading para 15 of the affidavit, witness said I had mentioned therein about visiting Ram Janambhoomi by my parents. My parents would have been coming prior to me.

Referring para 17 of the main examinee affidavit the witness said this para means that no Muslim have ever read Namaz in Ram Janambhoomi. These were controlled and governed by Nirmohi Akhara. There was no mentioning of Nirmohi Akhara in para 17. 14 Kausi (14 miles) parikarma is organized at the time of Kartik Poornima. There is also Panch Kausi Parikarma in Ayodhya. The entry point to Shri Ram Janambhoomi was in the east, which was called Hanumath Dwar. One gate was in the north which was called Singh Dwar. There was no gate other than the two gates mentioned above for making entry or exit.

Question: Whether parikarma of Ram Janambhoomi is held from outside?

Answer: There was a corridor inside the iron bar's wall, leading to north and then turning towards west, which was two and half feet long and from there people come inside. Parikarma was used to perform like this. In case of huge crowd, people were asked to go out from Singh Dwar.

For performing Parikarma one had to turn to the south from Hanuman Dwar, then towards west and from there to north, then to

east and from there to south upto Hanumanth Dwar. The parikarma in completed like wise.

(Cross-examination by learned Advocated Shri Ajay Kumar Pandey on behalf of plaintiff in other original suit No. 5/89 concluded.)

(Shri Madan Mohan Pandey, Advocated on behalf of defendant No. 2/1, Mahant Suresh Das on original suit No. 4/89, has accepted the cross-examination done by Advocate, Shri Ajay Kumar Pandey).

(Km. Ranjana Agnihotri, Advocate on behalf of defendant No. 20. All India shri Ram Janambhoomi reconstruction committee in other original suit No. 4/89, has accepted the cross-examination done by Shri Veereshwar Dwivedi, Advocate and Shri Ajay Kumar Pandey, Advocated.)

(No advocate on behalf of any defendants, other than the advocate on behalf of defendants No. 1, 5, 6 and 26 in other original suit No. 5/89 and defendants on other original suit No. 4/89 were present for cross- examination. Hence cross-examination on their behalf came to an end. Hence cross-examination by Shri Abdul Mannan, Advocate, on behalf of defendant No. 11, Shri Mohd. Farooq Ahmed in this suit, begins.)

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I have passed B.A. from University of Agra. I have not passed B.A. from any affiliated college but from the University itself. It was not residing in Agra but goes there to appear in the examination. During that time the examination was given as a private candidate from Faizabad Division. I passed B.A. in the year 1974. I was a Clerk-cum Physical Instructor in Narinder Dev College in Gosainganj (Faizabad). During that period I passed B. Ed. Examination in the year 1974 from Agra University. I opted Hindi, Sanskrit and Social Science as the subjects in B.A. Besides, these two other subjects were there, whose names I do not remember. During the period of examination, I remained on leave from the school and stayed in Agra, in a colony. I used to go to appear in the examination from there alongwith the other students of that locality. This examination

was conducted in the month of March-April. I passed both, B.A. previous and B.A. final examination from the University of Agra. During both the examinations I went to Agra. I used to stay in Agra for 10-15 days upto the completion of examination. The result was declared in the month of July — August after the examination of B.A. final year.

I have passed B.Ed. Examination from Rai Bareilly. I have completed B.Ed. in two years. I used to go to Rai Bareilly for appearing in B.Ed. examination. I have studied B.Ed. by staying in Rai Bareilly and passed it from Phiroj Gandhi College in Rai Bareilly. I went to Rai Bareilly regularly for two years while I was doing my B.Ed. I use to go Rai Bareilly via Sultanpur from Faizabad. I used to go by bus from Faizabad to Rai Bareilly. I cannot say how many times I used to visit there in a month or a week. I used to go there only when required. I do not remember the names of the teachers who taught me in B.Ed. Some times I used to go there once in two months and sometimes once in three months. I used to go to Rai Bareilly only when it was necessary. I have studied Hindi, Sanskrit and Civil Science in B.Ed.

My house is in village Rajapur Saraiya, near Gosainganj in the west of Faizabad at a distance of 35 km. I have been residing in the village Rajapur Saraiya since birth. I go out only if required but reside permanently in Saraiya. Gosainganj is at a distance of 3 km. from Saraiya. I was doing the job in Gosainganj since 1954 and retired from the service in 1993. At present I am 72 years old.

Statement heard and confirmed.

Sd/-  
Narender Bahadur Singh  
17. 08. 2004

I dictated to stenographer, who typed it in the open court. Furtherance to this the suit may be fixed for cross-examination for 18.08.2004).

Sd/-  
(Hari Shankar Dubey)  
Commissioner  
17.08.2004

Before: Commissioner, Shri Han Shankar Dubey Additional Distt. Judge/Officer on Special Duty, High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by Hon'ble Full Bench in other original suit No. 3/89 vide order dated 13.08.2004)

**18.08.2004**

**D.W.3/15, Narender Bahadur Singh**

(Further to dated 17.08.2004 Cross- examination by Advocate Shri Abdul Mannan, on behalf of Plaintiff No. 11, Shri Mohd. Farooq Ahmad continues.)

Gosainganj is in Faizabad district. Its population is about eight to ten thousand. At the time, when I was teaching there were seven-eight hundred students in the school. Among these students some were from outside and some were from Gosainganj. I worked as a clerk from the year 1956. Thereafter I was appointed as Physical Instructor but during this period, also I was asked to do clerical work on the direction of Principal, used to do the clerical job sometimes, not daily. I went to Rampur for Refresher course, in 1962. After returning from there, I worked as a Physical Instructor only. The training was for three months in Rampur. During the training I was given Training in P.T., Parade and Gymnastic also. I have no knowledge about the distance of Rampur from Gosainganj. The distance from Rampur to Gosainganj was about two hundred and fifty to three hundred kilometers approx. I used to come Faizabad from Gosainganj and from Faizabad to Lucknow and thereafter to Rampur via Muradabad. During the training, I went to Rampur from Gosainganj once or twice, because it was quite far and it took more money as fare. After completion of training in Rampur, I came back to Gosainganj. I was deputed for training by the school. This training was in service training. Pay, during the training was paid by the school. The college at Gosainganj, where I was the teacher, was a

recognized one. I was getting Rs. 60 as pay in 1960-62. This salary was of the grade of untrained C.T. I was not always in the C.T. grade, after this I got salary increment. This grade was given to me in 1976 or 1977 by Pay increment committee after I did my B.Ed. During that period Shri Shambhu Narayan was the manager. Besides him, who were the members of the managing committee, I do not know. There might be 10-12-15 members in the managing committee. Since I was a teacher, I had no information in this regard. I do not know the date on which I was given increment. This enhancement in pay was done by the managing committee, approved by the inspector. I do not know from which date he approved the increment. I have been working there upto the year 1993, when I retired, in the same pay scale. There was a pay increment after every three years. Whether increment takes place after every three years in accordance with the rules or not I am not given the pay scale which is given to the people who did B.Ed. after C.T. grade aware. What pay I was drawing at the time of retirement, I do not know. I am getting after retirement.

Question: How much pension you are getting?

(Upon this question Learned Advocate Shri Ajay Kumar Pandey in other original suit No. 5/89, raised an objection that the question asked so far were not in any way related to suit or with any point of suit. Hence permission for asking such irrelevant question should not be given.

Answer: At present I am getting Rs. 3400/- as pension.

I have a son. I am at present residing in village Rajapur Saraya, which is at the distance of about 3 km. from the Gosainganj. My son is a teacher in that school, from where I had retired. He is also getting pay.



Babri Masjid was not built up. He himself said there was a Mandir at that place. I cannot say when the Mandir was constructed perhaps centuries before. Masjid was not constructed there ever. I have read about Babri Masjid from newspapers. Because Babri Masjid was not there so I cannot say the number of its Phataks. I have studied history upto 10th class. In the history taught upto 10th class, there was no mentioning of Babri Masjid. I have not read anything about Babri Masjid. Only newspapers publish rubbish in this regard. I read newspaper but do not believe much on them. In the past two years I came to know from the newspapers that a suit in this regard is subjudice in High Court and evidences are going on. So I came here to make statement. I am giving, statement in favour of Ram Janambhoomi and in favour of Nirmohi Akhara. Shaskar Dasji and Jagannathji from Nirmohi Akhara have asked me to give statement in this regard. On their inspiration I came to give sttement in the suit. I met Jagnnathji sometimes in Nirmohi Akhara and with Bhaskar Das in Hanumangarhi, at Naka. My meeting with Shaskar Dasji happens when I used to go for darshan, because Hanumangarhi falls on the way to my village. I Nirmohi Akhara. Shaskar Dasji and Jagannathji from Nirmohi Akhara have asked me to give statement in this regard. On their inspiration I came to give sttement in the suit. I met Jagnnathji sometimes in Nirmohi Akhara and with Bhaskar Das in Hanumangarhi, at Naka. My meeting with Shaskar Dasji happens when I used to go for darshan, because Hanumangarhi falls on the way to my village. I meet Jagannathji once or twice in a year. Since he is a Sant-Mahatma, only spiritual talks are held with him. Nothing specific about Ram Janambhoomi. I often used to see Jagannathji in Nirmohi Akhara. Normohi Akhara is in the east at a distance of one furlong from Hanumangarhi crossing. At present there is no musclemen in Nirmohi Akhara. I do not know whether musclemen were used to live in Nirmohi Akhara or not. I have seen Nirmohi Akhara 20 years ago also. I cannot name the persons living there 20 years before. I do not know their faces also. A Mahant in Nirmohi Akhara used to come from my village, who was also known as our Guru? So the main purpose of coming to that

Mahant also Nirmohi Akhara, is to take hi darshan. That Mahant also stayed about 5-6 km away from my village. What his name was I cannot say. We used to call him Babaji. When I used to go to Nirmohi Akhara then I used to stay there for one or two hours and after taking darshan go back to my village. I did not stay in Ayodhya. After staying at same places, I used to return back to my village. Mahant ji used to visit at Chaitra Ramnavami positively stay there for one or two weeks in Nirmohi Akhara. So I get the information about his arrival. By Chaitra Ramnavami I mean, the date of birth of Rama i.e. Ninth day of the month of Chaitra on which Navami of Shukia Paksha falls. I used go to his darshan only once, not everyday, when he stays there in Nirmohi Akhara at Ramnavmi. Due to heavy rush I used to go there for darshan of Mahatma only once. During that time no talk was held specific to Akhara with Mahantji. Now he is dead. He died 10-12 years before. I met him 13-13 years before in Nirmohi Akhara. I have heard that the suit in connection with Babari Masjid was going for last 12 years but I was not aware of hearing so I could not come for making statement. He himself said at that time statement was not being recorded. I have read from newspapers in this regard. No talk was held with Mahantji in this matter when he came Ayodhya last time, I do not know for how many days he stayed there in Nirmohi Akhara. I met him once, when he stayed in Nirmohi Akhara for the last time. For how long this meeting was held, for 10 minutes, one hour or two hours, I do not know. I met him in the day. After meeting him last time I went back to home but before reaching home, which places I visited, I do not know.

Although I am B.A., B.Ed. but I do not know which places I have visited, while coming back to village. Besides, the said Mahant of Nirmohi Akhara, Jagannath Das and his Guru Kewal Das, I do not know any other Sadhu because this does not mean any thing to me. After that when I went to visit to the Mahant of Nirmohi Akhara, the dispute of Babri Masjid was going on. This I have read in the newspapers. I do not know where the suit was going on at that time whether in high court or elsewhere.

I have come today to the high court to give my statement. My statement began yesterday. I got the summon for making statement about three-four days back from lawyer sahibji. I left for Lucknow for giving statement after I received summon. I come for making statement daily. I am giving statement for last two days. For further statement I will remain in Lucknow or not, all depend upon the circumstances.

Jagannath Dasji is the present Mahant of Nirmohi Akhara. For how many days he has been a Mahant, I do not know. But he is a Mahant. It might be possible that he would be a Mahant of Nirmohi Akhara for last 10-12 years.

There is a Supreme Court in India. I have heard that the said suit was also filed in Supreme Court, in the Bench of five Judges. But how long this suit was before the Supreme Court, I have no knowledge about this.

Question: How this suit, in which you are making statement, came before Supreme Court?

(Learned Advocate on behalf of plaintiff in other original suit No. 5/89 raised an objection that such type of question cannot be asked from the witness.)

Answer: I have heard that Supreme Court has referred the case to High Court for taking statement. Apart from this it has ordered for excavation etc. I do not know the details of order given by the Supreme Court. After that Supreme Court referred the case to High Court.

After the case was being received again in the High Court from Supreme Court, the suit is being heard here for 4-5 years.

Question: Why the suit was referred to High Court, here?

(Learned advocate, Shri Ajay Kumar Pandey, in other original suit No. 5/89 has raised an objection that such types of questions are being asked to harass the witness and to waste the time of the court. Hence such questions should not be allowed).

Answer: Perhaps due to some deficiency, Supreme Court has referred the matter back to High Court.

I have heard that Babar had made effort to give it a shape of Masjid by demolishing Ram Janambhoomi, but all the evidences in support of it being Janambhoomi are still there. It is said that Babar demolished the Mandir and constructed Masjid, in 1528. There was Meerbakee during the time of Babar who has done some construction work. I cannot say whether the work of construction was done in 1528. It is not correct to say whether Namaz was being read regularly in the disputed Bhawan after 1528. Meerbakee had not constructed any thing he made changes in it. After that there was no Minar in the disputed Bhawan. It is not correct to say that it is not necessary to have a Minar in the Masjid. I am not aware whether Meerbakee was from a country situated in the north of Afghanistan, where climate is very cold. So far I know Minar is must in the Masjid all over the world, whether its climate is cold or hot. It is not correct to say that idols were kept in the disputed Bhawan at Ayodhya in 1949 when there was a Hindu S.H.O. I have heard that Ram Dubey, Sub-Inspector, Incharge P.S. Ayodhya, Faizabad has lodged a report against Abhaya Ram Das etc. in connection with the so called incident which was reported to happened in the morning on same day and for keeping idol there, on 23.12.1949, but this report was not correct. The document No. 115, under section 145, Cr.P.C. dated 23.12.1949, lodged at 19.00, he against Abhay Ram Das by Ramdev Dubey, Sub-Inspector, Incharge P.S. Ayodhya, Faizabad, was read out to the witness. Witness said that the fact "five to six thousand people together shouting religious slogan many people have seen it" has been read out to witness. Witness said such report

was lodged by Ramdev Dubey but it is not correct. A number of Hindus in connivance with other and by taking bribe, lodged the complaint. It is not correct to say that Namaz was being read there five times regularly since 1528 to 22 Dec. 1949. It might be possible that the report has been lodged under the supervision of Ram Dev Dubey Sub-Inspector but it not correct. I was not in Ayodhya on 22nd Dec 1949. I cannot say where I was on that day. It is fact that I was at home on that day and besides being at home, where I went, I cannot say. It is said that the report, which was lodged, is not correct. This was a forged report. I have been listening, since the suit was filed, that a forged report has been filed in regard to Babri Masjid. I have also heard that the said suit has already been heard by Supreme Court.

I have also heard after the said report a suit under Section 145 Cr.P.C. was filed, which resulted in attachment. It was attached in 1950. He himself said the inner part was attached. Iron bars were also fixed in the disputed Bhawan. This was done to stop the people from entering from outside. People used to go for darshan there ever after the attachment and takes darshan from outside because the phatak was locked.

Question: In which year the Babri Masjid was constructed?

(Upon this question, Learned Advocate Ajay Kumar Pandey on behalf of other original suit No. 5/89, raised an objection that the said question has been asked a number of times and answered by the witness. Hence, witness is being asked again and again to embarrassed him and the court's time is being wasted. Hence question should not be allowed.)

Answer: Babri Masjid was never constructed.

Babri Masjid was not constructed in 1528. Babri Masjid was not demolished. Structure of Janambhoomi was demolished in the year 1992. I was not present at the time when it was demolished. I

have heard about it. Himself said that the entire countrymen have heard about it. Riots were broken out and there were sabotage in the large scale. I have heard that a huge crowd gathered in 1992 who demolished the structure. This structure was demolished on 6th Dec. 1992. I got the information in this regard within 2-3 hours. So far I remember, I was in Gosainganj 6th Dec. 1992. I do not know whether any person involved in the said incident, was from Gosainganj. I do not know who the people were, who demolished the disputed Bhawan on 6th Dec. 1992, because I was not present there. I have heard that a huge gathering was there, at the time of demolition of disputed Bhawan on 6<sup>th</sup> Dec. 1992. Lakhs of people were present there. Disputed Bhawan was demolished on 6th Dec. 1992 before noon. Of course, there must be a heavy noise at the time of demolition, but I did not hear the noise. I have heard that there were journalists and media persons, at the time of demolition. I have also heard that some journalists got injured in the action. I do not know how the people gather there on 6th Dec. 1992. I have not heard about any call given to gather there I was not present there, so I cannot say who the leaders were, who were present there on 6th Dec. 1992. Bhawan could not be constructed there after the demolition of disputed Bhawan because there suits were pending in different courts, which were Subjudice. I cannot say whether the present cases in the court can be solved because I am not a judge nor a lawyer. Disputed Bhawan was not reconstructed.

In the above F.I.R. there was a reference of desecrating the Masjid. In spite of this it was not reconstructed. This question may be asked from those who demolished it. There is no Masjid at the disputed site. In this regard it is not heard that Masjid was constructed in the year 1528. it is not correct to say that Namaz was being read there in the disputed Bhawan and Azan was also being performed there regularly. It is also not correct to say that Namaz and Azan were being performed regularly upto 22 Dec. 1949. It is also not correct to say that idols were installed there in the night of 22 Dec. 1949 and regular Namaz and Azan were being performed

there before. It is also not correct to say that disputed Bhawan is a Masjid, even today.

(Cross-examination by Advocate Shri Abdul Mannan on behalf of defendant No. 11, Shri Mohd. Farooq Ahmed concluded.)

(Cross-examination by advocate Shri Zaffaryab Jilani, on behalf of defendant No. 9, Sunni Central Board of Wakf, U.P. began).

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In High School examination certificate, my date of birth is recorded as 17th July 1932. I retired from the service on the basis of this date of birth. I was retired from 60 years. I had completed 60 years in July 1992 but I was retired from the service only after the completion of academic session, I have worked upto 30 June 1993. I was retired from the same college, where I started the job. Since retirement I am living at my native village. My native place is Rajapur Sareiya village, which I have referred in my main examinee affidavit. My village is at a distance of three-four kilometers from Gosaingarij in the north. My house is situated at the side of the road leading from Gosainganj to Dilasinganj. There is no direct bus to Faizabad from my village. For going to Faizabad, one has to go to Gosainganj first and from there to Faizabad. When our country became independent in 1947. At that time a very few private buses plys from Gosainganj to Faizabad. I could not recollect that when for the first time I went to Faizabad from Gosaiganj by bus. I believe that even before 1957, I would have been gone to Faizabad from Gosainganj by bus. Fro the first time I went to Ayodhya by bullock cart with my parents. I do not recollect whether I was in the school or not at that time. I do not remembered whether I went to ayodhya for the first time before 1944 or not. I was admitted to school in Vt standard. This school in which I got admission first time was a primary school and was in my village. I passed 4th standard from this school in 1944. I have passed 5th class from Junior High School, Gosaingajn. I studied there for two to



three years. Thereafter there was an interruption for one to two years. I have not passed last examination from that school. I have passed 7th standard from Junior High School, Gosainganj and I was again admitted 6th class in Sant Ram Industrial School. I have not passed any examination from there and left the school in 1949. I passed High School examination as a private candidate in 1952, from Ajamgarh. I started the job of teaching in this school namely Adarsh Industrial School, Gosainganj in the year 1954. I started the job as a teacher and a clerk. In High School I had Hindi, Math Civil Science and Economics as the subjects. At that time there were five subjects in high school, may be 6, I do not remember. I passed intermediate examination as a private candidate. I took the same subject in intermediate as were in the high school. I passed B.A. with Sanskrit and Hindi. I have studied Ramcharitmanas written by Goswami Tulsidas and also Valmiki Ramayana. Now I have forgotten Sanskrit. Besides above two religious books I have studied Geeta and Mahabharata also. In addition to these I studied "Das Bodh" named book. I have also studied Geetawali, Hunuman Chaleesa, Dohawali and Barwai Ramayana written by Tulsidas. I studied these books not so deeply. All the religious books, which I have studied, I have not read in any book regarding the birth of Ramachandraji in Ayodhya at any special place although it is my belief and faith that disputed site is the birth place of Ram Chanderji. I went to Ayodhya with my parents for the very first time, at Chaitra Ramnavami. On the day, after taking bath in Saryu, I went to take darshan of Hanumangarhi and then the disputed site. I do not remember what things I saw there because I was a child at that time. After then I went to the disputed site again after two to three years, with my parents. At that time when I visited Ram Chabutra after entering from Hanumanth dwar, there were idols of Bhagawan Ram Chander, Laxman, Bharat and Shatrughan in their childhood and Hanumanji with them. I alongwith my parents offered flowers and money. I do not remember the names of any priest present on Ram Chabutra at that time. There were priests at Ram Chabutra. After Ram Chabutra I went to Garbh Griha, which was in the main temple.



That Garbh Griha was beneath the middle dome. After entering from the northern dome, I saw Sita Kitchen where Belan, Chakla etc. kept and I also take darshan of Chhattee Pujan Sthal. I went to these places from inside the northern dome . I reached Sita's Kitchen, via northern dome. There were idols of Ram Sita, Laxman, Bharat and Shatrughan in the throne made of wood beneath the middle dome. Besides this idol of Hanumanji was there at a side.

Statement heard and confirmed.

Sd/-

(Narender Bahadur Singh)

18. 08. 2004

I have dictated to stenographer, who typed it in the open court. Furtherance to this, the suit may be fixed for cross-examination on 19.08.2004.

Sd/-

(Han Shankar Dubey)

Commissioner

18.08.2004

Before: Commissioner, Shri Han Shankar Dubey, Additional Distt. Judge/Officer on Special Duty, High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by Full Bench in other original suit No. 3/89 vide order dated 13.08.2004)

**Dt. 19.08.2004**

**D.W.3/1 5, Narender Bahadur Singh**

(Furtherance to dated 18.08.2004, Cross- examination by Shri Zaffaryab Jilani, Advocate on behalf plaintiff No. 9, Sunni Central Board of Wakf, U.P. continues.)

I used to go to the site via Hanumangarhi. I used to go to the disputed site on foot from Hanumangarhi. There were Kaushaliya Bhawan and Keikai Bhawan on the way. I did not go inside Kaushaliya Bhawan. I saw it from outside. I went inside Keikai Bhawan. There are Belana, Chakla in Keikai Bhawan, which is also called a kitchen. No idol is there. These two Bhawans are almost side by side. Kaushaliya Bhawan is at a distance of about 50 yards from the eastern gate of disputed Bhawan called Hanumath dwar. I have not seen any building called Manas Bhawan in between Kaushaliya Bhawan and disputed Bhawan. There is not building called Anand Bhawan. There is not Bhawan called Anand Bhawan. I have not seen any Bhawan or Mandir called Anand Bhawan near Manas Bhawan. I have seen Sumitra Bhawan. It is situated in the eastern and southern side of disputed Bhawan. I have seen Sumitra Bhawan last time in 1952. thereafter I never saw the Bhawan. I have seen this Bhawan two-three years before the disputed Bhawan was demolished on 6th Dec. 1992. I go there after every three-four years, after the demolition of disputed Bhawan. Since 1992 to 2004, I went there for three to four times. At present only Ramlalla idol is there in the Garbh Grih of the disputed site. There is tent over the idol. An idol is on throne over the Chhokki made of wood. I saw the idol placed at the disputed site last year for the last time. I cannot say

how high the idol of Ramlalla is, which is at the disputed Bhawan because taking darshan from a distance it appears equal so no one can guess about its height. People, bow before the idol and go back. I can recognize the idol of Ram Chanderji but not its height. One can guess that the idol is made up of eight elements by seeing it from a distance. During the period when the disputed site was demolished and attached, I have seen the idol for 5-7 times. I have seen this Bhawan for once or twice before it was attached. Before its attachment I went there once or twice, I cannot say exactly. While performing parikrama I saw it from the rear. In addition, rear part is also seen from Tedhi Bazar Road.

Picture document No. 154/5 of "Shri Gopal Singh Visarad versus Jahoor Ahmed etc" suit was shown to witness. Witness said he is not recognizing the picture. I cannot say whether any part of the disputed site is shown in the picture or not. It appears that there is a Chabutra in the right side. I do not know whether there was any gate or not. Some stair-steps are appearing in. A staircase and door are there in the picture, but it seems that this picture is of the door of northern side of disputed Bhawan and that of staircase, which are just ahead from the door. Upon seeing the picture No. 154/7 and 154/10, witness said these are of the Ram Janambhoomi's picture. Three domes are appearing there. These domes are of the disputed Bhawan. Pitchers made of copper above the domes are visible in the picture. It is not correct to say that the pitchers above the dome are not visible in the picture. Western part of the disputed Bhawan is seen in the picture.

Seeing the picture document No. 154/11 of this suit, the witness said that some part of the disputed Bhawan is seen in the picture but since the picture is not complete I cannot say which part of the disputed Bhawan is there in the picture. This is the picture of a door of three dome's Bhawan but I cannot say of which door. Seeing the picture document No. 154/8 of the suit, witness said that this is the picture of eastern part of the disputed Bhawan. Two domes are

there visible in the picture. One is the middle dome but the dome in its adjacent is northern or southern dome, I cannot say. After I visited disputed Bhawan with my parents at second time and then once upto the time when it was attached. I visited the disputed Bhawan in around 1947, not with my parents but alone. At that time no family member was with me. We were two to three friends. I never visited the part beneath the middle dome since it was attached and upto the time it was demolished. The painting in picture document No. 154/12, 154/14 and picture document No. 154/15 are similar to the painting, which I saw in the part beneath the dome of disputed Bhawan, before it was attached when I went beneath in the part if the three dome of the disputed Bhawan. I have seen the idol kept therein, which are similar to or resembles with the picture document No. 154/13 of the suit. These staircases are not made of wood. But I cannot say whether these staircases were made of stones or marbles or cement. I do not remember.

Witness was shown picture No. 154 of colour album document No. 200 C-I, witness said the throne kept in the disputed Bhawan, before it was attached, is similar to the throne shown in the picture. The throne shown in the picture No. 152 and 153 of the album are similar to throne shown in picture No. 154 but the throne shown in picture No. 155 is not similar. Before its attachment, when I visited the disputed Bhawan twice at the first time I have seen the idol of Ramlalla kept there, similar to idol kept in staircases in picture document No. 154/13 and at the second time I saw the idol kept in swing as shown in picture No. 152 to 154. Both the time when I visited the disputed Bhawan before its attachment, I stayed there for 10-15-30 minutes. At that time I visited only in the part beneath the middle dome not beneath the northern and southern dome. He again said he visited under the place of Northern dome. On seeing the picture No. 128 and 129, of the album, witness said Guru Dutt Singh is appearing on these pictures. These pictures were in the outer part where Ram Chabutra is. These pictures were not in the part beneath the dome of disputed Bhawan. I have seen these pictures before

and after attachment. On seeing picture No. 131 of the album, witness said whether this picture is of any part of the disputed Bhawan or not, I cannot say. There appear idols in the picture but where I have seen these idols in the disputed Shaven, I do not know. Seeing the picture No. 116 of the album, witness said that this is the picture of a part below the middle dome. Ramlalla's photo on the wall is appearing in the picture. But I cannot say in which direction i.e. east-west- north-south, these photos were. I have seen these pictures during my visit before it was attached. There was a door below the middle dome, which was 10-15 feet in width. On seeing the picture No. 103 of this album, witness said, this is the picture of the part below the three domes of the disputed Bhawan. On seeing the picture No. 99 and 100 of the album witness said these are the pictures of doors of the disputed Bhawan. But I cannot say whether these are of northern door or southern door. It appears that a sepoy is standing there in picture No. 99. When I visited the disputed Bhawan for the first time with my parents, at that time there was no sepoy standing.

On seeing the picture No. 84, 85 and 86, witness said these pictures are of disputed Bhawan but of which parts, I cannot say. Doors are these in the picture but of which part, I cannot say.

Seeing the picture No. 6 of this album, witness said this picture is taken from the southern-western side of the disputed Bhawan. Something whitish seems there. Whether, these are sacks or something else, I cannot say. There was four-five feet wide parikrama behind the disputed Bhawan. There was a Pustha attached to the western side of the disputed Bhawan.

In picture No. 9 of the album the entry point door of the disputed Bhawan is appearing. There are not two but only one door in the picture.

In picture No. 11 and 12, of this album, a part of the disputed Bhawan is visible. Outer part of the disputed Bhawan is seen in the picture. These pictures are of the eastern outer part.

In the picture No. 17 and 18, of this album eastern outer part of the disputed Bhawan is appearing.

Northern part is appearing in the picture No. 38 of the album. Two fishes are appearing in picture No. 40 of the album. One of the parts of disputed Bhawan is appearing in picture No. 44 of the album, but to which part the picture is, I cannot say.

It appears from the pillars in picture No. 47 and 48 that there is door. These pictures are of the earlier doors. The stones, on which there is writing in black ink is appearing in the picture, I have seen these stone in the disputed Bhawan before it was attached.

Seeing the picture No. 49 to 54 of this coloured album, witness said these pictures are of the Pillars, fixed at the first door of the disputed Bhawan.

In picture No. 104 to 114 of the album pillars are appearing which were fixed in the disputed Bhawan. But I cannot say at which door and in which wall, they were fixed.

In picture No. 115 to 127, of the album, pillars are appearing which were fixed in the three domes part of the disputed Bhawan. But where these were fixed, I cannot say.

On seeing the picture No. 136 to 147, witness said that pillars, which were fixed in the disputed Bhawan are appearing in these picture, but in which part these were fixed, I cannot say.

On seeing the picture No. 157 to 167, of the album, witness said these are the pictures of 12 pillars fixed in Garbh Griha. I cannot say at what places there were fixed.

Pillars are appearing in the picture No. 176 to 200 of the album. These pillars were fixed in the disputed Bhawan. These pillars were fixed in Garbh Griha. 4 pillars were in the north, 4 in the south and 4 in east. But I cannot say at what places each of them was fixed, I also cannot say, which 4 pillars were in the north, south

and east. It is not correct to say that there was no pillar in the southern side appearing in picture No. 176 to 200. It is not correct to say that pillars appearing in picture No. 176 to 200 were fixed in the door of northern side. It is not correct to say that no pillars among form the pillars, appearing on picture No. 157 to 167, were fixed in the southern or eastern side of the disputed Bhawan. It is not correct to say that the images appearing in picture No. 157 to 167 were of only two pillars, which were in the western side of the disputed Bhawan. It is not correct to say that images appearing in picture No. 176 to 200 are only of the four pillars.

No photo of any God/Goddess are appearing in the picture No. 104 to 108 of the album. In the picture No. 109 to 127 also of this album, no photos of God/Goddess are appearing in these pillars. No photos of any God or Goddess on the pillars are appearing in picture No. 136 to 147 of the album. Similarly, no photos of God/Goddess on the pillars are appearing in the picture No. 157 to 167 of the album. Similarly no photos of God/Goddess on the pillars are appearing in the picture No. 176 to 200.

Statement heard and confirmed.

Sd/-

(Narender Bahadur Singh)

19.08.2004

I have dictated to stenographer, who typed it in the open court. Furtherance to this, the suit may be listed for additional cross-examination on 20.08.2004.

Sd/=

(Han Shankar Dubey)

Commissioner

19.08.2004

Before: Commissioner, Shri Han Shankar Dubey, Additional Distt. Judge/Officer on Special Duty, High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by Hon'ble Full Bench vide order dated 13.08.2004, in other original suit No. 3/89)

**Dt. 20.08.2004**

**D.W.3/15, Narender Bahadur Singh**

(Furtherance to dated 19.08.2004, Cross- examination by Advocate Shri Zaffaryab Jilani, on behalf of defendant No. 9, Sunni Central Board of Wakf, U.P. continues.)

I do not know Lala Sita Ram, resident of Ayodhya, who wrote a book about Ayodhya. I never read the book written by him. I also do not know Dr. Radhey Shyam Shukla, who perhaps, wrote a book about Ayodhya and I have not read the book written by him. Upon seeing the picture No. 201 of document No. 200 C-I of the coloured album, the witness said this picture is of the middle part of the Mandir's dome. This dome is the part of the middle dome's opposite side. There appears a wall in the picture in which iron bars are fixed. I cannot say, whether iron bars fixed wall is appearing in picture No. 201 or not. There was no door foxed in iron bars wall whereas there was a door, which was open and meant for going in. I went in through the same door. Iron-bar's wall is not appearing in picture No.63, 64 and 65 of the album. In picture No. 68, the wall is not appearing, instead a Phatak like thing is appearing. There is a tree in the picture. Upon seeing this picture I cannot say at what place the tree was in the disputed premises. There was a molsri tree in the north side in the disputed premises near the northern wall. No iron bar's wall is appearing in picture No. 68. In the picture No. 67, lower part of a pillar is appearing. This picture is of some part of the disputed premises. I cannot see any Phatak in the picture. There appears an iron bar's Phatak in picture No. 72. Similar, Phatak was



in the disputed premises but at what place it was, I cannot say. I cannot say that Phatak appearing in picture No. 77 was meant for going in the iron bar's wall. There are leaves but not the tree in the picture No. 76 of this album. There is staircase but not the wall in this picture. A Neem tree is appearing in picture No. 75 of this album. Then said, I cannot say what tree is this by looking at the picture. He himself said that there was a Neem tree in the southern part of the disputed premises.

Question: Was tree appearing in picture No. 75, in the southern part of disputed premises?

(On this question Learned advocate Shri R.L. Verma, of other original suit No. 3/89, raised an objection that question regarding the direction by showing the picture cannot be asked).

Answer: On the southern part of Hanumanth dwar, there was a place called Sant Niwas where Sadhus lives, and a store room. The tree was at the same place.

Store room was in the north, adjacent to the eastern wall of disputed premises. On seeing the picture No. 78 of the album, witness said that this picture was of some part of the disputed premises, but which part, I cannot say. The Phatak appearing in picture No. 78, was not at the iron bar's wall, for entry, of the disputed premises. There appear trees in picture No. 79 and 80 of this album, but in which part the tree was in disputed premises, I cannot say. No part of the disputed premises is appearing in these pictures. In picture No. 81 and 82, there is a tree. I do not know in which part this tree was. Staircase is appearing in picture No. 83. There was staircase in the north of the disputed Bhawan, but on seeing the picture No. 83, I cannot say whether this was that staircase or not. Doors are appearing in picture No. 84, 85 and 86. The doors appearing in these pictures were in the part beneath the domes of disputed Bhawan. I cannot say whether these doors are

beneath the northern dome or beneath the southern dome or beneath the middle dome. Takhs were appearing in picture No. 87 and 88. I cannot say, whether these were in any part of the disputed Bhawan or not. A part of the disputed Bhawan is appearing in picture No. 73 of the album but I cannot say which part is it. The scene appearing in picture No. 70 was of a part of the disputed Bhawan, but which part is it, I cannot say. The scenes appearing in picture No. 71 and 72 of the album are the pictures of some part of the disputed Bhawan but which part is it, I cannot say. There appears a Ramchabutra in picture No. 56. A Chhappar of Phoose (long grass) and a tinshade are appearing in the picture. Ramchabutra was under the Chhappar of Phoose and tin shade was at a distance. I cannot say whether I ever saw the tin shade or not. In picture No. 58 of the album there appear a scene of Ramchabutra.

Question: Which part, north, south, east or west of Ramchabutra is appearing in picture No. 58?

Answer: The scene, which appeared from standing in front of Ramchabutra, is appearing in the picture No. 58.

Front side, I mean standing in northern side and facing towards south.

In picture No. 55 to 60, there appears a cave Mandir in picture No. 58, which I referred about at para 8 of the main examinee affidavit. In picture No. 58, there appears idols, but whose idols are these I cannot say. I cannot say. In picture No. 55 to 60, there appears shankar-pariwar (Shankar's family), in picture No. 59 and 60, which I referred in my affidavit. The white stones on which there is writing in black ink, appearing in picture No. 59 and 60 are similar to the stones, which were there in disputed Bhawan before it was attached. Picture No. 61 is of the same place. On seeing the picture No. 61 to 78 of the album, witness said that Chhattee Pujan Sthal (site) and foot prints, which I referred in para 8 of the main examinee

affidavit are not seen in these pictures. I have seen the umbrella appearing in picture No. 148 and 150 of the album in around the part of the dome of disputed Bhawan, but at what place, I cannot say.

On seeing the picture No. 21 and 22 of the black and white album No. 201 c-I that these pictures are from the parts of disputed Bhawan. These pictures were not in good shape, so I cannot say which part is there in the picture. Ramchabutra is appearing in picture No. 31 of the album. There appears three idols in this picture. Whose idols are these, I cannot say. Writing on white stone, in black ink is appearing in this picture. I do not know, whether I have seen these stones there before or after it was attached. Idols of Ramlalla and Laxhman were on the upper part of Ramchabutra. There were two doors in the disputed Chabutra. At one door, Kaushaliya was there, carrying Ram in her lap. In the other door there were Bharat and Shatrughan were there. An idol of Hanumanji was on a stone. I cannot say that idols appearing in picture No. 31, were in which part of Ramchabutr.

Picture No. 53 and 54 of this album is the picture of some part of the disputed Bhawan, but of which part I cannot say. Picture No. 81 and 82 of the album appears the picture of Grabh Grih. These pictures are of the place below the middle dome. I have seen these scenes before it was attached. The scene appearing in these pictures is of a throne. Idol of Ramlalla in frame is appearing in these pictures. There appears a front door fixed in the part of the dome of the disputed Bhawan in picture No. 107 of the album. I referred about foot prints in my main examinee affidavit. I have seen four foot prints of Ram, Laxhman, Bharat and Shatrughan, there. These foot prints were three to four inch in length. I do not recollect whether these foot prints were made of metals or stone. I do not know how old these foot prints were. I heard that these were from the times of Ramchanderji. I have neither read nor heard, how old the period of Ramchandra's was; I have heard he was lakhs of year before. Store room and saint Niwas were side by side and consisted of two to

three rooms. There were tin roof over the rooms. Their length and width was 25-30 feet and 10-12 feet respectively. The northern, southern and western wall of Saint Niwas and store room were made up of bricks. I cannot say whether bricks were fixed by cement or garas. There were three doors in store room, and Sant Niwas, in western side. I cannot say whether the doors were made of wood or iron. I have seen, the maximum 6 number of Sadhus and minimum two Sadhus there at a time. When I visited Saint Niwas and store room in the disputed Bhawan at the last time, upto its demolition, I saw Sadhus there but could not recognize them. I had seen Bhaskar Das there. It is not correct to say that there were no Sant Niwas and store room upto 1950. Sant Niwas and store were attached in 1982. It is not correct to say that I have not seen Bhaskar Dasji, after it was attached in 1982. I have mentioned at para 16 of my main examinee affidavit that "I have never seen any Muslim reading Namaz there". Seen means since I was not there, so I could not see. I referred going there for three times before 1950. I was referring that I have not seen any Muslim performing Namaz during these three occasions.

Question: Do you not know anything whether Namaz was being performed there in the disputed Bhawan in your absence?

(Upon this question, Learned Advocate Shri R.L. Verma of other original suit No. 3/89, raised objection that this question is not based on facts and the question based on notion cannot be allowed.)

Answer: I have not seen, but one can get the knowledge on hearing from others. I am the son of my father. I and others know about it on hearing from others.

Question: What you have mentioned in para 16 and 17 of the affidavit is based on seeing from your eyes and not on the basis of

hearing. So please tell us how you can say that Namaz was not being read there upto 22nd December 1949?

Answer: It is fact that the mention made at in para 16 and 17 of my main examinee affidavit are based on seeing. But I have written these paras also on the basis of what I have heard from my parents and from Saint of Ayodhya.

The length and width of three dome's part was 70-75 feet in north-south and 25-30 feet respectively. This includes the width of wall also.

There are pictures of the part, which are beneath the part of dome of the disputed Bhawan in the picture No. 77-78 of black and white album but to which part these pictures belong, I cannot say. It appears that picture No. 79-80 are of the parts which are beneath the dome of the disputed Bhawan. The umbrella appearing in these pictures was there at the time also when I visited the disputed Bhawan before it was attached. There was a throne under the umbrella. There was also an umbrella over the idol kept in the staircase under the dome of disputed Bhawan.

There was a road in the north of disputed Bhawan and Ram Janm Sthan was in its north. Than said Ram Janm Mandir was not in the north of road. It is not correct to say that the temple in the north of road was a Janm Sthan Mandir. There was no Mandir called Janamsthan Mandir except the disputed Bhawan in Ayodhya. There was no Sita kitchen in the Mandir behind the road in the north of disputed Bhawan. I have not visited the Mandir, which was in the north of the road, which is in the north of disputed Bhawan.

I have not seen the book titled "Shri Ram Janambhoomi Ka Raktranjit Itihaas" written by Shri Ramgopal Sharad.

I have heard the name of Lomesh Rishi. I have heard there was a place of Lomeshji in the disputed premises but I have not seen it.

I have seen a tomb in the south of the disputed premises. I do not know whose tomb was it. There was no tomb in north of disputed premises. Whether there was a place named "Ganje-e-Saheedan" in the east of the disputed Bhawan, I do not know.

I have heard about Sita koop but not seen it. People say Sita koop has a religious importance because water from all sacred places was collected there in. it is believed that Sita Koop was built up during the period of Ramchanderji. I believed that Sita Koop is there since the time of Ramchanderji. I have never seen Sita Koop. There is a palace name Dasrath Mahal in Ayodhya, which is also called Bara Sthan Mandir. It is said that it was since the time King Dasrath. I believe this. Kanak Bhawan, Rajdwar and Janambhoomi Mandir in Ayodya were there from the time of Ramchanderji. All these are at the same places, where these were at the time of Ramchanderji.

Disputed Bhawan was constructed during the resign of Bhagwan Ramchanderji. It was built-up by King Dasrath. Kanak Bhawan was also constructed by King Dasrath. Kanak Bhawan is at the distance of two to two and half yard from the disputed Bhawan. I have read in 'Kalyan' and 'Ramayana' that Kanak Bhawan, Rajdwar and Janambhoomi were constructed by the King Dasrath. By Ramayana, I mean Ramcharitmanas. By looking at Ramcharitmanas, I cannot say where it is referred that the above three mentioned Bhawans were built by Raja Dashrath. Kalyan is a monthly journal. I cannot say who is the editor of this journal. Earlier Goenka was its editor. The journal is published from Gorakhpur.

It is not correct to say that I never visited to the part beneath the dome of disputed Bhawan. It is also not correct to say that Namaz was being read there five times a day upto 22 December 1949 and no idcl was there.

On seeing the document No. 309 C-115 of the other original suit No. 5/89, the witness said that he cannot say whether it is a picture of eastern door of the Mandir situated in the north of Mandir, which is in the north of the road of the disputed Bhawan or not. It is not correct to say that disputed Bhawan was a Babri Masjid and not a Ram Janambhoomi Mandir. It is not correct to say that disputed Bhawan was from the time of Babar and Namaz was being performed there five times a day upto 22 December 1949. It is also not correct to say that I belong to Nirmohi Akhara and hence I am giving false evidence in favour of Nirmohi Akhara.

(Cross-examination by Advocate Shri Zaffaryab Jilani on behalf of defedant No. 9 Sunni Central Board of Wakf, UP. concluded.)

(Cross-examination by Advocate Shri Mustaq Ahmed Siddiqui on behalf of plaintiff No. 7 in other original suit No. 4/89 and Defedant No. 5 Md. Hashim in other original suit No. 5/89 began.)

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I got the school leaving certificate after passing 4th class examination. My date of birth is written in the school leaving certificate. My date of birth written in the school leaving certificate is 17<sup>th</sup> July, 1932. This examination was called chharoom at that time. So far I know, one gets only school leaving certificate after passing 4<sup>th</sup> class not a certificate. I have not read Urdu in 4111 class. Urdu was a second language in junior high school. In '1<sup>st</sup>' class there was no provision for Urdu in that school. I have read Urdu during junior high school. But now I cannot read Urdu.

Statement heard and confirmed.

Sd/-

(Narender Bahadur Singh)

20.08.2004

I have dictated to stenographer, who typed it in the open court. Furtherance to this, the suit may be listed for cross-examination for 23.08.2004.

Sd/-

(Han Shankar Dubey)

Commissioner

20.08.2004



Before: Commissioner, Shri Han Shankar Dubey, Additional Distt. Judge/Officer on Special Duty, High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by Hon'ble Full Bench vide order dated 13.08.2004, in other original suit No. 3/89)

**DL 23.08.2004**

**D.W.3/15, Narender Bahadur Singh**

(Furtherance to dated 20.08.2004, Cross-examination by Advocate Shni Mustaq Ahmed Siddiqui, on behalf of plaintiff No. 7, in other original suit No. 4/89 and Defendant No. 5, Md. Hashim in other original suit No. 5/89 continues.)

In addition to Janambhoomi Mandir, I have seen Hanumangarhi, Kanak Bhawan, Nageshwar Nath, Vasist Kund Mandir in Ayodhya. I have also seen the Sara Sthan Mandir. There is no dome in Bara Sthan Mandir. Shikhar and dome are almost the same thing. I do not know whether there is Shikhar or dome in Nageshwar nath Mandir. There is a dome in Kanak Rhawan Mandir. I had not counted how many domes are there in Kanak Bhawan Mandir, perhaps two to four. I also cannot say whether these domes are similar in shape or not. Domes in Kanak Bhawan are in the middle or in the corner in all the four corners, I cannot say. I used to go to this Mandir for darshan regularly and than said I went there for darshan not to count dome. There is a sharp Shikhar in Hanumangarhi Mandir. This Shikhar is high rising. In addition to the temples mentioned above, I also seen other temples but names are not known to me. A number of temples in Ayodhya have the Shikhar similar to the Shikhar of Hanumangarhi, but the names of temples are not know to me. I go to Ram Janambhoomi Mandir only for darshan. There were three domes in Ram Janambhoomi, which are in a line and round in shape. Dome of Hanumangarhi differs from other domes. Devotees go there for darshan and Puja Path (prayer).



He will take darshan and pray at whatever place he sees the idol of Shri Rama. From the point of faith, all temples are equal for the devotees.

Muslims also resides in Ayodhya. I have seen Masjid in Ayodhya but I do not know the name. There is a Masjid in Ayodhya nearby police station. Besides, where there are masjid I do not know. There are some temples of Jams in Ayodhya. I have also been there. There is large idol in a Jam temple, approx. 20-25 feet high, it is Mahabiras. There is a Gurudwara in Ayodhya. For Sikhs Ayodhya has religious importance. I have not heard about fairs, concerning to Muslims in Ayodhya and their Urs. There is a Nogji garave nearby police station. There lived a Saint in Gokul Bhawan where both the Hindus and Muslims used to go. He has written a number of books in which he has described about the various Mazaars of Ayodhya. Reference also appears in that book about Mazaar of Ibrahim, located at Mohalla Swargdwar but I have not seen it. I have also heard about the Mazaar Sheesh Paigambar but not seen it. I do not know whether Buddhists are in any way concern to Ayodhya or not. Nageshwar Nath Mandir is the oldest temple of Ayodhya. I never visited the temple of Nirmohi Akhara situated at Ramghat in Ayodhya and than said that I have visited the Nirmohi Akhara at Ramghat. There is another temple under the control of Nirmohi Akhara, at Ramghat, but I have not gone there. There is place at Nirmohi Akhara situated at Ramghat called Raghav Mandir. But I have not gone there. I have heard that it is under the control of Nirmohi Akhara. There is huge immovable property with the temples of Ayodhya, which were made by Kings. Hanumangarhi has also some immovable property. Sara Sthan Mandir has also some immovable property. I cannot say whether Bara Sthan Mandir has the property is other districts or out side of the state, in addition to the property in Faizabad. I can only tell about the property near Hanumangarhi in Ayodhya. I cannot say whether it also has the property outside of Ayodhya or in other states. People offer property to an idol installed in the temple. Property is kept in the name of

temple and on the name of management/trust. I have not seen any document in the name of management or trust. I have heard about that property is kept in the name of the management/trust. There is an open place in the western side of the disputed Bhawan where military camps are there. When I saw the place for the first time, nothing was constructed there and it was an open space. This land in west is about 4-5 feet below the level of the disputed Bhawan. There is a road in the north of the disputed Bhawan, which leads from Hanumangarhi to Dorahi Kuan (well). There were staircases for going into the disputed Bhawan, from the road but they were used rarely. These were used for going out from the disputed Bhawan. I do not know the number of stapes in the staircase. Road is 4-5 feet below the level of the disputed Bhawan. There are temples in the north of the road which is in the north of the disputed Bhawan, but their names are not known to me. There is a temple in the line in the north of the disputed Bhawan, which also at the same level height, at which the disputed Bhawan is. There is a Pustha in the south side of the temple in the north of the road. Pustha is made for the protection of the building at a place where the land's level is at less height. Similar Pustha is also there in the western side of the disputed Bhawan. At present, Bhaskar Dasji and Jagannathji are among the Panchs of Nirmohi Akhara. Ramkewal Das was the Panch before Jagannathji. Ram Kewal Das was a Mahant. Baldev Dasji was before Bhaskar Dasji. I do not know whose disciple Baldev Dasji was. Baldev Dasji was deputed by Nirmohi Akhara as a main priest. I do not know any Han Das of Nirmohi Akhara. I do not know Raghunath Das of Nirmohi Akhara but I know Raghunath Dasji of Ban Chavani who was a senior Mahant. I do not know about Mahant Ramchandaran Das who lost one of his eyes in an incident.

Document No. 45 C-I/I/I of other original suit No. 3/89 was shown to witness. On seeing it, witness said except the defendant No. 4 Baldev Das, I do not know other eight defendants listed in the document. There is a word "Muddayee" written on the top of list of defendants, I know its meaning. It stands for the person who files a

case. Below this word, the word "Mudalehum" is written, which stand for the person against whom suit is filed.

Witness, on reading para 1 of document No. 45 C-1/1 and a part of para 1 and para 2 of the document No. 45 C-1/1/2, said it appears that this suit is about the suit in regard to the property of Nirmohi Akhara. "Sulahnama" (compromise deed) is written in document No. 45 C-1/1/1 above the name of parties. On reading document No. 45 C-1/1/6, the witness said the Chohaddhee mentioned in Feharist Alif of this document, I know only the Chohaddhee which is in the north of the temple situated at Ramghat of Nirmohi Akhara and I do not know other three Chohaddhee. At Sl. No. 2 of this document, there is a word Janambhoomi Babri Masjid, I am not able to understand whether it refer the case in which I am giving witness or not. And than said two lines have been written about it. The disputed site in which I am giving statement is situated in Ayodhya. It is situated at Mohalla Ramkot. The detail referred at No. 2, I understand it. It is about Janambhoomi Babri Masjid, Mohalla Ramkot, Ayodhya city, Sub-Division — Havelli, Tehsil and Distt. — Faizabad, but the Chohaddhee of property referred therein, I am not able to understand about it. The property of Chohaddhee referred at No. two, the northern side Chohaddhee, which is written as road-Poktha (concrete road) is correct. Babri Masjid is written in western Chohaddhee, which I am reading literally. In the east side, waste land and a graveyard is written and in south side, graveyard is written. Upon seeing the document No. 45 C-1/1/5, witness said that Almarkoom Yakoom June 1942 is written there which shows that this document was written in June 1942. When I visited the disputed site for the first time, there were the temples in eastern side. In the east of the disputed site, there was a road, which was seven-eight feet in width, then comes the temple. When I visited the disputed site for the last time, there was a temple on the eastern road of the disputed site. He said changes were carried on, old were collapsed and new one has come up. Some open land and few graves were there in the south of the disputed site.

Question: Whether a "Chah Pokhta" is written at No. 3 of the document No. 45 C- 1/1/6.

(Upon this Learned Advocate, Shri Ved Prakash of the plaintiff of other original suit No. 5/89 has raised an objection that the witness is being asked about the documents and the details of document are being shown to the witness which was neither submitted by the witness nor the witness is a party in any suit. In this circumstance no question can be asked from the witness and also no question can be asked from witness in connection with the details of document. Such question should not be allowed.)

Answer: Yes.

There was Sita Koop at the disputed site. I cannot say whether it is still there or not. I have seen it before 1949. I have not seen it after 1949, because I have not gone there. Witness was shown, the referred detail of property and Chohaddhee at No. 3 of document No. 45 C-1/1/6, witness said he has no knowledge about the documents. It is not proper to ask the question, in regard this, time and again.

Disputed premises were in the north, south, east and west of Sita Koop because Sita Koop was inside of the disputed premises. It is not correct to say that I am in a fix about this place or I am giving false information in this regard. I think, disputed premises and disputed site is one and the same. Disputed Bhawan is the place where Bhawan is constructed and disputed Shawan is within the disputed premises. There was a temple in the disputed premises and a road in between the temple and disputed premises. There was a slope in the west of disputed premises and thereafter land at less height and then Govt. road. There was a road in the north of disputed premises. There was an open land in the south of disputed premises, where some graves were there. There was a wall around the disputed premises and a door in the wall in its east. Besides this

there was a door is north side. Sita Koop was in the south of the eastern door of the disputed premises. Sita Koop was inside of the disputed premises. Sita Koop was in the south at eastern door and a Pipal tree was there, where Shankar's family (idols of Shankar family) was installed. Whether there was something else in the southern side or not, I cannot say- There was a Ram Chabutra in the southern side. If you enter from eastern gate, first comes Ramchabutra in the south and then Sita Koop and Sant Niwas and store room in the north, adjacent to wall.

Witness was shown document No. 45 C1/2A of the suit upon which witness said, I am not citing the place as a Sant Niwas, where "Chabutra baithane Yatri" is written. Sarak Pokhta written in the north of the map is right. Charanpaduka written in the south of Sarak Pokhta is right. Molsree tree is written at the proper place. Similarly "Ramchabutra Janm Sthan" is also written at the proper place. Sita Koop was in the south of Chabutra, but it is not written there. I was referring the Samadhi in the south, which was the place where graveyard is written in the map. In the map, the place, which was referred as Masjid Babri, is the place, to whom some people call a Mandir and some people call it a Babri Masjid. There appear a date 15.04.42 at the bottom of the map. The only mistake in the map is that Sita Koop is not mentioned there. It is not correct to say that Sita Koop is at the outer part of the premises. I cannot say whether it still exist today or not. It is also not correct to say that I have no knowledge about the disputed place and I telling the things based on hearsay. I used to go by bus from Gosainganj to Faizabad. When I used to go by bus, I used to get down at bus stand and when I used to go by train I get down at Ayodhya. If I used to go by bullock cart, I go through Darshan Nagar. At that time there was no public transport for coming from Dev Kali intersection. Muzzaffra Naka does not fall in the way if you come from Gosainganj to Faizabad and similarly Muzzaffra Naka does not fall on the way from Faizabad bus stand to Ayodhya. Muzzaffra Naka also not fall on the way from Ayodhya Railway station to the disputed site. Muzzaffra Naka does

not fall on the way for Ayodhya if you come by bullock cart through Darshan Nagar. Generally Muzaffra Naka does not fall on the way to Ayodhya but unless you specifically comes through that place. The fact mentioned by me in the statement that Muzaffra Naka fall in the way from Gosainganj to Ayodhya was correct. I have not gone around the country. I know about the dresses and way of living of countrymen. South Indian people put on Pant-shirt, Kurta-Payajam and Narsingha Rao lungi. If people from different parts of the country gather at a place, I can recognize them by their dresses. Who is Punjabi or who is Gujarati? I cannot identify of people, other then the Punjabi or Gujarati. On the basis of their tone/language they speak, I can recognize, what states they belongs to. I can identify people of Bengal, Bihar and Punjab by their dialect. I can recognized the people of Tamilnadu on the basis of their dialect and their colour.

It is not correct to say that disputed Bhawan is in Masjid's land. It is not correct to say that disputed Bhawan is a Masjid. It is also not correct to say Namaz was being read there in the disputed Shawan for all the five times a day up to 22 December, 1949. It is also not correct to say that before the above date, all the people called it Babri Masjid and not a Ram Janambhoomi. It is also not correct to say that I have no knowledge of disputed site and I am making statement on the basis of hear says.

(Cross-examination by Advocate Shri Mustaq Ahmed Siddiqui on behalf of plaintiff No. 7 on other original suit No. 4/89 and defedant No. 5 Md. Hashim in other original suit No. 5/89, concluded.)

(Shri Sayyed Irphan Ahmed, Advocate, on behalf of Defendant No. 26 in other original suit No. 5/89 has accepted the cross-examination conducted by Shri Abdul Mannan, Shri Zaffaryab Jilani and Shri Mustaq Ahmed Siddiqui, Advocate.)

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(Shri Fazie Alam, Advocate, on behalf of defendant No. 6/1 and defendant No. 6/2 in other original suit No. 3/89, has accepted the cross-examination conducted by Shri Abdul Mannan, Advocate, Shri Zaffaryab Jilani, Advocate and Shri Muataq Ahmed Siddiqui, Advocate.)

Cross-examination on behalf of all defendants and parties concluded. Witness is allowed to go.

Statement read and confirmed.

Sd/-

(Narender Bahadur Singh)

23.08.2004

I dictated to stenographer, who typed it in the open court.

Sd/=

Han Shankar Dubey

Commissioner

23.08.2004