

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

Other Original Suit No. 3/89

Nirmohi Akhara

Plaintiffs

Versus

Priya Dutt Ram and other.....

Defendants

STATEMENT OF D.W. 3116

SHRI SHIV BHEEKH SINGH

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**EXAMINATION IN CHIEF OF WITNESS NO D.W.3116 UNDER ORDER
18 RULE 4 OF CODE OF CIVIL PROCEDURE**

I, Shiv Bheekh Singh S/o Suryapal Singh, aged about 79 years approx., resident of Haliyapur, Distt. Sultanpur solemnly affirm on oath as under:

Para 1 I was born in the year 1926 and attained the age of understanding at the age of 11, 12 years.

Para 2 I belong to a well off and educate family.

Para 3 I have Para 5 On becoming darshan of Bhagwan Ramlalla sitting in disputed temple Shri Ram Janambhoom Ayodhya since 1938

Para 4 I have been visiting to fair in Ayodhya since the age of 12 years, with my parents and villagers by bullock-cart. The bullock-cart was used to parked in the premises of Ishri Das courtyard. From there I with my parents, used to go take bath in Saryu River and then for darshan of Hanumangarhi, Kanak Bhawan and Shri Ram Janambhoomi and since then I have been seeing Bhagwan Ram sitting in Grabh Grih beneath the middle dome.

Para 5 On becoming older, I used to go for darshan of Bhagwan Ram Lalla sitting in Shri Ram Janambhoomi Mandir and other temples in Ayodhya, over the bicycle along with my friends.

Para 6 My parents told me about the famous temple Shri Ram Janambhoomi in Ayodhya and about the importance of Shri Ram Janambhoomi being the birth place of Bhagwan Ram.

- Para 7 My parents were religious people and Bhagwan Ram is their God and I inherited that culture from them since childhood.
- Para 8 From the very beginning, when I used to go to the fair in Ayodhya with my parents and the villagers, I also used to visit famous Hanumangarhi and Kanak Bhawan, besides Ram Janambhoomi Mandir. Besides, I have seen other temples also from outside. Are not remembered by me.
- Para 9 I have seen Thakur Ram Janaki Temple, which is opposite to Hanumangarhi Mandir and other small temples of Bhagwan Ram Janaki and Narsingh Bhagwan Mandir. There I used to offer prasad after darshan, perform parikarma and come back.
- Para 10 In Kanak Bhawan, there is Ram Janaki and Kishoriji Mandir, a big courtyard, a Jagmohan, parikarma. I used to perform parikarma and take darshan.
- Para 11 Inner part of Shri Ram Janambhoomi Mandir, alongwith the Sahan surrounded by iron's bars, is beneath the three Shikhars and Grabh Grih is under the middle Shikhar. Where I have been seeing Ram Lalla sitting since 1938.
- Para 12 Besides, Bhagwan Ramlalla, Lakhanlal and Hanuman ji were sitting there. A few Saligram were also there. Number are not releaser.
- Para 13 There was a swing like throne and Bhagwan Ramlalla and Lakhan Lal were sitting in a small throne made of silver at a place similar to staircase and I saw him i.e. bhagwan Ramlalla sitting in swing like throne.
- Para 14 Three fairs are organized in Ayodhya, one at Chaitra Ram Navami, second is Jhula Mela in the month of Sawan and third one at Kartik Poornima or parikarma.
- Para 15 I used to go there twice a year necessary.
- Para 16 Inner part was acquired in December, 1949. After that darshan of Ramlalla is taken from outside gate
- Para 17 The entire structure was demolished by the crowd on 6th December 1992. Thereafter, I went there for a few times, 2-3 times and now Ramlalla is sitting in the tent and darshan is taken from the iron bar gate.

Para 18. Inside there is open space in the outer part of Grabh Griha, where there were Ram Chabootra Mandir, store room, Sant Niwas and Shiv Darbar. I have seening thses since 1938 and taking darshan. At Ram Chabootra, Bhagwan Ramlalla, Bharat, Satrugan and Laxhman were sitting in their childhood. Hanuman ji is also their and two cave's like temples. In one cave's temple Kaushaliya is sitting with Ramlalla in her lap and in another cave's temple Bharat's idol of stone is there.

Para 19. In the year 1938, my parents told me that Sadhus and Pujari, which are there, they all are from Nirmohi Akhara and they were managing all the things upto its attachment.

Para 20. I understand the meaning of attachment I came to know about the attachment in 1949, from the sadhus of Nirmohi Akhara who live in the

outer part Bhandar (store) Grih and Sant Niwas. In the year 1950 when I went there at Ram Navami and I came to know that Puja in the inner part, is performed under the control of receiver but the outer part has yet been under the control of Sadhus even after 1950 who have seen performing Puja in the inner part. One of the Sadhu, Mahant Das was seen. Mahant Das was in the Naka Mandir, at Hanumangarhi. While coming from the village on bicycle, I sometimes used to visit the Hanumangarhi, if it was Tuesday.

Para 21. During 12 years, since 1938, and up to the time of attachment in December, 1949, I have visited there twice a year and thus since 1938 to 1949, I visited there for 24-25 times.

Para 22. From the age of 15 years in 1941, I started visiting alone.

Para 23. I also went there after 1950. at that time also, outer part was under the control of Nirmohi Akhara. I have been seeing Mahant Bhaskar Das for 20 years from 1950 and thereafter another Sadhu came there.

Para 24. 24 years before I came to know, while taking darshan that outer part was also attached due to clashes in between the

Sadhus. But devotees were visiting there without any hindrance. Inner part was attached because of false pressure from Muslims.

Para 25. Structure was demolished by the crowd on 6.12.92 (sixth December Nineteen Hundred Ninety Two). After that I do not visit there frequently. During last 12 years, I visited for three times and now I am old.

Para 26. I have visited the inner or outer place of the disputed Bhawan, because according to me it is still Ram Janam Bhoomi.

Para 27. I have not seen any Muslim visiting the disputed site and making its use as a Masjid and then reading Namaz. Nor I ever know or heard about it because of being God's place.

Para 28. I have been seeing the control of Sadhus of Nirmohi Akhara, before attachment,

Deponent

Sd/-

(Shiv Baksh Singh)

VERIFICATION

I, Shiv Baksh Singh hereby solemnly affirm that the content of the affidavit under Para 1 to 28 are correct to the best of my knowledge and nothing is false or concealed. May God help me.

Verified today at Lucknow High Court premises, Lucknow.

Dated 24.8.2004

Sd/-

(Shiv Baksh Singh)

Shiv Baksh Singh, who filed the affidavit, is know to me and he has signed in my presence.

Sd/-

(R.L. Verma)

24.8.04

Advocate

Before: Commissioner, Shri Han Shanker Dubey, Additional Distt.
Judge/Officer on Special Duty, High Court, Lucknow Bench, Lucknow.
(Commissioner appointed by Honble Full Bench Lucknow Vide order dated
13.8.2004.)

Other Original Suit No. 3/1989

Original Suit No. 26/1 959

Nirmohi Akhara

Plaintiffs

Versus

Babu Priya Dutt and others

Defendants

24.8.2004 D.W.3/16, Shri Shiv Bheekh Singh

Affidavit, page No. 1 to 6, submitted by Shri Shiv Bheekh
Singh S/o Shri Surya Pal Singh, age 79 years approx, resident
of village-Haliyapur, Distt. Sultanpur, as a main examinee,
submitted and taken on record.

(Cross-examination by Advocate, Shri Beereshwar
Diwedi, on behalf of Defendant 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 upto 4th standard. I can read, whether is written in the
affidavit. Volunteer I have read and heard it. In the first page of the
affidavit, a part is typed and a part is hand written.

Question:- Whether a few typed sentence were corrected by handwriting?

(Learned Advocate Shri R.L Verma in Other Original Suit No. 3/89
has raised an objection that the question is being asked does not come
under the purview of cross- examination because whatever is written in the
affidavit is in situ. Permission for asking a separate question in this regard
should not be allowed.)

Ans:-Yes.

In second line at Para 4 there is a word "Ishri Das." The typographic
error in the word has been rectified by hand writing. It is correct that no
sign has been put in there but the word has been written in handwriting.

In Para 9 and 10 of the main examinee affidavit, the typographic errors have been rectified by hand writing but no initials were put in there. In Para 13, 15, 17 and 18 at page No.3, the typographic errors have been rectified by hand writing but even initials were not put in there. Similarly in the last line of Para 18 at page No. 4 and in para 21, the typographic errors were rectified, but no initials were put in there. Similarly in Para 24 and 27 of the affidavit and in second line of confirmation statement, there were no initials wherever it was rectified.

Ram Janambhoomi, where I go for darshan, an idol of Ramlalla is there. An idol of Sitaji was not there. There were three caves and an idols of Ram and Laxman were in the large cave and an idols of Bharat and Satrugan were there in the beneath part. Kaushaliya statue with Ramlalla in her lap was in a small cave. This temple does not belong to any individual but to the God. Since, I attained the age of understanding I have been seeing the Sadhus of Nirmohi Akhara serving/managing the Ramlalla Mandir.

I am an old, small zamindar. Zamindari has been abolished. After abolition of zamindari too, I go there for darshan and Puja Path because Ayodhya is the holy place for us. There is a temple of Hanumanji. It is the biggest Hanumangarhi. Priests are there also. It is a Hanuman's Mandir. Priests are there for performing Puja. It is correct to say that upon the provocation by Shaskar Das, I came here to give false statement.

(Cross-examination by Advocate shri Beereshwar Diwedi, 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 Shri Ajay Kumar Pandey, Advocate, on behalf of Plaintiff in Other Suit No. 5/89, begins)

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There is word "Mela-Mela" in the second line at Para 4, in the main examinee affidavit, which means the fair, organized in Ayodhya. Similarly in the first line of Para 5 and in the first line of Para 8, in the main examinee affidavit words "Mela-Mela" appears, which means, whenever the fair is organized in Ayodhya. In the last two line at Para 4 of affidavit

the word "Grabh Grih" appears, which means Grabh Grih. The word Grabh Grih appearing in Para 11 and 13, also means Grabh Grih.

The disputed site where Ramlalla is sitting, is called Ram Janambhoomi because Ramchander was born there. Therefore, this place is treated a holy place. Hindus believe that one can achieve salvation by taking darshan of this place. Peoples from different parts and states comes here when fairs are organized in Ayodhya at the time Ramnavami, Sawan Jhula and Kartik Poornima. Fair is also organized at Kartik Poornima. These all fairs are organized in Ayodhya even now. There remains huge crowd, except at the time of parikarma, on all the occasions. There is less crowd at the time of parikarma, because during the 14 K.M. parikarma, one should go on foot. Chaudhakausi (14 K.M. long) parikarma is organized in the month of Kartik and Panchkausi parikarma is organized at the time of Akadashi. I had not seen any Muslim visiting disputed premises and Ram Janambhoomi and reading Namaz.

(Cross-examination by Shri Ajay Kumar Pandey, Advocate, on behalf of Defendant in Other Original Suit No. 5/89, concluded.)

(Upon referring the name of Shri Ajay Kumar Pandey, Advocate, by Shri Madan Mohan Pandey, Advocate on behalf of Mahant Suresh Das Defendant No. 2/1 in original suit No. 4/89, has accepted the cross-examination done by the above mentioned Advocate.)

(Km. Ranjana Agnihotri, Advocate on behalf of All India Shri Ram Janambhoomi Renovation committee, Defendant No. 20 in Other Original Suit No. 4/89 as accepted the cross-examination conducted by Shri Beereshwar Diwedi, Advocate and Shri Ajay Kumar Pandey, Advocate.)

(Shri D.P. Gupta, learned Advocate of Plaintiff Other Original Suit No. 1/89, was given a chance for cross-examination but he said he has not to do the cross-examination from this witness.)

(None other than the Defendant in Other Original Suit No. 4/89 and Defendant No. 4,5,6 and 26 in Other Original Suit No. 5/89 was present for cross-examination. Hence the cross-examination, from their side, terminated. Hence the cross-examination by Advocate Shri Abdul Mannan on behalf of Shri Mohd Farooq Ahmed Defendant No. 11 in this suit begins.)

My village is at a distance of 48 km. from Faizabad chowk. It is 54-55 km. From Ayodhya. My village is in Distt. Sultanpur. From the border of Sultanpur, my village is at distances of 5-6 km. I often used to come to Ayodhya by bullock-cart. Sometime by Ekka. Ration etc. were loaded in the bullock cart because we used to stay at Ayodhya for two to four days. My village Haliyapur, falls under Distt. Sultanpur, Tehsil Musaffirkhana. I went to Bombay in the year 1940 for 2-4 years. For the rest of period I have remained in my village. After the death of my father and due to temporary job, I went back to my village. At the age of 14-15 years I came back to my village. I was from a poor family. At the age of 11-12 years I went to Bombay and came back from there after 3-4 years. For 3-4 years I have worked in the bicycle factory and playing card manufacturing factory on a temporary basis. Clip for Pants were also manufactured in it. I was living at Tardev, adjacent to Bombay Central Station. My elder brother was working Deptt. Of Railway. He had got the accommodation. I was living with my brother. My elder brother was a cabin-may in railways. We both the brothers, discussed the situation of our village and we had decided to go back to our village as my father was dead and there was none to cultivate the land. Then I came back to my village. My father had left 5-7 acre land for us. Myself and my younger brothers were with me at my village. Besides there were my uncle-aunt and my mother in the family. After the death of my father, these people lived as a family members. We were three brothers. One was elder to me and one is younger t me. My elder brother is elder to me by 10-11 years. It is my guess only. Younger brother was younger by 4 years. The population of my village at the time when I returned from Bombay was very high. This can be assumed on this basis that there were 5000 voters in my village. Now the number of voters must have gone up. I was summoned to Lucknow to give statement by the lawyer. The summoned was served to me at my village. If the summon had not been served to me in my village, it would not have been possible for me to come here to give statement. I got the summon at the residence of Lawyer in Ayodhya. Mahant Bhaskar Das of Muzzaffra Naka has called me to Ayodhya. I was known to him from the time of his Guru, Baldev Dasji. Bhaskar Das has informed me, when I reached Ayodhya, that I have to depose before the court. I reached Ayodhya yesterday at 8-10 A.M. I was

at the residence of Lawyer Shri Ranjeet Lal Verma in Ayodhya. I stayed at his residence for a day only. After receiving the summon, I came here to Lucknow with the Lawyer Sahib, to day itself. I came here on the call of Mahant Shaskar Das of Hanumangarhi, Muzzaffra Naka from my village and he has sent me to the Lawyer Sahib in Ayodhya.

Question: How many days it took you to come?

(Upon this question, learned Advocate Shri Ranjeet Lal Verma in Other Original Suit No. 3/89 raised an objection that:-the witness has stated in det?il, the time taken from his village to Lucknow. Hence the question is illusory and such type of question should not be allowed.)

Answer: It took me two days to come. I started from my house yesterday and on the same day I went to Muzzaffra Naka and to the residence of Lawyer Sahib and today I am in Lucknow.

Question: you would have come straight to Lucknow?

(Upon this question Learned Advocate Shri Ranjeet Lal Verma on behalf of Plaintiff in Other Original Suit No. 3/89 raised an objection that on the basis of the uncured happening, question should not be allowed.)

Answer: I had not got the summon. I could not come straight to Lucknow. Besides, I never visited the High Court and hence I required a Guide.

I met the lawyer Sahib, when he returned from court to his house. From Ayodhya, to Lucknow in a vehicle, which appears like a car I came with the Lawyer Sahib; I can't say to whom the car belong. After coming to Lucknow, today I am here for making statement.

I have visited Ayodhya for 24-25 times roughly. I do not recollect on what year and in what date. I visited Ayodhya for the first time. When I visited Ayodhya, for the first time in which year. I do not know. For the first time when I visited Ayodhya I went for darshan of Hanumangarhi, Kanak Bhawan and Ram Janambhoomi. I offered prasad there. Kanak Bhawan temple is big one. Probably 500-600

meter in length and width. I have also seen Sara Sthan Mandir i.e. Dasrath Shawan. Two roads, one to Ram Janambhoomi and second to Kanak Bhawan, goes from there. Dasrath Bhawan is also big one but small in compassion to Kanak Shawan. Sadhus live in Dasrath Bhawan. How many

Sadhus live there in Dasrath Shawan, I cannot say. Sadhus live in the inner part, some live in the outer part and some go outside for walk. I do not know how many sadhus live there in Dasrath Bhawan. Neither I know their name nor I know where they live in. there is one Mahant in each Mandir. Therefore, there is one Mahant in Dasrath Bhawan also. I cannot say how far the Sabri Masjid is from Dasrath Bhawan because I have never heard about Sabri Masjid. I know about Janambhoomi only. The disputed Shawan is about 300-400 meter away from the Dasrath Mahal. I have seen the disputed Shawan. There were three domes in the disputed Shawan. These were there 11-12 years ago. All the three domes were in line. There was courtyard after the dome. I must have gone to Ayodhya for 20-25 times during my life time. I visited the disputed site for 3-4 times, when there were no domes. I do not agree that Babri Masjid was built up in 1528. Babri Masjid was never constructed ever, not even in 1528.

Question:-Whether there were three domes over the disputed Bhawan?

(Upon the question learned Advocate Shri R.L. Verma on behalf of Plaintiff in Other Original Suit No. 3/89, raised an objection that this question has been asked at a number of times. Hence this question cannot be allowed.)

Answer:- Yes please. There were three domes in a line. Among them two were little and mid one was large.

Question:- Whether the Babri Masjid was constructed in 1528. Do you have any information in this regard?

Answer:- Babri Masjid was never constructed. So the question of having information does not arise.

The question of Namaz being regularly performed in Babri Masjid since 1528 does not arise because no Babri Masjid was there.

Question:- Namaz was being performed in Babri Masjid since 1528. If your smeary is o.k?

(Upon this Learned Advocate Shri Ranjeet Lal Verma, on behalf of Plaintiff in Other Original Suit No. 3/89, raised an objection that witness is being asked the question again and again. Besides, personal casting in regard to his memory is being leveled against the witness, which cannot be allowed during cross-examination. Asking such type of question is

harassment to the witness. Hence such type of question cannot be allowed.)

Answer:- My memory is perfectly all right. Neither Namaz was performed there nor there was a Masjid ever.

Question:- Whether Namaz was being performed there regularly since 22 December, 1949.

(Upon this question Learned Advocate Shri Ranjeet Lal Verma on behalf of Plaintiff in Other Original Suit No. 3/89, raised an objection that witness has already answered that Namaz was not being performed there, therefore, asking question regarding date of the Namaz from the witness in this regard is simply wastage of time.)

Answer:- The question of 22nd December 1949 does not arise. In no year, and never, Namaz was read there.

Page No.115, which is part of documents of section 145 Cr.P.C. a report registered in P.S. Ayodhya by Sub-Inspector Ram Dev Dubey, Incharge, P.S. Ayodhya on 23.12.1949 at 19.00, was shown to witness. Witness told that since the report is not written in clear writing, so he couldn't read it. The letter is not in bossier form, and even words are not in clear form so I cannot read them.

Question:- It is Written on the paper that Masjid has been desecrated. What you have to say in this regard?

(The Learned Advocate Shri Ranjeet Lal Verma, on behalf of plaintiff in Other Original Suit No. 3/89, raised an objection that witness cannot be asked about the contents of any subject. This cannot be readout again to witness, so no question can be asked from witness. Hence such question cannot be allowed.)

Answer:- The question of desecration of Masjid does not arise when there was no Masjid at all.

(Witness was shown the F.I.R. by the learned cross-examination Advocate. Upon which Learned Advocate Shri Ranjeet Lal Verma, on behalf of Other Original Suit No. 3/89, raised an objection that when the witness once denied about the documents, the same question cannot be asked from the witness again.)

I cannot read this paper. I know Hindi only. I can read the paper only, which are in good Hindi.

Question:- Could you not read the document, which is not written in calligraphic manner?

(Learned Advocate Shri Ranjeet Lal Verma, on behalf of Plaintiff in Other Original Suit No. 3/89, raised an objection that the question is hypothetical, question cannot be asked on this subject.)

Answer:- The facts "Badahu Mazama..... Mamura duty and Bahut se addmiyon ne ishe Dekha Hai" mentioned in above-mentioned document No. 115 have been readout to the witness. Witness said that he has no information about this kind of written report.

About the fact, installation of an idol, mentioned in the F.I.R., even his grand father/mother cannot say anything about it. Therefore it is not possible for me to say anything.

Question:- Whether the report was lodged in the night of 23rd December 1949 at 7PM?

(Learned Advocate Shri Ranjeet Lal Verma, on behalf of Plaintiff in Other Original Suit No. 3/89, has raised an objection that question in regard to such report cannot be asked from the witness, for which he is a party. So the question cannot be allowed. Beside such type of question were asked at a number of times. So the question cannot be allowed.)

Answer:- I have no knowledge in this regard. It is not correct to say that idol were installed in the disputed Bhawan on 23 December 1949.

Question :- Whether the report was lodged by the S.H.O. who belong to a Brahmin community.

(Learned Advocate Shri Ranjeet Lal Verma, on behalf of Plaintiff in Other Original Suit No. 3/89, has raised an objection that the same question is being repeated, particularly when the witness has disavowed. In the circumstances this question cannot be asked for whether the report was lodged by the S.H.O. who belongs to Brahmin community. Moreover when witness has expressed his awareness about the subject, question cannot be asked for.)

Answer: In the situation, when I don't know anything about who has written the report, than I what else can, say about it.

Question: It is said that Babri Masjid was constructed in the year 1528.

What you have to say in this regard.

(Learned Advocate Shri Ranjeet Lal Verma, on behalf of Plaintiff in Other Original Suit No. 3/89, raised an objection that answer given by the witness on hearsay have no importance, hence such type of question cannot be asked.)

Answer: Neither I have heard anything in this regard nor I have any knowledge about whether Babri Masjid was constructed in 1528 at this place.

I have not seen any Muslim in Ram Janambhoomi premises, since I attained the age of understanding. Hence it is not correct to say that Namaz was performed there continuously.

Question; Whether Namaz was being read in Babri Masjid upto 22 December, 1949, prior to 23rd December, 1949, on which date the report was lodged.

(Upon this question, Learned Advocate Shri Ranjeet Lal Verma, on behalf of Plaintiff in Other Original Suit No. 3/89, raised an objection that a number of facts are being asked in one question. Moreover, this question has already been asked. Hence such question cannot be allowed.)

Answer: Neither the Masjid was there nor Namaz was being performed. It is simply wastage of court's time.

Question; The reports indicates that 5-6 particular persons have installed an idols in Masjid. What you have to say in this regard?

(Upon this question Learned Advocate Shri Ranjeet Lal Verma, on behalf of Plaintiff in Other Original Suit No. 3/89 raised an objection that again the question is being asked about the contents of same document. The witness has, at a number of times disavowed the report. Hence permission cannot be allowed to ask such question.)

Answer: Idol were there in Ram Janambhoomi premises before the time of my grand father or much earlier. My grand father, the villagers and sadhu sants had told me, that an idols were there since ancient time. Mahant Baldev Das has also told me in this regard. Baldev Dasji used to come to my village for collecting donation for 4- 6 days. That's how I knew him.

Question: Who lodged this report?

(Learned Advocate Shri Ranjeet Lal Verma, on behalf of Plaintiff in Other Original Suit No. 3/89 raised an objection that question is being asked again, from the witness, about the subject, which he has disavowed. Hence such type of question cannot be allowed.)

Answer: I do not know about this, when the report was lodged, who lodged it and what is written in the report.

Statement read and confirmed.

Sd/-

(Shiv Bheekh Singh)

24. 8.2004

I have dictated to stenographer, who typed it in the open court. Furtherance to this, suit may be listed for advance cross-examination on 25. 8. 2004.

Sd/-

(Han Shanker Dubey)

Commissioner

24.8.2004

Dated 25.8.2004

D.W.3116. Shri Shiv Bheekh Singh

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

(Commissioner appointed by Hon'ble Full Bench Lucknow Vide order dated 3.8.2004.)

(Cross-examination continues by Advocate Shri Abdul Mannan on behalf of Shri Mohd. Farooq Ahmed, Defendant No.11, furtherance to dated 24.8.2004.)

Most of the time during my life I was in my village. I visit Faizabad Ayodhya, maximum 3-4 times in a year. I visited Faizabad Ayodhya for 26-28 times, during my lifetime. Four fairs, namely Ram Navami, Sawan Jhula, Parikrama and Kartik Poornima are organized in Ayodhya. I used to visit at two fairs every year. I went to disputed site for 2-3 times, after demolition of Gumbad of Ram Janambhoomi. Three domes were demolished 11-12 years before, in 1992. how many people have demolished it, I cannot say, but I know there was a huge crowd. I guess two thousands or four thousands people must be there during demolition of domes. Where from these 2-4000 people have come from, I do not know. Domes were demolished on 6th December 1992. I was not there at the time of demolition. On that day I was in Muzaffara Naka Hanumangarhi with Bhaskar Dasji. I cannot say the time when it was demolished because I was not there. The news regarding demolition spread out like fire, that all the three domes were demolished. As I was not feeling well on 6th December, 1992. mahant Bhaskar Das had made arrangements for me to take rest, at in varandah of Hanumangarhi Naka Muzaffara Faizabad. I cannot say whether press people were there or not because I was not present there. I have not heard that Babri Masjid was demolished; rather I heard that domes of Ram Janambhoomi have been demolished. Later on, prohibitory orders were promulgated for entering into three domes Bhawan. I used to go in this Bhawan before. Going inside has been prohibited after it was acquired. I cannot say how many people were there at the time when it was demolished, because I was not present there. How many important people were there at the time of demolition. I cannot say.

Since there was a huge crowd, it was difficult to differentiate between the V.I.P. and ordinary people. I do not know from where the people came over there. I have not heard anything regarding from where the people who demolished the disputed Bhawan firm came. Disputed Shawan was a Ram Janambhoomi Mandir. Not only me the whole world says that disputed Shawan was a Ram Janambhoomi temple. If Muslims says that it was Masjid, who can stop them. I have no knowledge whether the people who demolished the disputed Bhawan were from Rajasthan or Madhya Pradesh.

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

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

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Ram Navami fair in the month of Chaitra, Chaudhah Kaushi (14 km. Long) parikrama on Navami, Shukla Paksh, in the month of Kartik, Jhule Ka Mela in the month of Sawan, and Kartik Poornima Mela, are organized in Ayodhya. In these 4 fairs Panch Kaushi Parikarma is organized on Kartik Ekadashi. Ramnavami and Sawan Jhula Mela are related to Shri Ram Chanderji and Chaudhah Kaushi (14 Km.) Parikarma related to the parikarma of Ayodhya holy place. Bath at Kartik Poornima is treated as unique as per Religious dates. Hence parikarme. Besides the temple of Rama, there are a number of temples of other Gods. I have heard the discourses of grate Mahants and on the basis of these discourses I can say that Ram Chanderji was born in the disputed Bhawan. I have heard from my ancestors about this also. Besides, Grabh Grih is there so I can say That Ram Chander ji was born there. When o used to come to Ayodhya with my parents, people used to say that Ram Chanderji was born there. On the basis of their saying I know the fact that Ram Chanderji was born there in the disputed side. In the book, written by Tulsi Das, the name of book is not known to me, other than Ramcharitmanas, there is a reference of Ram Chanderji. Tulsi Das has written a number of other books also. Whether the name of that book is Geetawali or not, I do not remember. I have not read the book. I have heard about this in the

discourses. I do not remember from whom I have listened the said fact. I have read two- three pages of Ramcharitmanas. I have not read Ramcharitmanas thoroughly and never seen the book, Valmiki Ramayana at all. At what time, lakhs of year before, Ram Chanderji was born, I have not heard about this from my ancestors or during the discourses. About four to five days before, I heard from a person in my village that Ram Chanderji was born 9 lakhs year before. Before this I have not heard from anybody in this regard. My ancestors have also not told me anything about this. I presumed that disputed Bhawan was constructed by King Dasratha. With what aim the king Dasratha constructed the Bhawan, I do not know. I know this much only that the disputed Bhawan was constructed by King Dasrath. In this connection neither I have any knowledge or nor I have heard from anyone. Perhaps King Dasrath has constructed it the childbirth. I do not know the meaning of maternity house. I believe that Kaushaliya has given birth to Ram Chanderji in the disputed Bhawan.

I know only Dasrath Bhawan of Ayodhya. I have been in it. Besides I have heard about Kaushaliya Bhawan, Sumitra Bhawan and Keikai Bhawan but I never went there. I do not know where the Kaushaliya Bhawan, Keikai Bhawan and Sumitra Bhawan are. Dasrath Bhawan, Dasrath Mahal and Bara Sthan are different names of same place. Dasrath Mahal, perhaps is near to P.S. Ayodhya. I have heard that Dasrath Mahal was built by King Dasrath. In the Dasrath Mahal, which I referred above, is be near P.S. Ayodhya. The Queen of King Dasrath's may be lives in this are my faith. I am saying these things on the basis of my faith. I have not heard it from my ancestors, parents and from Sadhus, Saints. I have neither heard from my points nor angstroms or Sants that how long is Raja Dasrath's Mahal in length and width. Neither can I tell about then on my own. Kanak Bhawan was gifted to Sitaji at the time when Rath Chanderji married to Sitaji. I have not heard anything about it from anyone. Then said Kanak Bhawan was constructed by the Queen of Teekamgarh. I cannot say whether this Bhawan was constructed 100-200 years before or not. Present Kanak Shawan is not the same, which was constructed by King Dasrath. Whether there was Kanak Bhawan at the time of King Dasrath or not, I cannot say. Ram chanderji and Sitaji lived in Dasrath Mahal. It was described in Ramcharitmanas.

Document No. 251 C-1/2 of Ramcharitmanas was shown to the witness and he was asked to indicate where the said King's Dasrath Mahal has been referred in the book Ramayana. Upon seeing the documents, witness said that doha (a couplet) 352 referred in Balkhand of Ramcharitmanas means Dasrathji alongwith his four daughter-in-laws, washed the feet of Brahamins and Sadhus and got their blessings. Witness read out the chopayee (part of a poem containing four lines) below the doha No. 357 of Salkhand in Shri Ramcharitmanas and said all the mother-in-laws went for sleep with daughter-in-laws. It means, all the mother-in-laws and daughter-in-laws lived together in the Shawan. I believed that Kaushaliya Shawan, Keikai Shawan and Sumitra Shawan were in the Dasrath Mahal. Presently, this Bhawan is called Dasrath Mahal of Sara Mandir. Mahal of Queen must be within Dasrath Mahal near the Kotwali, which I referred in the statement earlier, that was by mistake. Because of oldest week memory. That Mahal was of Raja sahab Daduwa. Dasrath Mahal or Bara Sthan falls in the road, which leads to Kanak Bhawan. There were separate room for each Queen and also separate rooms for each daughter-in-laws. But the Mahal was one called Dasrath Mahal. Sara Sthan or Dasrath Mahal, which is in Ayodhya at present, was the main Raj-Bhawan of the time of King Dasrath. There were separate rooms for the queens and daughter-in-laws, within the Dasrath Mahal. Witness said that the present Dasrath Mahal. In Ayodhya, is not the Mahal of the time of Dasrath. After universal destruction, King Vikramaditya conducted the research and reconstructed the Dasrath Mahal. He himself said, that constructions in Ayodhya was undertaken by King Vikramaditya after due research. This is what I had heard, two to one year before. The sentence, he referred at page 25 in his statement that "I believe Constructed by king Dasrath" was read out to him. The witness said during the universal destruction the entire Ayodhya was destroyed. During the time of king Vikramaditya, entire Ayodhya was reconstructed; similarly the disputed Bhawan was also reconstructed. I have not read about this in any book. I have heard about this from my elders of the villagers. I cannot say when the universal destruction took-place. I also cannot say that the said universal destruction took place 2-4 lakhs year before or 5-10 thousand year before. The sentence that there is only one Mahant in Dasrath

Bhawan or "Bara Sthan" mentioned in the statement given by the witness at page 14 and 15, on 24.8.2004. Babri Masjid was at a distance. 300-400 meter" was show to the witness. Witness said the Dasrath Shawan referred in the above-mentioned statement, is the real Dasrath Bhawan, in which his queens and daughter-in-laws lived. It is presumed that King Vikramaditya might have conducted the research work of various places of Ayodhya through famous Rishies (Sadhus) I do not about the timing of King Vikramaditya, but definitely he appeared whether 200-400 years before or 2-4 lakhs year before. Neither I have heard about it from nay one nor I have any sues about it. I have heard that King Vikramaditya started the Vikrami Samvat. But I so not know what number of Vikramaditya, era is running at present. There was only one King by the name of Vikramaditya. It is not correct to say that a number of Kings were used to say them as a Vikramaditya. The Universal destruction referred above by me, the entire world has been destroyed in that incident. Pralaya (universal destruction) I mean, Maha Pralaya. Maha Pralaya happens only after completion of all four Yugs such as Sat Yug, Dwapar Yug and Kai Yug. Presently Kalyug is running. I do not know which yug comes just, which I middle and which is last their series. I cannot say whether Kulyug is the last phase of Chatur Yug or not. It is said that Ram Chanderji was born in Treta Yug and it is mentioned in Ramayana also. After Treta Yug, in which Ram Chanderji was born, all the four Yug have completed their period or not. I cannot say. I know this much only that Ram Chanderji was born in Treta Yug. Ram Chanderji was not born but he was a superhuman. The child born to the parents, after marriage is called "he is born" but God comes to the earth by his own wishes. Witness said that a part of statement made by him at page 10 on 24.8.2004 that disputed place where Ramlalla is sitting is called Ram Janambhoomi because Ram Chanderji was born there" is correct.

Super God (Param Brahma) Ram Chander possessed human body hence it is called he has taken birth. I can't tell whether four Yugs have been passed or not from the Treta Yug, in which Rama was born. Because Maha Pralaya does not take place till four yugs are passed because Maha Pralaya had happened either I am saying that basis that four yugs have been passed away since the time of King Dasrath. I have already stated, that my statement is based upon what I have listened from other. I have

neither heard it from any Sudhu Sant nor read it in the book. I have also not heard, any discussion regarding them in the village also. Combining four yugs together is called Chatury yug, or not, that. I cannot say. Param Brahma Bhagwan has taken birth as Ram Chander. I do not know whether Bhagwan Vishnu has incarnated as Ram Chanderji or not.

I do not know about the 'Vaishnav Community. I do not know the meaning of Vaishnav. I have heard about Ramahandacharya Perhaps he was a Mahant of Nirmohi Akhara. I believe, Nirmohi Akhara is called Ramanandiya community. I do not know who founded Ramanandiya community but I believe that Ramahandacharya must have founded it.

How many Akhara are there in Ayodhya. from then I know only one-two Akhara, like Nirmohi Akhara, Digambar Akhara. Beside Nirwani Akhara is also there. I do not have any knowledge about it. Whether there is any temple, by the name of Digambar Akhara know. It is in the east of the road going from Faizabad towards Ayodhya. I never went to Digambar Akhara temple. Nirmohi Akhara is situated just ahead on the same road in the southern part. I have no knowledge whether there is any Mandir or temple of Nirwani Akhara, where it is situated because I have not gone there. I have been visiting the three temples of Ayodhya regularly. Sometimes I used to go to Nageshwar Nath Temples to offer water. Among the three temples Ram Janambhoomi Mandir, Hanumangarhi Mandir and Kanak Bhawan Mandir are there. I visited to Nageshwarnath Mandir only twice during my life time. I visited Hanumangarhi Mandir for 25 to 28 times and 25 to 28 times to Kanak Bhawan. Whenever I visited Ayodhya, I went to Hanumangarhi Mandir after taking bath in Saryu and after that to Kanak Shawan and then Ram Janambhoomi Mandir. Sometime I used to go to Janambhoomi Mandir and then to Kanak Bhawan Mandir. When I saw Nageshwarnath Mandir for the first time, I offered water in Nageshwarnath Mandir and after taking bath in Saryu River and then to Hanumangarhi Mandir, On returning from there to Ram Janambhoomi Mandir and then to Kanak Shawan Mandir. Ram Janambhoomi Mandir, having three domes, is disputed one. I never went to any other Mandir except the four Mandirs referred above. There were no round dome in other three Mandir, except the disputed Bhawan. There

were three domes on disputed Bhawan and middle one is higher than others. There is Shikhar at Hanumangarhi, which is high rising and similarly the Shikars of Kanak Bhawan and Nageshwarnath Mandir are.

Witness was shown the document No. 118 C-1154 of Other Original Suit No. 5/89. Witness said that the shikhar appearing in the documents are similar to the shikhars of Hanumangarhi Mandir, Kanak Bhawan's Mandir and Nageshwarnath's Mandir. There is not an idol in Nageshwarnath Mandir. Only Argha of Shankerji is there. There is an idol of Hanumanji in the main Mandir of Hanumangarhi Mandir but there was other Mandir also, in the courtyard in the north and west side. I do not know whether idol were there in or not. There remained a huge crowd in Hanumangarhi Mandir, which used to make taking darshan of other Mandirs difficult. After performing parkarma one was required to come out of huge crowd because of police arrangement. Except an idol of Hanumanji, I never took the darshan of other idols but bow with respect (parnam) before others. The length of Hanumangarhi where an idol of Hanumanji is situated is about 30-35 feet. Parikarma is performed around the room in which an idol of Hanumanji is installed. The room, in which an idol of Hanumanji is installed, is 12-15 feet width in east and west side and 16-17 feet in length in north and south side. There are three doors in Hanumanji Mandir. But I saw only a northern door remaining open there, and rest of the doors were closed. Parikarma is performed around the Mandir. There is no Jagmohan in front of Mandir. There is two to two and half feet open place in the west side of parikarma. Jagmohan is in the north of Hanumangarhi courtyard and a Mandir is in the west side. This Mandir had no Shikhar only a Kothasi was there. I believe, and according to my faith Hanumangarhi Mandirs must have been constructed by King Vikramaditya and people also say like this. Kanak Bhawan was not constructed by King Vikramaditya but by Queen of Tikamgarh. There are a number of temples in Ayodhya, which were constructed after Vikramaditya. In the Kanak Bhawan main temples only Ram Janki idols are there. Besides main temple, there are temples in courtyard but Shikhar is only at the main temple. I cannot say whose idols are there, in the other's temples because I used to go for darshan at the time of fair and because of huge crowd, I could not seek the darshan and I used to come back without

darshan out of compulsion. The length and width of main Kanka Bhawan is 20-25 feet. Parikarma's place does not fall within this place. There are two doors in Kanak Bhawan temple. One is in the south side and other is in east side. The door, which falls in east, is the main door. Parikarma is performed around the main Mandir, which is 20-25 feet length and width. He himself stated that there is a Jagmohan in front of main temple. Its length is 20-25 feet and width is 25-30 feet. Parikarma place is covered by roof from above. Jagmohan is at a distance from Parikarma Marg. There is a shkhar in the Kanak Bhawan temple, which is high rising. I believe the idols of Ram, Janaki in Kanak Bhawan are made of Gold. Darshan of an idol are taken from a distance of 8-10 feet. All the people take darshan from a distance of 8-10 feet. An idol of Rama is not with bow and arch and it is approx 9 to 10-11 inch high, smaller to an idol of Sitaji. An idol of Sita is two to one inch less in height. These idols are covered with flowers. Only upper part is visible. In Hanumangarhi darshan can be taken at a distance of 5-6-7 feet. An idol of Hanumanji is approx 2 meter in height. An idol is approx. 4-5 feet in height. Only face of this idol is visible. The rest of part of idol is covered with flowers and it is painted with Geru colour, so it cannot be said from what material this idol is made of.

There is no Jagmohan in Nageshwarnath Mandir. In Nageshwarnath Mandir, one can go upto Argha only. Every devotee offer flowers, water and milk to Argha. In addition to above mentioned four temples of Ayodhya, I have heard the name of other temples but I do not know at which places these are located in Ayodha.

There is a road on the north of three domes Bhawan. I am not aware of any temple situated in the north of road. I used to come back after taking darshan from Hanumatdwar. There is a Ramgulella Mandir, constructed in the Ashram of Lomesh Rishi, in the eastern side of the disputed Bhawan. I have not heard the name of any Janm Sthan Mandir of Ayodhya. I do not know Doraha Kuan nor I ever visited there. There is road, which passes through Kanak Bhawan, from Ram Janambhoomi, from the road of Hanumangarhi doors and leads to Faizabad road. I went to the disputed site from Hanumangarhi through one

route only. I used to go and come back from there through that road only. When I used to come to Ayodhya, I used to park my bullock- cart at the kothi of Ishri Dasji and from there I go to Hanumangarhi on foot. At 95% times I must have visited Ayodhya at the time of fair. During the fair, only less than 5 minutes were made available for darshan because of huge crowd. At Shiv Darbar in the disputed premises I used to sit for hours because Sants and people perform Kirtan (Chants) there. In three domes temple, where idols are installed, we get only 2-3 minutes for darshan. Parikarma of three domes temple, is held in the western part of the dome of western side. Parikarma of other dome is performed within the courtyard of disputed Bhawan. There is an iron bar's wall, at a distance of 12-15 feet in the east side from Bhawan having domes in the disputed premises. Parikarma is held within the iron bar's wall. There is Ram Chabootra in the east of disputed premises. No parikarma is held around Ram Chabootra in the disputed premises.

Parikarma is also not held around Shiv Darbar, situated within disputed premises. There was no Sita Kitchen in disputed premises. There was Chhattee Pujan Sthal of Kaushliya. Parikarma of Chhattee Pujan Sthal is also not held. In the three-domed disputed Bhawan, idols of Ram-Laxman were at a certain height and an idol of Sharat, Satrugan are at less height. In an adjacent cave, Kaushliya with Ram Lalla in her lap is sitting. An idol of Rama was made of eight metal and was 5-6" in height. And idol of Laxman and Satrugan was 4-5" in height. And idol of Kaushliyaji is one and half feet in height approx. Ramlalla's idol in the lap of Kaushliya is 5-6" in height. There was a swing like throne made of wood and a little Chauki, made of silver, in the side, on which Ram-Lakhan's little idols, made of eight elements, are sitting. An idol of Kaushaliya was there in a cave over a staircase type place. When I went there for darshan for the first time. I was 11-12 years old at that time. I went there with my parents and villagers. When I visited there for the first time, it was 10-11 A.M. Fairs were organized at that time too. Three dome's part and other open space come within the disputed premises. When I visited there for darshan for the first time there was huge crowd. May be 400-500 peoples were there. People came for darshan and taking darshan went back and more people were coming for darshan again. Devotees were from the

different parts of India. I went for darshan after the winter season. For the first time when I went there summer had started before going to Bombay and at second time in 1941-42.

Statement heard and confirmed

Sd/-

(Shiv Bheekh Singh)

25. 8.2 004

I have dictated to stenographer, who typed it in the open court. Suit may be listed for advance cross-examination on 26.8.2004. Witness to appear.

Sd/-

(Han Shankar Dubey)

Commissioner

25.8.2004

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Dated 26.8.2004

D.W.3116, Shri Shiv Bheekh Singh

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

(Commissioner appointed by Hon'ble Full Bench Lucknow Vide order dated 13.8.2004)

(Furtherance to date 25.8.2004, Cross-examination by Advocate Shri Zaffaryab Zilani on behalf of Defendant No.9, Central Board of Wakf, U.P.)

When I went into domes Bhagwan for the first time, I did not exactly go just beneath the dome. I took darshan from the gate opposite to the part of dome. On seeing the picture No. 107 of black and white Album document No. 201 C-1, said because the entire part Bhagwan is not being seen in the picture, so I am not able to say whether I used the gate appearing in the picture to take the darshan or not. The scene appearing in the darshan or not. The scene appearing in the picture No. 107 is in a part, therefore, it cannot be said about the picture, whether I have seen the similar gate in disputed Shawan or not.

Upon seeing the picture No. 43, witness said I am not able to say, which part of the disputed Bhawan is appearing in the picture. Whether any part of the disputed Shawan is seen in the picture No. 46. I am not able to understand. I cannot understand whether any part of disputed Bhawan is visible in the picture No.48 or not. So far I understand from seeing the picture No. 36, eastern gate of Kanak Bhawan is appearing in the picture. I cannot say which part of the disputed Bhawan is appearing in the picture no. 37. There is a tree in the picture. So far I understand, it appears to be a tree of Moisree. Whether there is any part of the disputed Bhawan in the picture No.38 or not, I cannot say. Which part of the disputed Bhawan is there in picture no.53, I do not know. In picture No. 32 of the album, Shanker Darbar is appears to be some writing on a white stone, which is vague. I have been seeing these stone there since 1950. In picture No.31 of this album of disputed Bhawan, which part of disputed is there, I cannot say? In picture No.29 and 30, there is a Ram Chabootra. I

cannot say, whether there is a picture of any part of disputed Bhawan in the picture No. 23 of this album. I have not seen any picture in the disputed Bhawan similar to the picture No. 81 and 82 of this album. I cannot understand, which part is appearing in these pictures.

Witness on seeing the picture No. 11 and 12 of document No. 200 c-1 of the colored album said I am not able to recognize the picture. In picture No. 40 of the album, singdwar is seen but fishes are not there. Nothing is visible in the picture No. 63. I cannot say which part is appearing in picture No. 66 perhaps the rear part of Ram chabootra. I cannot say which part is appearing in picture No. 64 of the coloured album. The scene in picture No. 67 of the coloured album cannot be recognized. The scene in the picture No. 70, is not recognized by me, which is appearing in picture No. 73 of the coloured album I cannot say. I cannot recognize the scene in picture No. 75. I cannot recognize the scene in picture No. 77. Since this picture is in part, I am not able to understand. Upon seeing the picture No. 78 of the Coloured album, it appears that this is picture of gate of Ram Janambhoomi. This picture is of gate of mid dome. I am not able to recognize the scene in picture No. 87-88. I cannot recognize the scene in picture no. 84, 85 and 86. By seeing the picture No. 91, 92 and 93 of the coloured album, I cannot identify the scene therein. It is not clear from seeing the picture No. 99 and 100, that from where this picture was taken. A part of dome of the disputed Bhawan is appearing in picture No.98. In picture No. 103 of the coloured album, it appears that this picture is of disputed Bhawan, because Mahabeeree appears to be there. Pillars of Kaushotees appearing in this picture are not the pictures of Hanumant dwar. These appear to be the pillars of inner parts. There is no picture of Ram Lallain the picture No. 116, of the coloured album but it appears to be picture of Lord Krishna. This picture is appearing in a frame. I do not remember whether this, picture was in the disputed Bhawan or not. In picture No.128 and 129, of the coloured album there appears the picture of some great man or of a Mahant. I do not recollect whether such picture was there in the disputed Bhawan or not. It is beyond my ability to recognize the scenes in picture No. 152, 153, 154 and 155 of the coloured album. These pictures I have seen in the disputed Bhawan's some part or not. I am not able to recognize. In picture No. 203, of the coloured album,

there is Lawyer Sahib Shri R.L. Verma and Mahant Shaskar Das of Hanumangarhi, Naka Muzzaffra. In scenes appearing in picture No. 201 of the coloured album some uniformed persons are there. I am not able to recognize the scenes in picture No. 37 of the coloured album. It appears to me that this is a picture of same part of disputed Bhawan in picture No. 38 of the coloured album. Since the picture is in pieces, I cannot say what part is it in the picture. In the picture No. 45 of the album it appears to me that it is picture of Hanumant Dwar.

Upon seeing the picture document No. 154/5 of the suit, Shri Gopal Singh Virasad versus Tahoor Ahmed etc. witness said it appeared to him that it was picture of some part of the disputed site but I cannot say which part it is. Upon seeing the picture document No. 154/13, the witness said that it appeared to him that this is a picture of the staircase which is beneath the middle dome and where throne and idol of Ram-Laxman is in it and in the step below there is an idol of Bharat and Satrugan and at the side, Kaushaliya is sitting keeping Ramlalla in her lap.

I was born in 1926. In my horoscope, my date of birth is written as 1983 Samvat. Jaistha month, Krishna Paksha, Tritiya Thithe. have mentioned the "Samvat" in respect of mine horoscope, I do not know whether it refers to "Vikrami Samvat" or not. In accordance with the Samvat referred above, Samvat 2061 is running at present. He himself said to work out the Samvat year, 57 years have to added in Christian year. I do not know that the Samvat I am referring to, is in vogue since the time of King Vikramaditya or not. I have visited the disputed place for the first time in 1937-38. a part of statement given by the witness at page 11 dated 24.8.2004, that "For two to four years in 1940, I went to Bombay" was read out to the witness. Witness said that his statement is correct. According to him he went to Bombay at the age of 14 years. I lived in Bombay for 3—4 years. From Bombay I came back in the year 1943—44. During my stay at Bombay from 1940 to 1944, I used to go to my village every year. I have been visiting here at each Ramnavami. For me, Chaitra Ram Navami is a holy occasion, so I used to come there at that time. I have given the statement at page 14 on 24.8.2004 that "I went to Ayodhya from my village for 24—25 times. This statement of mine is upto the period when disputed Bhawan was demolished. In the later statement I

have mentioned, going to Ayodhya for 26—28 times. This number is upto today. Similarly his statement has been read out to him that “I during my life time I went to Ayodhya for 20-25 times. “This period, I presumed, was upto the period for, when the disputed Bhawan was demolished. After demolition of disputed Bhawan, I went there for two to three times. Para 21 of the affidavit was shown to witness.

Witness said he went to Ayodhya for two times in a year. Sometimes I visited Ayodhya once in a year. But I did visit every year once a time it, however, never happened that I did not visit Ayodhya even once in a year. The number, how times I visited Ayodhya is based on presumption. I might have not written the correct number about going to Ayodhya upto 1949, as mentioned in Para 21 of the affidavit. It is not correct to say that, I never visited the disputed place before it was acquired. It is not correct to say that fact written in Para 21 of the affidavit are false. There may be slight difference to the affect, how many times I visited Ayodhya during the period from 1938 to 1949. Number may vary from one or two.

Question:- You have not visited Ayodhya every year from 1950. What you have to say in this regard?

Answer:- After demolition of dome of Ram Janambhoomi I went there 2-3 times. Before demolition of dome, I used to go to Ayodhya every year.

The fact written in Para 18, 2 time, of the affidavit, about the Chhattee Pujan Sthal was shown to the witness. Upon seeing this, witness said this was in the north of three dome's Bhawan and in the south of Singdwar on entering into. Chhattee Pujan Sthal was in the form of Chabootra. I had never given thought on Chabootra's measurement in length and width. I have stated that there were eight foot print of four brothers and Chauka and Belan were kept there.

Question: Can you guess whether the above mentioned Chabootra was 6-7 feet in width and 15-20 feet in length or some what less or more?

Answer: I never concentrated about its length and width. Since a long time has passed away. I cannot guess about its measurements.

To my knowledge no other thing except 8 foot prints and Chauka Belan were on the Chabootra. Whenever I went to disputed site, I had seen the same Chabootra there. Last time, I visited the disputed site in the year 1988- 1990. When I visited the disputed site, Chhattee Pujan Sthal, last, I did not see anything there. I have recollected just now, that the disputed Bhawan was demolished in the year 1992. What I said, about visiting the disputed site, last time, in the year was 1988- 90 and it is true.

Upon seeing the picture No. 73 of document No. 200 C-1 of coloured album, he said whether chhattee Pujan Sthal is there or not, I cannot say. On seeing picture No. 69 of the same album, the witness said, that he cannot say whether it is a Chhattee Pujan Sthal or not.

The witness, on seeing the picture No. 38 of document No. 201 C-1 of black and white album said he couldn't say whether Chhattee Pujan Sthal was there in the picture. It appears to me that this picture is of the part of disputed place, but which part is there in the picture, I cannot say. There was no place named Kaushaliya Kitchen in the disputed premises, only Chhattee Pujan Sthal was there. The size of store room, Sant Niwas and Kothar, which I referred in para 18 of the main examinee affidavit, is 25-30 feet in length in north-south and width is 10-12 feet in east- west. There was a Shoose (type of grass) Chhappar over it. Its roof was neither made of cement nor of tin. Its wall was made of, bricks, which are not attached with each other. To my knowledge no door was fixed there. There were three existing point in the west of store room, Kothar and Sant Niwas but no door was there and no exist point in north-south side. I have seen Sadhu-Sants using this point for the last time in the year 1948. At the time when I visited disputed site after 1950, I saw the store room and Sant Niwas under the control of Receiver. All the management of Janambhoomi was with the Receiver. Inner part was acquired first then the outer part. Regarding the acquirement of inner part, which I have mentioned in the statement at para 16, is correct. The cave's temple, which I referred in para 18 of the affidavit, was 2-3 feet high, three feet in length and width.

On seeing picture No. 29 document No. 201 C-1 of the black and white album, witness said two caves are visible there, one in the east and another in the west. In the picture below, eastern cave is visible. Western cave is less visible. A sepoy is

standing there near the eastern cave in both the picture. I have mentioned in Para 18 of main examinee affidavit that Kaushaliya is sitting with Ramlalla in her lap. There was an idol of Bharat, made of stone in western cave. In eastern caves, there are an idols of Kaushaliya and Ramlalla and only Bharat's idol was there in western cave. On seeing picture No. 31 of this album, the witness said he was not able to understand anything. He was not able to understand the size of cave. Nothing was visible to him in the picture, so he cannot say whether this picture is of the cave or not.

Picture No. 58 of the document No. 200 C-1 of the colour album is not clear to me so I cannot say whether the picture of cave's temple is there or not. I referred at Para 20 of the main examinee affidavit that I came by bicycle from my village. I must have come by bicycle with other for 20 times approx. I saw Bhaskar Das there in the disputed site when I visited there for first time in 1938. Witness after reading the Para 23 of the main examinee affidavit said it appeared to him that there were some typographical mistakes, but the matter written therein is correct. Again said that there is no typographical mistake in this Para. It is fully correct.

Statement heard and confirmed

Sd/-

(Shiv Bheekh Singh)

25.8.2004

I have dictated to stenographer, who typed it in the open court. Suit may be listed for advance cross-examination on 27.8.2004. Witness to appear.

Sd/-

(Hari Shankar Dubey)

Commissioner

26.8.2004

Dated 27.8.2004

D.W.3!16, Shri Shiv Bheekh Singh

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

(Commissioner appointed by Hon'ble Full Bench Lucknow
Vide order dated 13.8.2004.)

(Furtherance to dated 26.8.2004, Cross- examination by
Advocate Shri Zaffaryab Zilani on behalf of Defendant No. 9,
Central Board of Wakf, U.P.)

The fact that "Inner part of the disputed Bhawan was acquired
because of pressure put in by the Muslims" which I referred in third
and fourth line at Para 24 of the affidavit, I came to know from
Mahant Baldev Das of Nirmohi Akhara. Baldev Das has told me
about this after one year of the acquirement. After acquirement
darshan was taken at a distance from the iron bars. Whether the
iron bars were there in the wall or in the form of structure of steel, I
cannot remember.

On seeing picture No. 65, of the document No. 200 C-I of the
colour album, I cannot say exactly, but I suppose that similar iron
bars were there, as are seen in the picture.

I used to take darshan of big dome of disputed Bhawan from
the gate behind the iron bars. But I could not offer prasad because
the priest remained in the inner part. Priests do not return the
prasad so after bowing my head I used to go back.

The facts mentioned by me at Para 27 of the affidavit, were
about the time when I myself visited the disputed site. I used to go
for darshan at about 10-11 or at 12-1.00 after visiting Kanak
Bhawan. Whenever I visited the disputed Bhawan, Mandir was
open, so I used to come back after taking darshan. So far I
remember for once or twice I visited the disputed site after 1.00 PM.

Question:- Since you have not visited the disputed site before 1949, when it was acquired, so you have not seen anyone there performing Namaz.

What you have to say in this regard?

Answer:- This is not correct.

After it was acquired, I have not asked anybody whether Namaz was read there by any Muslim or not because the villagers of Jawar have told me that Namaz was never performed there.

Question:- Whether any discussion in regard to

Namaz was ever held in Hanumangarhi or Kanak Bhawan in Ayodhya?

Answer:- No such discussion in regard to Namaz was held in Hanumangarhi or Kanak Bhawan. Because I did not stay there. I used to offer prasad performed parikarma and come after taking prasad.

Question:- Since the disputed Bhawan was a Masjid and Namaz was being performed therein upto 22nd December 1949. And you are saying all that during the discussion you came to know that Namaz was not performed there to give statement in the suit in favor of Nirmohi Akhara.

Answer:- I have been visiting the disputed site with my parents since 1937-38. Neither I have seen Namaz was being performed nor I have heard from anyone in this regard from any person or from any villagers.

I do not know whether electricity was there or not in the disputed site in 1949. After it was acquired, an idol was quite visible from distance. Because, I had a good vision at that time, when I was young. Whenever I visited there during the day, there was no occasion when sunlight was not there or clouds where there in the sky. If anyone, who is young can see idols even when clouds are there. After 1992, idol was quite visible from the spot meant for darshan. Idol was visible but flowers, which were offered, were not visible. An idol of Ram, Laxman are on the platform under the tent and an idol of Hanumanji at certain less height were visible. The entire disputed Bhawan was demolished on 6th December 1992. I

do not know, whether the idols which were inside were buried under the debries and were taken out after. Priest, who were there at the time of demolition, might have removed the idols from there. It is my guess only. I did not talk with anyone in this regard. Neither I was present there nor I asked anyone, whether an idols were removed from there at the time of demolition. But the fact is this that idol exist there, this proves that idols were saved.

Question:- The idols, which were in the disputed Bhawan before December 1992 were buried under the debries, when disputed Bhawan was demolished and were destroyed. Thereafter other idols were kept there in the tent. They are not old one.

Answer:- It is not correct to say that the idols, which were there before, buried under the debries and other idols were kept there after the incident. But the correct position is that the present idols are the old one, and they are kept at the same place.

I am saying this, because I have seen the idols myself after 1992. So the question of asking anyone does not arise. At what distance one can take the darshan of idols, I cannot say but I presume it may be from at a distance from 10 feet. I cannot say at what point, on the way to temple, the police frisk for the first time the devotees going for darshan of the disputed site after 1992. Frisking are done at two-three places, but at what places, I cannot say. This road is curvy, so I cannot say.

I cannot say at what distance the Mandir is from the point where first frisking point. Whether it is one furlong or 10-20-50 yards. It is not correct to say that I never went to disputed site after 6th December 1992 and for this reason I am not able to tell the distance.

I cannot say at what place the Sita Koop is. I do not know whether I ever heard about Sita Koop or not. I have heard about Manas Bhawan but I do not know at what place it is situated because I never went there. Because I do not know about the Manas

Bhawan, so I cannot say whether it falls on the way to disputed site or not.

So far I remember, I have not heard about the Anand Bhawan. There is Shankarji on the way to disputed site, about which I have mentioned in my statement. This place, so far I know falls on the way to back. The earlier Ram Chabootra is not there but that site where Ram Chabootra was, can be seen from the site in the north of Shiv Darbar.

The place beneath the three domes of the disputed Bhawan is not visible because it was demolished. Ramlalla is sitting in the tent. It appears that tent at the place, where Sara Gumbad (High raised dome) was.

Ram Lalla Gulella Mandir and Ashram of Lomesh Rishi, which I referred in my statement, still exist. This place is not on the way, leading to disputed site, but I used to go there whenever I wanted to see it. I do not know how much land the Central Govt. had acquired. But Ram Lalla Gulella Mandir was not acquired. I am telling all this because there is no restriction for taking darshan and people used to take darshan as before. It is not correct to say that Central Govt. has acquired the Ram Gulella Mandir and Ashram of Lomesh Rishi. It is also not correct that after acquirement, entry to Ram Gulella Mandir and Lomesh Rishi Ashram was restricted.

Whenever I used to come on road after having a darshan at the disputed site, Ram Gulella Mandir and Ashram of Lomesh Rishi falls in the north of the road coming from the disputed site. This is the same road, which leads to Ram Gulella Mandir through the northern side of Dasrath Mahal. I do not know who is the Mahant of Nirmohi Akhara at present. I do not know whether Jagannath Das is the Mahant of Nirmohi Akhara or not.

Earlier, Raghunath Das was the Mahant of Nirmohi Akhara. I know that the suit I am deposing in is filed by Nirmohi Akhara.

Upon seeing the document No.3/9/-A-I in Other Original Suit No. 3/89, the witness said, there appears a Lomesh Chaura site in the south of disputed site. I went there for 2-3 times. I do not

remember what is constructed there at Lomesh Chaura.

It is not correct to say that disputed Bhawan was a Masjid and neither there were idols before 22nd December 1949 or nor darshan was taken there. It is also not correct to say that disputed Shawan is not a birthplace of Rama and there was no temple. It is also not correct to say that idol were kept there in three domes temple in the night of 22nd December 1949 and no idols were there before that time. It is also not correct to say that I am giving false evidence on the behest of Bhaskar Das.

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

(Cross-examination by Shri Mustaq Ahmad, Advocate on behalf of Mohd. Haasmi Plaintiff No. 7 in Other Original Suit No. 4/89 and Defendant No. 5 in Other Original Suit No. 5/89 begins.)

I have attained the age of understanding 76-77 years before. I know Mahatma Gandhi, I have seen him. I know when he was murdered. I have attained the age of understanding from the time when he was murdered.

I was a landlord and used to give revenue to the Government. I had subject and cultivators I used to give Rs. 150-200 as land revenue. Three houses were my cultivator Zamindari has been abolished. I was landlord upto 1959. In which year Gandhiji was murdered I do not know I also cannot say how many years have been passed since Gandhi was murdered. Gandhi during the independence struggle gave the slogan of "Britishers should leave India". I cannot say in which year Gandhi gave this slogan. I do not know how old I was at that time. At that time I was at home. So far I remember this slogan was before I went to Bombay. There was a chackbandi "consolidation of holdings" and some law suits were subjudice. Section 52 has since been published. The first phase of holding was not held in my village. I do not know when the first phase of holding was conducted although I fought the suit during that period. During holding I fought 2-3 sites and some are still going on. The number of suits were 10-12. much earlier I fought a

civil suit. In that suit I was a Plaintiff. I never fought criminal suit. I gave statement in civil and criminal suit. I do not know in how many suits I gave the statement. I cannot say in how many suit, 1, 50 or 100, I gave statement. In some suits I called other to give statement. I suffered loss from the abolition of Zaminsari but in less quantity.

I used to park my bicycle in the courtyard of temple when I used to for darshan but often kept my bicycle with me.

Literal meaning of Grabh Grih mean the place where a child is born and Mandir is called where an idol of God is installed, it is not called "Grabh Grih". There are two type of temples, one where an idol of is kept in a room and second one where there are small temples in addition to God's room. Every temple has a jagmohan, where Shajan Chanting is performed. There are some temples where Jagmohan is not there. There is no Jagmohan in Ram Janambhoomi temple. There is a Jagmohan in Kanak Bhawan. Kanak Bhawan has no Grabh Grih. Ishri Das house is still there but a number of houses have been constructed in its courtyard and its map has since been changed. This place is in the north of Hanumangarhi. This place is in the north of road, which leads to, from kotwali. I cannot say in which side this pace was. Then said that this place is at a corner in north-east. I cannot say the distance of this site from the disputed site. I have not visited the place, which is just behind the kotwali in Ayodhya. I have not heard the name of Nawagji grave. I have not heard the name of Swargdwar Mohalla of Ayodhya. I have heard the name of Tedhi Bazaar Mohalla of Ayodhya. I have heard about the Dorahi kuan but I never went there. I have no knowledge about the numbers of temples in Ayodhya but I have heard that there were 5000-6000 temples in Ayodhya. These temples are, of Bajarangbali. Kaliji and Shankerji, besides Ramchanderji. I cannot say about the location of Kaliji because I have not visited there. It is not correct to say that there is no temple of Kaliji in Ayodhya. I have heard about it. I do not recollect from whom and when I have heard about the temple of Kaliji. Vikramaditya had constructed not only Ram Janambhoomi

but also the entire Ayodhya, I have heard that King Vikaramaditya conducted research about the site of Ayodhya. I have heard it in the discourses and from my countrymen. I have heard about it at a number of times but when and where, I cannot tell it differently.

I cannot say the names of person from whom I have heard about it. I have referred in Para 6 that my parents have told me about Ayodhya. I have been told that Ayodhya is a birthplace of Rama and one get salvation by visiting there. So you should visit there regularly. They did not tell me when Ram Chanderji was born. My father have not told me about the source of his information. I visited, Kanak Bhawan, and temples of Hanumangarhi in addition to Ram Janambhoomi, with my parents. My parent had not told anything to me about Kanak Bhawan.

But about Hanumangarhi, I have been told that it is a temple of Hanumanji, a great devotee of Rama. There was not devotee of Ram Chanderji like him. He also told me that without his puja and blessing, one couldn't achieve Hanumanji.

Witness was show document No. 45-C-1- 1 in Other Original Suit No. 3/89. Witness said that he had heard about Defendant No. 1, Raghunath Dasji. He was Mahant but of which temple, I do not know. I have not been told about Mahant Han Das. I do not know about Raghunath Das, disciple of Mangal Das. I know Baldev Das, disciple of Mahant Mahan Das, Defendant No. 4. I have not seen Shukhram Das, disciple of Jagdev Das. I do not recollect anything about Naga Ramcharan Das, Baba Tulsi Das. I also do not know Ramlakhan Das and Narain Das who are Defendant No. 8 and 9, respectively. I have heard the name of Ram Charan Das but I do not know which Gaddi (chair) he was holding. I know Baldev Dasji very well because he used to visit my village. Baldev Dasji has not told me that Ram Janambhoomi is a Babri Masjid.

Others also have not told me about this. I have not heard from anyone that in Bomb Explosion, one Mahant of Nirmohi Akhara has lost his sight.

Learned Cross-examiner has read out Document No.45-C/III to the witness and witness has himself read it. Witness was asked:-

Question:- Whether it appears from reading this paper that the cause of ownership has been settled in between the parties?

(Upon this question Learned Advocate Shri Ved Prakash, on behalf of Plaintiff in Other Original Suit No. 5/89, raised an objection that the witness is not a party in this suit or nor in other suit which is subjudice nor he submitted any Documents. Hence question in regard to this document or in regard to its detail cannot be asked from him. Hence such question cannot be allowed.)

Answer:- I am not able to understand the paper, which is written in Urdu. In addition, I do not know anything in this regard. Hence I have nothing to say anything in the matter.

Learned cross-examiner has read out section-1 of the said Document to witness and asked: Question:- Whether, from reading section-i, it appears that Mahant Raghunath Das has been recognized as a Mahant of Nirmohi Akhara and its allied temples?

(Learned Advocate Shri Ved Prakash, on behalf of Plaintiffs in Other Original Suit No. 5/89 raised an objection that witness is not a party in this suit or nor in any other suit which is subjudice nor he submitted any Document in this regard. Hence no question be asked from him in regard to the Document and in regard to its details. Hence such question cannot be allowed.)

Answer:- I came here to give statement in the suits related to Janambhoomi and so I have submitted an affidavit. Hence I can only be asked the question concerning to my affidavit during cross-examination. In my opinion nothing else should thus be asked from me.

Document No. 45 C-112 of the suit was shown to the witness. Witness said there is a road in the north of disputed site.

Question:- Whether "pucca road in the north" is written in this Document?

(Learned Advocate Shri Ved Prakash, on behalf of Plaintiffs in Other Original Suit No. 5/89 raised an objection that witness is not a party in this suit or nor in any other suit and nor he submitted any written statement. Hence question from him in regard to this Document or in regard to its details cannot be allowed. In addition to this, an objection was raised that this Document is in Urdu language hence it is to be ensured whether witness know Urdu.)

(Learned cross-examiner on, this objection replied that Document No.45-C-1/2A is both in Hindi and Urdu and witness has already stated that he studied Urdu upto 4th class and also appears possessing the knowledge of Hindi. He can read Ramcharitmanas, hence the objection raised by Learned Advocate, Shri Ved Parkash is redundant.)

Answer:- I can read Urdu and Hindi if it is written in legible handwriting. I am not able to read whatever is written there in the Document. I am not able to read the sentences written in Hindi.

Witness was shown the Document and asked to read, where Chabootra Janam Sthan is written. Witness said that it is not legible so he cannot read it. Witness was shown the Document No. 45-CI11/6 (Other Original Suit No. 3189) of the above suit.

Question:- Whether the thing written in between the line No. 1 and 2, is legible?

Answer:- Some letter I understand and some not, because these are not visible. Letters are not clear, so I cannot say anything in this regard.

I am well. My vision is also fine compared to my age. Is there any change in my vision since yesterday or not, I have no instrument to measure.

Question:-Are you witnessing any change in your vision in between the period from yesterday and today?

Answer:- I have not measured.

Question:- You have, in the Court, yesterday the 26.8.2004, have made statement in regard to the photos which were shown to you and also in connection with the handwriting. Now you are saying that you cannot read the sentences, which are type. What are the reasons?

Answer:- I have recognized only a few photos, which were shown to me. No legible handwriting was shown to me.

I have been shown the writing written on white stone in black ink but I said that nothing is visible. It is not correct to say that I am not reading the Document No. 45- C/1/1/6, knowingly.

Upon reading the Para 9 of the main examinee affidavit, witness said that he could read the sentence at Para. I have no difficulty in reading

these. The witness upon seeing Para 14 of the main examinee affidavit said that he could read it also said that he can read all the Paras of the affidavit. I have read the Para 21 of the affidavit but with little difficulty, except. One two words. Hence I had asked the Lawyer in this regard.

Witness was shown the three lines, written next to the sentence List "A" in Document No. 45 C-1/116 in Other Original Suit No. 3/89, the witness said that the writing in the Document and at Para 21 of the main examinee affidavit is legible and readable. It is not correct to say that Document No. 45- C/1/1/6, compares to copy of the affidavit is much legible. I can recognize some sadhus of Nirmohi Akhara besides Bhashar Das but I do not know their names. I know three more sadhus of Nirmohi Akhara besides Bhaskar Das. I have been seeing these three sadhus for last 1-2 years because I was not much related to the sadhus of Nirmohi Akhara, I have seen the sadhus, mentioned, in line 5th and 6th at Para 20 of main examinee affidavit, in 1937 — 38 when I visited Ayodhya with my parents. I also referred these sadhus at Para 20, in which I said that I have seen these sadhus in 1950 in the outer portion. He himself said that his father has told him that sadhus who were chanting, were the sadhus of Nirmohi Akhara. I cannot say what was the number of Sadhus of Nirmohi Akhara in 1938. He himself said that there was only one priest and about the number, I do not know. I cannot say, what was the age of priest, who was a priest in 1938 because I was a child at that time. I cannot say about the age of the then priest in 1950. I also do not recollect, how many sadhus were there in the disputed site in 1950. I cannot say that sadhus who were there in 1938, were also there in 1950. So far I remember, the number of Sadhus in 1938 and are the same or there was some variation.

Question - Whether there were some variation in the number of sadhus in 1938 and the sadhus in 1950?

Answer- neither I know about the number of sadhus in 1938 nor in 1950. So I cannot say anything about the variation of sadhus of 1938 and 1950.

Question- On one hand you say the number of sadhus in 1938 and in 1950 were the same and on the other hand you are expressing your ignorance about the variation in number of sadhus. Are both of your statements contrary.

Answer- I do not know what were the number of sadhus in 1938 or nor in 1950. I have thus not made any statement in regard to the number of Sadhus.

Witness said, in this process, I have recollected that the number of Sadhus, which I have seen in 1938, were the same in 1950 in the outer part. There is no variation. I cannot say, whether these were 10-20-50 or 100.

Statement heard and confirmed

Sd/-

(Shiv Bheekh Singh)

25.8.2004

I have dictated to stenographer, who typed it in the open court. Suit may be listed for advance cross-examination on 27.8.2004. Witness to appear.

Sd/-

(Han Shankar Dubey)

Commissioner

26 .8 .2004

Dated 31.8.2004

D.W.3116, Shri Shiv Bheekh Singh

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

(Commissioner appointed by Hon'ble Full Bench Lucknow Vide order dated 13.8.2004.)

(Furtherance to dated 27.8.2004, Cross-examination by Advocate Shri Mustaq Ahmad Siddiqi on behalf of Mohd. Hasim, Plaintiff No. 7, in Other Original Suit No. 4/89 and Plaintiff No.5 in Other Original Suit No. 5/89, began.)

My younger brother, at present remains at home. Elder brother came home after retirement and is dead now. He died 12-13 years before. Exact number of years is not remembered by me, I cannot say in which year my elder brother died. I have three sons, all are married and have families. Younger brother married in 2001. I have a wife. In Thakur community, boys are married when they grow up and not in early age. I got married in 1948. I do not know in which year my elder son got married. The exact year of my marriage is known to me because my younger brother told me about it. After some time, one forgets the year of his marriage unless there is something special. I am concerned about what happened in Ayodhya, so I know the reasons and the year in which such incident happened in Ayodhya and how many years have been passed away from the incident. It is not correct to say that I came to the court after memorization the years and incidents, which happened in Ayodhya and nothing is remembered by me. I was concerned with the abolition of Zamindari. But I do not know in what year exactly, it was abolished.

The place, wherever an idol of Ram Chandraji is there, is a holy place to me. There is a road in the north of disputed sthal. But what was in the north of the road, I cannot say. It is not correct to say that there is Ram Janambhoomi Mandir in the north of road and I am knowingly expressing my ignorance about it.

Upon seeing the Document No. 109 C-1/3 in Other Original Suit No. 5/89, the witness said, I am not to read the Document. I do not put on the

spectacles. I never got my vision checked because I do not feel any difficulty in doing my normal work and I do not feel any difficulty in seeing the objects. It is not correct to say that I can read but I am knowingly posing that I cannot read.

Witness, upon seeing the document No. 107 C-1/I 54 of the above suit said that at the front page "Shri Ram Janambhoomi" is written there. He expressed his difficulty in reading the sentence in bracket. I am not able to read the other material printed in my main examinee affidavit. It is not correct to say that I am making false statement because of my affection to Shaskar Dasji. Fact is this that I am expressing the things only, which I have seen. It is not correct to say that disputed Bhawan was a Babri Masjid, which was demolished on 6 December 1992. I cannot say, whether person involved in demolition, were Hindus or Muslim, and what were their number. It is not correct to say that idols were put in the disputed Bhawan in the mid-night of 22/23 December 1949, clandestinely. It is fact that idols were there since the time of my grandparents. It is not correct to say that Namaz/Azaan was being performed there in the disputed Shawan on five times, before the idols were put in.

(Cross-examination by Advocate Shri Mustaq Ahmad Siddiqi, on behalf of Plaintiff No. 7 and Defendant No. 5, in Other Original Suit No. 4/89 Mohd. Hasim, concluded.)

(Cross-examination conducted by Advocate, Shri Abdul Mannan, Shri Zaffaryab Jilani, Advocate and Shri Mustaq Ahmad Siddiqi, Advocate was accepted by the Advocate Shri Irfan Ahmad on behalf of Defendant No. 6/1, Advocate Shri Fazle Alam on behalf of Defendant No. 6/2 and Defendant No. 26 in suit No. 5/89.)

(Cross-examination on behalf of all Defendants and parties concluded. Witness is discharge.)

Statement read and confirmed.

Sd/- (Shiv Bheekh Singh)

31.8.2004

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

Sd/- (Han Shankar Dubey)

Commissioner

31.8.2004