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

**OTHER ORIGINAL SUIT NO. 3/1989
(REG SUIT NO. 26 /59)**

Nirmohi Akhara and others Plaintiffs

Versus

Priya Duttram and others Defendants

**STATEMENT OF DW 3/17
SHRI MATA BADAL TEWARI**

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**EXAMINATION IN CHIEF OF WITNESS NO 3/17 SHRI
MATA BADAL TEWARI UNDER ORDER 18 RULE 4 CODE
OF CIVIL PROCEDURE**

I, Mata Badal Tiwari aged about 84 years S/o Shri Raghbir Tiwari, resident of Todhikpur, Majare Kharoli, Sub-Divison Issoil, Tehsil-Musafirkhana, Distt. – Sultanpur solemnly affirm on oath as under :-

1. My father a Zamindar from well of family was a religious person and used to go to Shri Ram Janam Bhoomi Mandir in Ayodhya regularly for the darshan being of birthplace of Bhagwan. He retired from Army as a Subedar. Like my father I also used to go seek darshan of Shri Janam Bhoomi at Ayodhya regularly.
2. Mahant Baldav Das, Saint of Nirmohi Akhara used to visit my village Jawar regularly. I have been seeing him in my village since attaining the age of understanding.

3. Mahant Baldav Das was the priest of Shri Ram Janam Bhoomi Mandir and also the Mahant of Hanumangarhi Naka Muzaffra.
4. Mahant Baldev Das usually visited the village after harvesting session and used to get grain and cash in donation and he also used to make disciples.
5. I attained the age of understanding at the age of 12 years and started understanding the things.
6. After attaining the age of understanding I, alongwith my father and villagers used to go to Ayodhya in the fairs for darshan of Shri Ram Janam Bhoomi regularly. I have come to know about all this from my father.
7. I joined the army in 1939 and had undergone training at Roorkee for one year and thereafter I was deputed to South Africa from Army.
8. Being medically unfit got pension in November 1941. I retired from the military in November, 1941 being declared medically unfit.
9. I came to know about Hindu-Muslims riots of 1934 from Mahant Baldev Das and also from other villagers of village Jawar. Therefore, for the very first time in 1935 I went to Ayodhya to seek the darshan of Shri Ram Janam Bhoomi Temple, Bhagwan Ram Lalla, alongwith the people of my village. At that I was 15 years old.
10. Since 1935, upto the period, when I was in Army, I went to Ayodhya for seeking darshan of Shri Ram Janam Bhoomi, about 10-12 time.
11. Since 1942 till attachment till today I have regularly sought darshan of Shri Ram Lalla at Shri Ram Janam

Bhoomi Mandir. During this period I visited Ayodhya 20-22 times.

12. Almost in every fair, I used to go to Ayodhya for darshan. In Ayodhya, three fairs are organized.
13. I might not have visited in one two fair in some year but during Ram Navami, which falls in the month of chaitra, I have do visit the Ayodhya for darshan.
14. About the news of attachment of inner portion of temple, I came to know only after Baldev Dasji came to my village.
15. After attachment it was not possible to seek the darshan of Bhagwan Ram Lalla from inside and one could darshan only from the gate with iron bars.
16. After attachment I have been taking darshan of bhagwan Ram Lalla sitting on the platform and others Gods, i.e. Shiv Darbar and Chhatee Puja Sthal regularly from outside.
17. I have been seeing since 1935 that both inner side and outer side of Shri Ram Janam Bhoomi, were controlled and managed by the saints of Nirmohi Akhara.
18. Twenty-two years ago. I came to know that outer portion was also attached due to internal differences of Sadhus of Nirmohi Akhara. Since than, Governance receiver has been appointed for the outer portion also.
19. I have been seeing since 1935 the sant Niwas for residence of saints of Nirmohi Akhara store house which are adjacent to eastern gate Hanumangarhi i.e. in the north of Ram Platform of Shri Ram Janam Bhoomi.

20. I know Bhaskar Das, disciple of Baldev Das, before the independence. I have seen him in the inner portion of Janam Bhoomi Temple. At platform, Sant Niwas and now a day he is a Mahant of Hanumangarhi Naka. Where also I have seen him.
21. Since 1935, I am seeing the outer and inner portion of Shri Ram Janam Bhoomi in the possession of Saints of Nirmohi Akhara and devotees seek darshan of Ram Lalla under their Governance and I also did.
22. Since 1935, I have not seen any Muslim reading Namaz at Shri Ram Janam Bhoomi nor I have heard from any one about this.

Deponent
Sd-
Mata Badal Tiwari

Verification

I, the above named deponent Mata Badal Tiwari do solemnly affirm that the statement made by me in my affidavit paras No. 1 to 22, are true and correct to the best of my knowledge. Nothing is false or nothing has been concealed. May God help me.

Verified today on dated 28.04.2004 at the premise of High Court, Lucknow bench Lucknow.

DEPONENT

Sd/-
(Mata Badal Tiwari)

Shri Mata Badal Tiwari is well known to me and he has put his signature on the affidavit in my presence.

Sd/-
(Tarunjeet Verma)

Advocate

31.8.04

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.)

Other Original Suit No. 3/1989

Original Suit No. 26/1959

Nirmohi Akhara and others Plaintiffs

Versus

Babu Priya Dutt Ram and others Defendants

D.W.3/17, Shri Mata Badal Tiwari

An affidavit in examination-in-chief Page No.1-3, of Shri
Mata Badal Tiwari S/o Shri Raghubir Twiari, aged approx.
84 years, resident of village Todhikpur, Mazare Kharoli,
Sub-Division Issoli, Tehsil-Musafirkhana, Distt. Sultanpur,
submitted and taken on record.

(Cross-examination by Km. Ranjana Agnihori, Advocate,
on behalf of All India Shri Ram Janam Bhoomi
Reconstruction Committee Defendant No. 20 in Other
Original Suit No. 4/89 begins.)

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I was a Zamindar of village Todhikpur, Mazare
Kharoli, where there were a number of hamlets under it.
These included some part of Dutta hamlet, Tiwaripur,
Vishwanathpur and some portions of Ushamaoo. This land
(Zamindari) was mostly inhabited by Muslims, Harizans,
Kori, Thakur and Brahmins. In all there were 30-35 houses

of Brahmins. Brahmans were not in majority in these hamlets. I have studied upto IVth standard. After abolition of Zamindari (landlord system), my family still cultivates land. I have about 100 bigha land. My father retired from Army as Subedar. I followed the foot-steps of my father and joined the army in 1939. Volunteered I joined the army due to displeasure with in my home. I do not understand the meaning of word Vaishnav. When he was told that a person who worship the God Vishnu, is called Vaishnav, the witness said now he understands the meaning of this word. I have been visiting to seek darshan of Ram Janam Bhoomi since the age of 12 years. For the first time I went for darshan with my parents. After that I went alone a number of times. Later I used to visit for darshan with the boys of my village. I offered Prasad and bowed my head with respect in front of Ram lalla. I did not know that bowing before the God leads to Bainkunth (Swarg) but even then I used to bow. I bow, because I think, I am bowing before the God and for my well-being.

I saw Mahant Baldev Dasji. Mahant Baldev Dasji used to visit my village after harvesting session is over and from there take away 10-12 bags of wheat. Mahant Baldev Dasji used to make disciples by giving them Kanthi but I never received Kanthi from him. I got the teaching of Ram-Ram Mantra from Tiwariji of Tulsi garden. Tulsi garden is situated at the road leading to New Ghat and is in Ayodhya. I used to go to Ayodhya at the time of Ram Navami and Parikarma and Kartik Poornima. I used to go on those occasions seeking the darshan of Shri Ram Lalla. First of all I used to take in Saryu River. During there used to be huge crowd in Ayodhya. I cannot say how many people visit there. People who come to seek darshan included people from Basti, Gonda and Gorakhpur. I used to visit Ayodhya with my parents on bullock-cart. During

my visit in Ayodhya, I stayed there on the very first of visit and on second day and on third day I used to take bath in Saryu River and then return back. There used to be a queue for seeking darshan and heavy arrangements of police. When I visited Ayodhya, I saw there a place with three domes. That palace was a temple. I had also gone inside that palace. Inside I had sought the darshan of Shri Ram-Laxman. Ram-Laxman were there in their childhood from. Priests were there to take offerings. Priest, after offering the Prasad in the feet of God, used to return the offering (prasad). After darshan, parikarma used to be undertaken. I, after performing the 14 Km. Parikarma, used to perform panchkoshi (five Km. Long) Parikama. Panchkoshi parikrama is undertaken on Ekadashi it takes about whole day in undertaking the parikrama. Performing 14 Km. Parikrama means, covering the entire Ayodhya. Parikrama covers Hanumangarhi Temple as well Kanak Bhawan and Sumitra Bhawan are also covered in parikarma. Maniram cantonment is also covered with in it. Volunteered the route passes through Ramghat. I fell down from the army vehicle in the sixth month in the year 1941, I was injured and consequently I got admitted in the hospital. Thereafter, court sitting was arranged for and I returned to my home back. Whenever I visited Ayodhya, I saw sadhus chanting kirtan. I have been this through out day and night. Sometimes I also used to sit with them. But I did not chant. I did not thought it proper to chant there. The reason may be that I was not to singing.

At the time Independence, I was 25 years old. I knew Bhaskar Dasji before Independence. Baldev Das had introduced me to Bhaskar Dasji because Baldev Dasji used to visit my village. In Sant Niwas and Bhandar Ghar (store room) ration was stored and it also has a kitchen. It had arrangements for providing food to saints. I used to go

to Ayodhya at the time of prikarma every but now I do not visit Ayodhya for parikarma because now I am weak to walk. I still go there for darshan but I have to take someone to accompany me. I go there with a thought that God would bless me. Others also hold the same feelings. I have seen the gathering of sadhus of Nirmohi Akhara in inside and outside portion of Janam Bhoomi. In addition, a number of sadhus live there. I came here on the information given to me by Baskar Dasji, that my name figures in the list of witness. After getting information I contacted the lawyer, and thereafter came here to depose as witness. I have answered all the question with honesty, whatever I have been asked.

(Cross-examination by Km. Ranjana Agnihotri on behalf of All India Shri Ram Janam Bhoomi Reconstruction Committee, Defendant No. 20 in the Other Original Suit No. 4/98, concluded.)

(Cross-examination by Shri Ajay Kumar Pandey, Advocate, on behalf of Plaintiffs in Others Suit No. 5/89 begins.)

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Pultan means army. This Paltan was of Britishers at that time. I joined the job during the period of Britishers. Attaining the age of understanding means when I was able to move around of my own. In any temple, the role of Mahant, is that of a owner or Manager. There is no temple in my village. There is a temple at far away village named Uskamaoo. This village is at a distance of approx 1 Km. From my village. I have been to this temple for darshan. That temple is of Bhale Sultan Thakur. His statue is installed in this temple. Mahant of that temple is the same

thakur who constructed the Mandirs. His name is Chander Pal Singh. This temple is called Bhale Sultan Thakur Mandir. Priest in this temple is a sadhu. Since the temple was constructed by a Thakur, he can be treated as a Mahant. Priest is other than the Mahant. Most of the works are managed by Chanderpal Singh. Sometimes his brother Bahadur Singh looks after the temple, but he lives separately. Whatever offerings are received in the temple, that are divided amongst both thakurs or not, is not clear. In maintaining the temple two thakurs get the temple whitewashed. Priest performs Puja in the temple. Whitewash and cleaning is not undertaken every year. Sometimes this work is undertaken after three years. I have not seen the temple of Durgaji, but I have seen the temple of Kaliji. Volunteered an idol of Kaliji are at many places. I have also seen the temple of Hanumanji at a number of places. I have also seen the temple of Shivji. I have not seen the temple of Vishnuji anywhere. I have seen the temple of Ram-Laxman. The owners of the temple are the idols installed in the temple but the temple is managed by others. There are separate priest for the temple.

Hanumangarhi 'barricade' is situated in Muzzaffra, Faizabad. It is situated at a distance of 5-6 Km. From the Ram Janam Bhoomi. The Hanumangarhi, which is situated at barricade Muzaffra, might be at the distance of 7-8 Km. from Ram Janam Bhoomi. The witness had stated that he cannot read the affidavit submitted by him. I went to Ayodhya with my parents for the first time and with the villagers at the second time. At that time I was 14-15 years old. There was a fair going on the Ayodhya when I visited Ayodhya with my father and villagers. Cross-examiner, advocate has read out the affidavit submitted by him as examination in chief under para 6, to the witness.

Witness said he had mentioned in the statement that I came to know from my father, means, which I have been told by my father that this is a Ram Janam Bhoomi temple. Hindus believe and have faith that Ramchanderji was born, below the middle dome of three domes palace. Therefore, it is called Shri Ram Janam Bhoomi. People believe that by taking darshan of Ram Janam Bhoomi, one gets salvation. Besides my father, others 5-6 people, with whom I used to go to Ayodhya, have also taught me that this place is a Ram Janam Bhoomi place. Besides this, I, myself also saw it. I have not seen my Babaji. I have stated in the main affidavit that I was deputed to South Africa. There was disputed in between Africa and Italy, so I was deputed from the Army to go to South Africa for their help. There is a mention of 'medically unfit' at Para No. 8 of affidavit. It means my hand had become unfunctional.

I was born in 1920. I do not remember the date and month in which I was born. I am not aware of any reference of any certificate, mentioned in this regard. When I had grown up, I was told that I was born in 1920. On the basis of these saying I came to know that I was born in 1920. My parents told me about this. My parents also used to visit to have darshan of Ram Janam Bhoomi. Practice prevails at my place that people used to comes there for parikarma. During the time of Jhula, less number of people visits Ayodhya but villagers did visit during the occasion of Jhula. My father worshipped God Ram and I too. Bhagwan Ram is treated as an incarnation of Vishnu. Bhagwan Vishnu was born to Kaushaliya, In Dasrath's family, and is called Bhagwan Rama. Ayodhya is at a distance of 18-19 Km. from my house. We used to go to Ayodhya by bullock – cart, at 10.00, after taking food etc. and to encamp on that day in between the route and reach the Ayodhya on the second day. We used to reach

Ayodhya around of 10.00 AM on the second day. We used to start for Ayodhya at 10.00 AM. We stayed in-between at any place for the night. On reaching Ayodhya we used to stay at the Kothi, belonging to Ishwari Das. Ishwari Dasji belonged to Jagdishpur and was a Bania (Businessman). After taking bath in the morning in Saryu we used to take darshan of temple. There is grate importance of Saryu and Ganga's bath. People believe that one should get rid of his evil deeds by taking bath in Ganges and Saryu. We did not move anywhere after taking bath in Saryu. We cooked food and eat. In Ayodhya we used to go to take bath in Saryu early in the morning. First of all we offered water to Nageshwar Nath. Thereafter we used to go to Hanumangarhi and offer prasad there and then go to Kanak Bhawan. Thereafter, we used to go for darshan of Janam Bhoomi. The Janam Bhoomi where we used to go to darshan is a Janam Bhoomi of Bhagwan Shri Ram. After taking darshan of Ram Janam Bhoomi, and Ram Lalla we used to perform parikarma. The gate of that premises was in the eastern side, which is called Hanumanta Dwar. One gate of the disputed premises was in the northern side, which was called Singh (Lion) gate. There were two gates for making entry into three dome palace and disputed premises, one gate of which was in the northern side and other in the eastern side. There was no third gate to enter in. The people who went inside could come back from the eastern side. They were allowed to go out from the northern gate only.

I used to perform parikarma in Ram Janam Bhoomi premises. This platform was called Ram Chabootra. After entering from Hanumanta Dwar, into disputed premises, first of all we used to come across to Ram Chabootra. In its western side there was a wall on which iron bars were fixed. There are three gates in it. One gate was for

entrance, it was in the middle of iron wall, where Ram Lalla was sitting, but it was at a little distance. There was gate in the middle of iron bar's wall, one gate was on the northern side and one gate was in the southern side of the gate in middle. There was total three gates. These three gates were at the palace called Gumbad wala Bhawan. There are two gates on the iron wall. There was no such iron wall but iron bars were fixed in the wall. Railing was not on the wall. Railing was at a distance of two to three hands (i.e. at a distance of two to three feet approx) from the Chabootra in front of Ram Lalla. Platform means Ram Chabootra. There was a papal tree in the eastern and southern side of Ram Chabootra. There was no tree of Neem. Neem tree was at the place where food was cooked. There was a Chabootra (platform) under the tree of pipal, Ganeshji and Nandiswariji were sitting there. The people who used to come for Ram Janam Bhoomi darshan, also used to take darshan of Shivji, Parvatiji, Nandeswariji and Ganeshji. There was also a Sasthmukh, i.e. Kartikeya.

Chhatti Pujan Sthal (place) was inside the premises. This was close to Singh Gate (Lion Gate). At Chatti Pujan Place there were Chauka-Belan and foot – step of all the four brothers. People also used to go there for darshan and offer money there. There was no scope for performing parikarma from outside because there was a ditch in the western side. I never went towards the western side of the temple. I never went to hear the saints because in the evening we used to cook food. I have heard the Satyanarain story at my village. I never heard a discourse. I cannot read the Ramcharitmanas because now my sight is not good. I have read and heard the Ramcharitmanas, from others. Sometimes I read two-four poems, consisting four lines, called 'Chopaayee'. But I cannot read the Ramcharitmanas. I have not heard about the name of two

gatekeepers of God Vishnu, Jai and Vijay. Mahant Baldev Dasji used to stay in my village for 10-15 days, whenever he came there. He also used to visit at the time of harvesting. There was no land of Baldev Dasji and around in my village. He used to gets one to two bag (containing about 40 kg.) of wheat from Brahamans and Thakurs and sometimes gets 4 bag (each bag containing 40 Kg.) grains. Volunteer that in total he used to get 10-15 bags of grains. Whether there was any disciple of Baldev Dasji in my village or not, I cannot say certainly. Learned cross-examiner, Advocate has, read out the Para 16 of the affidavit to the examination in chief, where in it was correctly stated that I have been visiting for the darshan of Ramlalla sitting in Chabootra situated in the outer part of attached portion and Shiv Darbar, Chatti Pujan Sthal regularly. After attachment, one can take darshan of Shri Ram Lalla only from outside the grilled gate.

Statement read and verified.

Sd/-

Mata Badal Tiwari

31.8.2004

The Stenographer typed in the Open Court as I dictated. In this order for further cross examination the case be presented on 1.9.2004. Witnesses be present.

Sd/-

(Hari Shanker Dubey)

Commissioner

31.8.2004

Date 1.9.2004

D.W.3/17, Shri Mata Badal Tiwari

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.)

(Cross examination in continuation to dated
31.8.2004, by Shri Ajay Kumar Pandey, advocate on
behalf of Plaintiff in Other Original Suit No. 5/89 .)

In addition to Nirmohi Akhara there are Nirvani and
Digambar Akhara in Ayodhya. Hanumangarhi is also a
Akhara. I do not recognize all the sadhus of these Akhara.
If all the sadhus from all Akhara, comes together at one
place, I will be able to tell that they are sadhus but cannot
say that from which Akhara they are from. Learned cross-
examiner, advocate has read out the para 18 of the
examination in chief affidavit, to him. Upon which the
witness said that the word used in that section "Govt.
receiver" means, police has taken the site in its custody. I
have mentioned in the affidavit that attachment was due to
dispute in between the Sadhus of Nirmohi Akhara, I cannot
say who the sadhus were among whom the disputed took
place. I simply know, that Baldev Dasji used to come to
my village. I also used to go for darshan in the day after
taking bath and used to sit there for some time at the
disputed place. I did not go for darshan in the evening but
only used to go for darshan in the day after taking bath in
Saryu river because in the evening we used to cook food
and remain busy in cooking and eating. There were idols
of Shivji and Parvatiji on the Ram Chabootra beneath the

tree of papal. In addition, there was also an idol of Ganeshji and Sathamukh, I cannot say on what date and in what year, our country got Independence. Our country got Independence in the year 1947. in addition to Mahant Baldev Dasji I also knew Mahant Bhaskar Dasji. In addition to this I know the other Mahants and sadhus of Ayodhya. I have heard the name of Mahant Paramhans Ramchander Das of Digambar Akhara of Ayodhya, but I have not seen him. I have not heard the name of Baba Abhiram Das. I visited Gorkhnath Mandir at Gorakhpur. I have sought darshan from the inside of Gorkhnath Mandir. There was an idol of Baba Gorkhnath. I performed its parikarma. I have seen a number of idols placed in the thakhs of outer wall of parikarma.

(Cross-examination by Ajay Kumar Pandey on behalf of Plaintiff in Other Original Suit No. 5/89 from Shri Mata Badal Tiwari D.W. No. 3/17 concluded.)

(Cross-examination by Shri Madan Mohan Pandey, advocate on behalf of Defendant No. 2/1 Mahant Suresh Das in Original Suit No. 4/89 begins.)

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I have taken Guru Mantra (an initiatory mantra from a spiritual guide) in Tulsi garden of Tiwari Mandir. This Tiwariji Wala Mandir is situated in Ayodhya. Whether this Mandir is also called Babuwa Mandir or not, I do not know. There are three round tombs above this Mandir. Tombs were also in existence in Janam Bhoomi Mandir (temple), Tiwariji Wala Mandir, which is the house of my spiritual teacher is very old one. It was also at the time of my father's. I am also too old. As such this temple is very old one. Whether Tiwariji Wala Mandir belongs to any Akhara

or not, I have not asked about this from anyone. I will not be able to tell Tiwariji Wala Mandir was inside any Akhara or not.

There are a number of Math and Mandir in Ayodhya. No Mahant or Sadhus from Ayodhya ever went to my village at the time of harvesting and for collecting grain. Only Baldev Das was seen visiting the village for this purpose. At the time of harvesting I used to offer a part of crop to him. It was my resolution to give a part of my crop to Baldev Das of Nirmohi Akhara, every year. Villagers every year used to give a part of their crops to Baldev Dasji. Some gave him two man (a bag containing about 40 kg.) some gave him 4 man and some gave him 10 man grain. Except Baldev Das, no other sadhu was being obliged. Baldev Das was so polite that none refused to him. I cannot say for how long Bhaskar Das was a Mahant of Muzaffara Naka. Baldev Das has made him Mahant. Prior to this Baba Baldev Das was a Mahant of Muzaffra Hanumangarhi. He made Bhaskar Das a Mahant during his lifetime. Presently Bhaskar Das is a Mahant of Hanumangarhi Naka. I have been in Nirmohi Akhara. Nirmohi Akhara is situated at the road, which leads to Ramghat from Hanumangarhi. I went to Nirmohi Akhara two to three year ago. At that time Mahant Bhaskar Dasji was a Mahant in Nirmohi Akhara. At that time who was a Mahant of Nirmohi Akhara, I do not know. Who remained Mahant of Nirmohi Akhara and for what duration, I am not aware of it. There is only one patti in Nirmohi Akhara. When there was dispute in between the sadhus of the Nirmohi Akhara, who was the Mahant at that time, I am not aware of it. There is a Chhawani (cantonment) of Maniram Dasji and Bara Sthan in Ayodhya. I visited these places. Hundred of sadhus live at these places. This is one of the famous places of Ayodhya. I never visited the temple of

Digambar Akhara. I have only about the Digambar Akhara and Nirmohi Akhara. I have never visited the Nirvani Akhara. I visited only Nirmohi Akhara.

Ayodhya is a great shrine of Hindus. People in large number visit Ayodhya from within the country and abroad. Two type of parikarma are held in Ayodhya, one is 14 km. and other is 5 km. This parikarma is organized on Akshya Navami and Akadashi in the month of Kartik. There were huge crowd under the 14 km. parikarma. Beside, mela parikarma a large number people used to visit Ayodhya throughout the year. Devotee took bath in Saryu River and sought darshan of Hanumangarhi, Ram Janam Bhoomi and other temple in Ayodhya. But among these Hanumangarhi, Janam Bhoomi, Nageshwarnath Mandir and Kanak Bhawan Mandir are the main. I have been visiting here since 1932. Since than devotees Hindu pilgrims are visiting Ayodhya for the darshan. In the northern and eastern side of Janam Bhoomi temple there are a number of Hindus temples but I never visited these temples. I used to seek the darshan of four temples. After taking darshan in Hanumangarhi, Janam Bhoomi Mandir, Nageshwar Nath Mandir, and Kanak Bhawan, I used to take Parikarma and then go to back. From the day, when I started visiting Janam Bhoomi, I have been taking darshan, Aarti etc, being performed regularly. Two-three days ago when I visited there to take darshan, at that time too, there was huge crowd of devotees. Presently the temple is under the control of Govt. Sadhus from Nirmohi Akhara performed Aarti, Dhoop etc. I do not know the name of Sadhu of Nirmohi Akhara, who performs puja there. At present Bhaskar Dasji is not performing the puja-Archana in Ram Janam Bhoomi.

(Cross-examination by Shri Madan Mohan Pandey, Advocate on behalf of Mahant Suresh Das, Defendant No. 2/1 in Original Suit No. 4/89, concluded.)

(Shri Madan Mohan Pandey, advocate has informed that Shri Beereshwar Dwivedi, advocate has accepted the cross-examination conducted by me. In this regard learned advocate Shri Ranjit Lal Verma, on behalf of Plaintiffs in Other Original Suit No. 3/89 has raised an objection that there is no provision for accepting the cross-examination. Similarly, if Shri Dwivedi do not attend the court hearing, none on his behalf cannot give his consent to accept cross-examination).

(Thereafter, Learned Advocate Shri D.P. Gupta, of Plaintiff in Other Original Suit No. 1/89, was given a chance to cross-examine the witness but he said that he will not make cross-examination from this witness.)

(No cross-examination has been done by the advocates of Defendants other than the Defendants No. 4,5,6 and 26 in Other Original Suit No. 5/89 and Defendants in Other Original Suit No. 4/89. Hence cross-examination on their behalf came to an end. Therefore Advocate Shri Abdul Mannan, on behalf of Defendant No. 11 Shri Mohd. Farooq Ahamad begins the cross-examination.)

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I joined army in the year 1939. There was an oath ceremony after completion of training in Army in the year 1940. Thereafter in the first month in 1940, I was deputed to South Africa. In South Africa, I went to Sudan and Gadaraf. Camp has been going on in Gadaraf. I stayed

there for 9 months. I was deputed to a number of places in South Africa, with the Army. I went to Gadaraf, Kaseela, Khartoom. I do not know whether Khartoom is the capital of Sudan or not. When I was in South Africa, my right hand and right leg got injured. He further stated that his right leg was rendered insensitive. I was in the hospital for three months. I was released from hospital after 9 months and came back to my town. During the period, I was admitted in the hospital for three months. In Africa, I was in Sudan. I have been in the country, Abaiseenia, which was close to South Africa, which is situated inside South Africa. After returning from South Africa. I went to cantonment. Thereafter, I retired from the service. The cantonment referred, was in Roorkee. After 10-5 days, on returning to cantonment, I have been sent to home and was retired. After returning to home, I remained sick for 4 to 6 months and thereafter remained at home. During this period of illness, I did not go anywhere. I remained bed-ridden and hardly could go upto the gate. I started visiting Ayodhya in the year 1942-43. As stated earlier, I used to go to Ayodhya by bullock-cart and parked the bullock-cart at Ayodhya and used to come back from the same bullock-cart. Other people also used to come with me to Ayodhya in the bullock-carts. In my village, there is a practice of visiting to Ayodhya in the month of Chaitra. I used to go to Ayodhya every year at Chaitra's Ramnavami. Besides Chaitra Ramnavami, I did not visit the Ayodhya. Chaitra Ramnavami falls on Navami Tithi (Ninth day). I cannot explain on what day of English month it falls. During my visit to Ayodhya, I used to stay there for a day and used to come back to my house from there on the third day. I used to take bath in Ayodhya on the day when I stayed there. I used to take bath at New Ghat and at Ramghat and thereafter used to go for darshan in Ayodhya along with other villagers. After taking darshan we used to come back

on the third day. Ayodhya is at the distance of 18-19 km. from my village. When I used to visit Ayodhya from my village, I used to reach Ayodhya in the next day at 10.00 AM. I did not take bath on the day when I reached Ayodhya because on that day I used to cook food at Devkali and this process I used to get delayed. Devkali is situated in Faizabad. Devkali is under the Faizabad. Whether there is any Mohalla, namely Devkali or not, I do not know. I simply know this much that Devkali is in Faizabad. Devkali temple is big temple. I used to stay in Ishri Das Kothi in Ayodhya. We used to stay there for 2 to 2 ½ hours, cooked food. After taking food we used to leave for Ayodhya, and then for Devkali Mandir, offered porgies there after preparing them. All the people accompanying us used to eat poories and thereafter used to go back from Devkali we used to leave for Ayodhya, reached Ayodhya at the evening before sunset with our women. On reaching Ayodhya, we used to stay there. Ramghat is at a distance of three kilometer from Ishri Das Kothi. From Ishri Das Kothi, we used to go on foot to Ramghat for taking bath. We used to take bath there. We stayed there only for taking bath. We used to take bath there along with our sons and women. We used go for taking bath with 6-7 family members. It used to take one to one and half hour in taking bath. After taking bath we used to go to Nageshwar Nath. Nageshwar Nath is at a distance of two km. from Ghat. From there we used to come back on foot. We used to offer water at Nageshwar Nath Mandir and come back. It used to take one hour to us in offering water because of heavy crowd. all the members of the family used to offer water. Nageshwar Nath is a temple. From there we used to go to Hanumangarhi. It took almost the same time in Hanumangarhi, the time taken in offering the parsad. The people who remained with me in Nageshwar Nath Mandir, almost in the same number, used

to go to Hanumangarhi. It used to take one to one and half hours in taking darshan in Hanumangarhi. From Hanumangarhi we used go back to the same place where we were staying and used to take food. That place was at a distance of approx one km. from Hanumangarhi. In the evening we used to go to seek darshan of Ram Janam Bhoomi. We used to take darshan straight at Ram Janam Bhoomi after taking food. We used to go there because on day used to remain with us.

I left the Army because certain weakness had developed in my hand and leg. I was 19 years old at the time when I went to South Africa. I went there in Army. Our ship stopped in Sudan. I have been to Aliyssinia. I cannot say anything about the population of Aliyssinia. There was British Army in Aliyssinia which went from India. Army, from here, went there in support of South Africa. Italy had occupied the Aliyssinia. Later they were removed from the occupied place. How many number of companies from Africa have gone there, I have not counted the number of companies. I also cannot say how many persons from India went there. I was retired on the recommendation of doctors. After returning from South Africa I was in the cantonment for about 10-15-20 years. One retirement one sepoy accompanied me up to my place. Since then I am residing at my village Kothikpur in Sultanpur Division. There may be two to two and half hundred houses in Kothikpur. At present I am residing in Kothikpur. Kharoli is the majara of Kothikpur, which is close to Kothikpur. I live in Majara Kharoli. I have studied upto 4th standard. I studied Hindi upto 4th standard. I do not know Urdu. I passed 4th standard at the age of 12-13 years and thereafter I left the study and remained at my home. I joined Army in the year 1939 at Lucknow because

of some displeasure with my father. I joined the Army on the same day when I reached Lucknow.

Question: For how many days you were in Lucknow after joining Army?

(Learned Advocate of Plaintiff in Other Original Suit No. 3/89, Shri Ranjeet Lal Verma, has raised an objection over the question saying, that the question is not relevant and has already been asked. Therefore, cannot be allowed to asked again.)

Answer: I boarded the train for Roorkee in the evening on the same day, when I joined Army.

In Roorkee I got training upto the year 1940 and thereafter, there was oath taking ceremony. After oath taking ceremony I was deputed to South Africa alongwith three others. I boarded to South Africa from Bombay. I did not stay at Bombay. From Bombay it took us 16 days to reach Sudan. From Sudan I went to Aliyssinia. I joined Army after displeasure with my father. My father was alive even at the time when I returned from South Africa.

Question: After how long you came back from South Africa?

(Learned Advocate of Plaintiff in Other Original Suit No. 3/89, Shri Ranjeet Lal Verma, has raised an objection that this question has already been asked at a number of times. Hence need not to be allowed again.)

Answer: I came beck after 9 month from South Africa.

My father died in 1942. Thereafter, for one year I could not visit Ayodhya, because of annual rites of my father. I, thereafter, came Ayodhya, in the year 1943 after performing annual rites.

Question: Have you not visited Ayodhya at the age of 15 years?

(Learned Advocate of Plaintiff in Other Original Suit No. 3/89, Shri Ranjeet Lal Verma, has raised an objection that this question has already been asked at a number of times. Hence need not to be allowed.)

Answer: I might have visited Ayodhya at the age of 15 years.

I have mentioned in my affidavit about going to Ayodhya at the age of 15 years, which is correct. At the age of 15 years. When I visited Ayodhya, I went to all places for darshan. At that time also, I returned from there after three days. I never missed visiting Ayodhya at the time of Parikarma and Chaitra Ramnavami. For the first time when I visited Ayodhya at the time of Chaitra Ramnavami, I was 15 years old. I visited Ayodhya before also. Para 9 of the examination in chief affidavit has been read out to witness and was asked:-

Question: Have you not visited Ayodhya before attaining the age of 15 years?

(Learned Advocate of Plaintiff in Other Original Suit No. 3/89, Shri Ranjeet Lal Verma raised an objection that the said question has already been asked and answered. Hence question cannot be asked again.)

Answer: I visited Ayodhya, before attaining the age of 15 years.

I visited Ayodhya at the age of 12 years, with my parents. As such I visited Ayodhya, before the age of 15 years. When I visited Ayodhya at the age of 12 years, with my parents, at that time too, we returned back to our village after three days.

In 1934, Hindu – Muslims riots took place in Ram Janam Bhoomi.

Question: In Para 9 of your examination in chief affidavit, which was read out to you, there is no mention that Hindu – Muslim clash took place at Ram Janam Bhoomi. You have also not mentioned about this, in the affidavit submitted by you?

(Learned Advocate of Plaintiff in Other Original Suit No. 3/89, Shri Ranjeet Lal Verma, has raised an objection that in the question, which was compared with the statement of witness, there is no mention about the place. hence during cross-examination question from witnesss cannot be asked about the place/facts written in affidavit, and question may not be allowed.)

Answer: I have told, what I have heard about it.

I have been told by Baldev Das regarding the clash, which took place in the year 1934. I have not been there at that time. I have not visited Ayodhya from 1942 to the time of attachment. Attachment has not been done in the year 1942. during my visit to Ayodhya I went to Ram Janam Bhoomi and Hanumangarhi only and not to any other places. I do visit Ayodhya at the time of Parikarma

and Ramnavami. I possibly, do not visit there at other time. When I go to Ayodhya at the time of Parikarma, I used to come back after three days. I stay at Ishri Das ki kothi, whenever I visit Ayodhya. Sometimes I go to Ayodhya alone and sometimes with others. I do visit at the time of Parikarma. If for any reasons, I am not able to go there then my son and grandson do visit. Now I am not able to move. My children go to Ayodhya. I came here in Ayodhya with advocate sahib by Marshal Van. I have come from Ayodhya and will return back to Ayodhya by the evening. I will not go to my home till my statement is over. I will stay with advocate sahib in Ayodhya till the completion of my statement.

Para 15 of the affidavit has been read out to witness. On hearing, witness said after attachment darshan of Ram Lalla is taken from outside. I have seen Ram Lalla at every time.

Statement read and verified.

Sd/-

Mata Badal'Tiwari

1.9.2004

The stenographer typed in the open court. As dictated by me .In this order for further cross-examination the case be present on 2.9.2004

Witness should present.

Sd/-

(Hari Shankar Dubey)

Commissioner

1.9.2004

Dated 2.9.2004

D.W.3/17, Shri Mata Badal Tiwari

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

(Commissioner appointed vide Hon'ble Full Bench
Lucknow -order dated 13.8.2004.)

(Cross examination in continuation to dated 1.9.2004, by
Shri Abdul Mannan, advocate on behalf of Defendant
No.11 Farooq Ahmed begins)

I used to stay at Ishri Das ki Kothi in Ayodhya. I have
been visiting Ayodhya since 1932. During the period, when
I was in Army, I could not visit Ayodhya. I go to Ayodhya
every year. I used to visit Ayodhya at the time of Chaitra
Ramnavami and Parikarma. Chaitra Ramnavami and
Parikarma falls at different times. Ramnavami falls in the
month of Chaitra and Parikarma falls in the month of
Kartik. On both the occasion, I go to Ayodhya. Ramnavami
falls in the month of Chaitra. I have seen a number of
temples in Ayodhya.

I have no knowledge of history because I have
studied only upto the 4th class. I have no knowledge about
at what time Budh Temple and Jain temple were there in
Ayodhya. After 1932, I used to visit Ayodhya twice a year.
I did not have darshan of all the temple in Ayodhya. I take
darshan of Nageshwar Nath, Hanumangarhi and Ram
Janam Bhoomi. I have no knowledge about 22 mosque in
Ayodhya proper. I have seen the mosque, but not the
mosque situated in Ayodhya. Namaj may be offered in the
mosque in Ayodhya, but I have no knowledge in this

regard. I do not know about the Babri Masjid. I have no knowledge, when the Babri Masjid was built. I cannot say that Babri Masjid was built by Meerbaki or not. May be, Babri Masjid may have built by Meerbaki in the year 1528. I have no knowledge whether the Masjid was built up in the open space or not. I have not seen the Babri Masjid at Ayodhya. I referred the existence of three domes, but this reference was in respect of temple. Three domes were in a straight line. I have seen the three domes. I have been seeing the three domes since 1932. I have been seeing them for last 50-55 years. I can count. But it might be possible that I might have made error in counting. 70-72 years have been passed since 1932. I did not visit all the temples in Ayodhya. After taking darshan of four places, we used to take food and rest. When I used to go to Ayodhya from village in the group of 6-7 people. Other people from village also used to visit Ayodhya. I used to take darshan of Kanak Bhawan, Janam Bhoomi, Hanumangarhi and Nageshwar Nath Temple at Ayodhya. I used to go inside also to take darshan, in Kanak Bhawan. Kanak Bhawan might be 100 yards in length. I have not observed the length and width of Kanak Bhawan. I just used to go there for darshan and used come back without having darshan in other temples. The width of Kanak Bhawan may be 100 yards. I have not visited any other temple accept the temple referred above. I have neither any person who read the newspaper, about the Babri Masjid nor I have asked anyone. So no newspaper reader has told me about this. I also have not heard about Babri Masjid, during any interaction with anyone. I have visited to see Janam Bhoomi. Janam Bhoomi is situated at a distance of one km. in the eastern side from Janam Bhoomi Hanumangarhi. There are three domes at Janam Bhoomi I do not know that Babri Masjid is a disputed site of Janam Bhoomi. I myself has stated that I have seen the

lighting up Dhoop-deep there. It is not correct to say that Namaz was being offered in the disputed premises regularly.

FIR Registered by Ram Dubey, Sub-inspector, Incharge P.S. Ayodhya, Faizabad dated 23.12.49, at 7.00, under section 145 Cr.PC annexed with the affidavit. P.C., document No. 115, has been read out to the witness and a part of it "5-6 thousands people together sought religious slogan..... many people have saw it", has been read out to him.

(Learned advocate, of Plaintiff in Other Original Suit No. 5/89, Shri Ved Prakash has raised an objection that the no question can be asked from witness about what was read out to him because the witness was not a party in these matter, which is sub-judice in this court of law nor the witness has filed the case in the court. Hence questions are not required to be asked from him.)

I cannot say, whether the S.H.O. has written report in regard to Babri Masjid or not.

Question: Whether the above report has been written at 7.00 PM. On 23.12.1949?

(Learned Advocate of Plaintiff in Other Original Suit No. 3/89, Shri Tarunjeet Verma raised an objection that the question cannot be asked from the witness in respect of above documents. The witness neither was present at that time nor he is accused. So, asking question in this regard from the witness is not correct.)

Answer: I have no knowledge, whether the report was recorded on 23.12.1949 at 7.00 PM. or not.

Whether idols were kept in the disputed Bhawan on 22/23.12.1949, I have no knowledge in regard this. If the S.H.O. who recorded the report, was present there, I cannot say anything about this. I do not know whether the person who lodged the report was a Brahman or not, I have no information in this regard. I do not know about the incident of 23.12.1949. But this much I know that disputed Bhawan was attached. This is correct to say that inner part of disputed Bhawan was acquired earlier and the outer portion was acquired later on. There is an idol of Ram Lalla in the outer part. The outer part was 100-150 meter in length. This I am saying on presumption. Inner part was acquired in 1949 and outer portion was acquired in the year 1982. I do not know under whose possession the disputed Bhawan was during the period 1949 to 1982. I have seen people performing Puja etc. there regularly, so I used to go back after taking darshan.

Question: Whether an idols were kept in Babri Masjid in the year 1942?

(Learned Advocate of Plaintiff in Other Original Suit No. 5/89, Shri Ved Prakash, has raised an objection that this question is based on notion, and has been asked at number of times. So the permission to ask the same question again cannot be given.)

Answer: Whenever I visited there, I found idols there. What else I can say.

I have been visiting Ayodhya since 1932. I used to go to Ayodhya every year. Whenever I went there, I used to take darshan of all.

Question: The F.I.R., which was read out to you, lodged on 23.12.1949 at 7.00 PM, relates to the incident of 22/23.12.1949.

(Learned Advocate of Plaintiff in Other Original Suit No. 5/89, Shri Ved Prakash, raised an objection that this question cannot be asked from the witness because witness is not literate and he cannot say what was written in the report. He has expressed his ignorance about the report. So permission to write the question again cannot be granted.)

Answer: I have no knowledge in this regard.

A part of F.I.R. document No. 15 "Desecrated the Masjid by installing an idols, by forcibly entering into Masjid" was read out to the witness. In reply, witness said that he was not present there so he cannot give any answer in this regard. The sentence "Desecrated the Masjid by placing an idol there, by forcibly entering into Masjid" again has been read out to him by learned advocate cross-examining the witness. The witness said he know nothing in this regard. I never saw the Masjid. Hence I cannot say anything in this regard. I do not where the Masjid is situated so the question of going in it, does not arise. Since I did not know about the Masjid so I never went into Masjid. I have no knowledge in regard, whether the contents of F.I.R. are correct or not. I have no knowledge about Masjid. So I cannot say if Masjid was built up by Meerbaki or not.

Question: It is said that Meerbaki built up the Masjid in the year 1528 and Namaz was being performed there regularly. What you have to say in this regard?

(Learned Advocate of Plaintiff in Other Original Suit No. 5/89, Shri Ved Prakash, raised an objection that the question is based on a notion. It should be asked from the witness whether he has knowledge about Meerbaki or not. Only after that he can be asked such question otherwise permission for asking this question cannot be granted.)

Answer: I saw Dhoop-Deep was being offered. I have not seen any reading Namaz. So it is not correct to say that Masjid was built-up by Meerbaki in 1528 and Namaz was being performed there regularly.

I have not seen installing of an idol. Whenever I went there. I saw the idols there. I do not know where the Masjid is. So the question my going there very first time does not arise. I was not present at the time when the disputed Masjid was demolished. I was in Ayodhya at the bank of Saryu on the day on which the disputed place was demolished. Saryu is at a distance of 2-3 km. from the disputed Bhawan. I was at the distance of 2-3 km. when disputed Bhawan was being demolished. I cannot say how many people were there when the disputed Bhawan was being demolished. I cannot say because I was not present there, at the time of demolition. Therefore, I cannot say whether two to three lakhs people were there or not. I was at the bank of Saryu throughout the day on which disputed Bhawan was demolished. After coming from there. I cooked food. I came back after two hours offering water from the bank of Saryu River. From Saryu, I came back to Ishri Das ki kothi, where I was staying. There were 7-8 people with me at the time of returning from Saryu. I do not know the date on which disputed Bhawan was demolished. Whatever I have heard in this regard, I have

heard about it from the persons living with us. No interaction took place in between us in this regard and we started cooking food. Among the 6-7 person, who are with me, none went to that place where incident of demolishing the disputed Bhawan was taking place. I have heard a lot about the demolition of disputed Bhawan. But, since I was not present there so what can I say in this regard. I and the other person have not heard anything in this regard. Witness said he never said that he heard from others about demolition of disputed Bhawan. On the second day I stayed at Ishri Das I kothi for the night and on third day went back to my home. The people, who were with me, also stayed there and on second day in the morning we went back to our home. On that day in the evening I did not go to any other place or the people staying with me went elsewhere. Among the people who were with me, one was from Kahar community. His name was Nibar. One Bans Bahadur Singh, Ramraj Mishra and Badri Prasad Srivastav were also with us. Gaya Baksh Tiwari, Devnath Tiwari were also with us. In addition, one person named Ram Chander was also with us. In all we were seven people who had come to Ayodhya. All the person were from village Todhikpur, Mazare – Kharoli. We did not went back to Kharoli on the second day but on the third day, we went back to Kharoli from Ayodhya. During this period we stayed in Ayodhya. I did not visit the disputed site even, on the second day of demolition. On second day I did not ask anyone about demolition of disputed Bhawan. The people who were with me also did not ask anybody in this regard. We all used to stay together and even if some place was to be visited we used to go out together. On second day we stayed at Ishri Das ki kothi we did not go anywhere from there. Nobody else told us about the demolition of disputed Bhawan by visitation us. On the second day none from Ayodhya came to us on second day.

After demolition of disputed Bhawan, we went back to our home. We did not report anything to the police station about demolition of disputed Bhawan.

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

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

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I cannot read the affidavit filed by me. For last 6, 7, 8 years I am not able to read. And also have difficulty in moving. Wherever I go, I go by a conveyance. I came to high court by vehicle and parked it and thereafter covered 100 to 150 feet by walking on foot to reach the high court. The house in my village is covered fully by roof and a courtyard in front. Inner rooms were made of Dhanni and outer rooms were Pakke (perhaps referring the room constructed by cement etc.) My farm starts at the distance of 100 yards from my house. Except for attending natural call I do not go anywhere by walking. For toilet etc., I go through roads and also come back through road only. I go for natural call at the distance of 100 yards from my house. A part of statement made by witness at page 19 on 1.9.2004, "Three four days earlier, when I went for darshan in Janam Bhoomi Mandir, there was crowd of devotees at that time too" has been read out to the witness. Witness said that his statement was correct. When I went to disputed site, I came back after taking a stroll. I could not understand the things there, where the idols are, and where Janam Bhoomi is. I have not tried to take darshan from the place fixed for taking darshan. I did not make efforts to have darshan and came back after strolling there. Shrivaksh Singh, Shrivheek Singh and Bhanu Pratap Singh, who all are from Haliyapur, were with

me at that time. These persons were with me right from my village. My village name is Todhikpur. Haliyapur is at a distance of two kilometer from there. These persons had not come earlier. Only Bhanu Pratap Singh came early. Shivbheek Singh and Shivbaksh Singh came with me. We came from there by the same Marshal Van, in which I came here to make statement. I started from my village two days before the date I submitted my statement. From the village we the three people reached at Hanumangarhi situated at Muzaffra Naka. That night we did not stay at Hanumangarhi situated at Muzaffra Naka. We went to the residence of Shri Ranjeet Lal Verma, Lawyer Sahabji and stayed there. At that time lawyer Sahabji had given us the Summons. I did not go for darshan on the next day. After reaching Ayodhya, on second day we did not go for darshan of Janam Bhoomi. I went for darshan on the third day. I went for taking darshan of Janam Bhoomi in the evening.

Question: My question is that in accordance with your statement on the third day, after reaching Ayodhya you came to Lucknow for making statement. Whether, on returning from Lucknow did you went to take darshan of disputed site?

Answer: I took darshan on the second day after reaching Ayodhya.

The statement made by me that I did not go for darshan on second day is not correct, I have said it by mistake. Bhanu Pratap Singh met me at Nirmohi Akhara on the second day after reaching Ayodhya. On the second day after reaching Ayodhya I went to Nirmohi Akhara at 11-12 at forenoon. I took bath in the Saryu on that day. Bhanu Pratap Singh met me at Nirmohi Akhara. At that time there was no flood in Saryu. I took bath at Naya Ghat made from cement/concrete (Pakka). Whether this pakka Naya Ghat is under the control of Nirmohi Akhara or not or

is under the control of someone else, I cannot say. From Nirmohi Akhara, I went by a Rickshaw upto Ghat. Ghat is at a distance of one km. from Nirmohi Akhara. Nirmohi Akhara is a distance about one Km. from the house of lawyer Sahab, Shri Ranjeet Lal Verma. From the residence of Lawyer Sahib, I went by Marshal Van to Nirmohi Akhara. After taking bath in Saryu, I went to Nirmohi Akhara, by Rickshaw. Shivbheek Singh was with me in the rickshaw. I did not take food there but took rest and from there went to disputed site by taking rickshaw from Nirmohi Akhara and took food there. I stayed at Nirmohi Akhara for the night. On the next day at eight and eight and half in the morning I went to the residence of Lawyer Sahib. From there I went to Lucknow by Marshal van. After reaching Lucknow I signed the affidavit and put thumb impression on it. I put my signature and thumb impression on the affidavit in the vehicle itself. Witness on seeing the first page of affidavit said that his signature is not visible on it. Again said his signature is there, at the bottom of the page. Thumb impression at the page three of the affidavit is of mine. I put my thumb impression on it in the Marshal van. After getting down from the Marshal van I went straight to the court room, where my statement is being recorded. Lawyer Sahib might have brought the affidavit from Ayodhya. Whatever was written in the affidavit by lawyer, I put my signature on it I do not remember whether my affidavit was written at Ayodhya or at Faizabad. About giving statement in this case was discussed for the first time with Bhaskar Dasji. It was held 20-25 days earlier. Bhaskar Dasji has asked me to submit evidence in this case. When I told him that I never given evidence before. Then Bhaskarji said whatever you think proper give that evidence. Bhaskar Dasji has called me to Hanumangarhi Naka, Muzaffra through his disciple. On that I came with my son Devnathi. It was never discussed

before with Bhaskarji. I have not met Shri Ranjeet Lal Verma before. I met Shri Ranjeet Lal Verma, lawyer, on the very first day in Ayodhya when he summoned me for giving evidence and on that day I was staying at his residence.

I cannot say if the round stamp which are on three pages of my affidavit and two stamp on third page, was stamped by Lawyer Sahib or by any another person, I cannot say what was written in it because my vision is very poor and I cannot read.

Witness, on seeing the picture No. 1 and 2 of white and black Album document No. 201, said nothing is visible in it. Only a Muhara is being seen at picture No. 20 of this Album. I cannot say which place is appearing in this picture. Nothing is visible to me in picture No.23 of this Album. It appears that a Sepoy is standing in picture No.29 to 30 of the Album and three Muhara are also visible. This picture is of Janam Sthan. This picture is not of a Janam Sthan Chabootra because there were not so large gate. Nothing is visible in picture No.32 of this Album. Shiv Baba and Ganesh are visible in picture No.33 of the Album. Parvatiji is also seen in the picture. There are three persons sitting in this picture. There was a Shiv Darbar at the right corner of disputed place. Picture No.33 may be the picture of Shiv Darbar because Mahadevji is visible in this picture. I have seen this Shiv Darbar for 40 to 50 times. Nothing is visible in the picture No.36 of this album. Also, nothing is visible in the picture No.37 of this album. Picture No.37 of this album is a picture of iron wall, which was at the disputed place. One tree and one sepoy are visible in the picture. The tree appearing in this picture is perhaps the tree of Neem. Grilled wall was in between the three dome's Bhawan and Hanumanth Dwar. There were three doors at the grilled wall. There were two doors in the grilled wall and three doors in the dome's wall. Part

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of this wall is visible in picture No.37. No door is visible in this wall. Nothing is visible in picture No.39 of this album. Nothing is visible in picture No.42. I cannot confirm, whether outer gate of the grilled wall is visible or not in picture No.42. In picture No.46 of the album there is Muhar. I am seeing the picture No.46 but nothing is visible. In picture No.53 of this album, Muhar and sepoy are visible. I cannot say whether it is a picture of any part of disputed place or not. In it, a bottom part of a dome of three dome's part is visible. In picture No.67 of this album a sitting person is visible and rest of the things are not visible. In picture No. 81 and 82 of the album one person who is standing is visible. I do not recollect whether I have seen this picture in the disputed place or not. Muhar is appearing in picture No.107 of this album. In picture No.107 of the album one person is standing but rifle is not being seen. It is beyond my comprehension the place which is appearing in picture No. 107. in picture No. 108 of the album three person are appearing, among them one is Bhaskar Das but I am not recognizing the others.

Statement read and verified.

Sd/-

Mata Badal Tiwari

2.9.2004

The stenographer, typed in the open court as dictated by me. In this order the suit may be listed for further cross-examination on 3.9.2004. Witness to present.

Sd/-

(Hari Shankar Dubey)

Commissioner

2.9.2004

Dated 3.9.2004

D.W.3/17, Shri Mata Badal Tiwari

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.)

(Cross-Examination in continuation to dated 02.9.2004
cross-examination by Advocate Shri Zaffaryab Jilani, on
behalf of Plaintiff No.9, Sunni Central Board of Waqf, U.P.
continues.)

Witness has been shown the picture No. 9 of
document No. 200 C-1 of the coloured album, upon which
the witness said one sepoy, standing in it, is appearing
but which place is appearing in the, I cannot say. I cannot
say whether the picture is of eastern gate or not. There
was a pit on the western side of the disputed Bhawan but I
never go there. I have seen it from other side.

Statement read and verified.

Sd/-

Mata Badal Tiwari

3.9.2004

On the information of unpleasant incident with the
advocates and due to aversion or work by Advocate of
High Court other courts, the work of cross-examination of
witness has been postponed.

The stenographer, typed in the open court as dictated by
me. Furtherance to this the suit may be fixed for hearing
before the Hon'ble full Bench on 7.9.2004.

Sd/-

(Hari Shankar Dubey)

Commissioner

3.9.2004

Dated 14.9.2004

D.W.3/17, Shri Mata Badal Tiwari

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

(Commissioner appointed by Full Bench Lucknow vide
order dated 10.9.2004.)

(In continuation to dated 3.9.2004 cross-examination by
Advocate Shri Zaffaryab Jilani, on behalf of Defendant
No.9, Sunni Central Board of Waqf, U.P. continues.)

The witness has been shown the picture No.11 and
12 of document No. 200 C-1 of colour album. The witness
said that nothing is visible to him in these pictures. Upon
seeing the picture No. 13, 14, 15 and 16, of the album,
witness said that nothing is visible in these pictures. In
picture No.36 of this album, two to three persons are seen
standing. I cannot say whether this picture No.37 matches
with any part of the disputed Bhawan or not. In picture
No.38 and 39, nothing is visible to him. In picture No. 40,
fishes are being seen and I cannot understand what is
there in picture. In picture No.45 and 46 of the same
album, nothing is visible to me. In picture No.47 and 48 of
album, one man is seen standing, rest of nothing is visible
to me. In picture No.57 of this album nothing is visible to
me. Similarly nothing is visible to me in picture No.59 and
60 of the album. There are three idols in picture No.61 of
the album. These idols are of Shiv Baba, Nandeshwar and
Parvatiji. Besides, there is an idol of shasthmukh. Idol of
Ganesh is seen in the picture. We have seen these idols
being kept in the outer part of disputed premises. These
idols were in the southern side of the wall. I have seen

these idols before or after the attachment of the disputed Bhawan. Nothing is visible to me in the picture No.63, 64,65 and 66 of the album. Nothing is visible to me in picture No.67 to 72 of the album. It is not correct to say that idols and white stones, which are seen in, picture No.61, were placed at this place after the acquirement. Nothing is visible to me in the picture No.73 to 78 of the album. In picture No.77, there is a view of stem of tree and gate like things. I have seen this tree, appearing in picture No. 77 in the disputed premises but I cannot say about the gate appearing in the picture. In picture No.78, of the album no gate is visible to me. I never went below the three domes of the disputed Bhawan. Sepoy was deployed there so darshan are to be made from a distance. When I went for darshan of disputed Bhawan, whether there was Phatak similar to one shown in picture No.78, of the coloured album I cannot say. Whether any part of the disputed Bhawan is appearing in picture No.79,80 and 81 of the colour album or not, I cannot say. Whether the disputed Bhawan having three domes was thousand, two thousand or two to four hundred or thousand five hundred years old or not, I cannot say. I have not heard anything in this regard from my forefathers, because there was no necessity. I treat the disputed Bhawan as a temple. I was under the impression that the part where Aarti and Dhoop are offered is a Ram Janam Bhoomi. The view appearing in picture No.86 of colour album, is a view of any part of disputed Bhawan or not, I cannot say. Two sepyo are seen in the picture. There were three Mohara in the part below to disputed Bhawan having three domes, but there was no Phatak. I cannot say whether the scene appearing in picture No.85 of the album is a scene of any part of disputed Bhawan or not. Nothing is visible to me in picture No.87, 88 and 99 of the album. I cannot say whether these pictures are of any

part of disputed Bhawan or not. In the picture No. 97,98,99 and 100 of the album, a black Mohara is seen to me but I cannot say whether these pictures are of any parts of disputed Bhawan. Mohara I mean door. In picture No.103 to 108 of the album, nothing is visible to me and I cannot say whether these matches with any parts of the disputed Bhawan or not. In picture No.109 to 120, of the album, nothing is visible to me. I cannot say, whether these scene matches with parts of the disputed Bhawan or not. In the picture No.121 to 132, of the album nothing is visible. I cannot say whether these scenes match with any part of the disputed Bhawan or not. In the picture No.136 to 147 of the album nothing is visible. I cannot say with which parts of the disputed Bhawan these scene matches. In the picture No. 152 to 155 of the album, nothing is visible. I cannot say with which part of disputed Bhawan these scene matches. In picture No. 157 to 167 of the album nothing is visible to me. I cannot say with which parts of the disputed Bhawan these pictures matches. In the picture No.176 to 186, of the album nothing is visible to me. I cannot say with which parts of the disputed Bhawan, these picture matches. In the picture No.187 to 198 of the album, nothing is visible to me. I cannot say with which part these pictures matches. Picture No.199 to 201 and in picture No.199 and 200, I am seeing pillars, on which red colour is painted. These pillars are the pillars of Hanumanth door. Hanumant Dwar, I mean the gate of entry. That gate was on the eastern side. The pillars appearing in picture No.199 and 200 are painted with red colour, that's why I am saying that these are the pillars of Hanumanth Dwar. It is not correct to say that pillars appearing in picture No.199 and 200 were fixed beneath the part having three domes.

Question: Whether on the basis of red colour, you are saying that the above-mentioned pillars were fixed at the outer gate (Phatak)?

Answer: Yes.

About the Hindu-Muslims riots, in 1934, I came to know from Baldev Das. Baldev Das had sought our help in this regard. I was 14 years old in 1934. Being a lonely son of my father, I was not short of money and my father was a Subedar. I was born in 1920. I cannot say whether my date of birth is recorded anywhere or not. I know only this much that I was born in 1920. The fact that I was born in 1920 is not written anywhere.

I do not whether any part of disputed Bhawan was damaged by Vairagees in 1934 or not. I do not know in which month riots 1934 happened. After the riots of 1934, I used to go to Ayodhya at Chaitra Ramnavami and Parikarma and I went there. I would not be able to tell as when I visited Ayodhya after the riots of 1934. I know this much only, that I went to Ayodhya in 1935. I knew Baldev Dasji, since 1933-34. I have been visiting the disputed place twice every year since 1935 to 2004, at the Chaitra Ramnavami and Parikarma. In the year 1939, 1940, 1941 I could not visit the disputed place. I have been visiting the disputed place for about 70 years; only during three years I could not visit.

Para 11 of the affidavit of examination in chief has been read out and was asked that in this Para you have mentioned that you have visited Ayodhya for 20-22 times since 1942. For which period these visits are related. So far mention in Para 11 of the affidavit is concerned, I cannot say about the period, but I go there for darshan every year. About visiting Ayodhya for 20-22 times,

whether I have told to Lawyer Sahib or Lawyer Sahib has himself written it, I cannot say it. There was slope in the western side of the disputed Bhawan, so I never went there. I used to perform Parikarma within the disputed Bhawan.

I have mentioned in Para 15 of examination in chief affidavit that I used to visit to take darshan from iron bar door gate, after its acquirement. Among the picture shown to me during my cross-examination, I have not seen the picture of said iron bar's door. What I have mentioned in Para 16 of affidavit being as examination in chief about, Ram platform and Chhati Pujan Sthal, but I have not seen any of these pictures of any place because they are not visible to me. I have mentioned in my affidavit, in Para 17 that I have been seeing the inner or outside parts under the control of Nirmohi Akhara's Sadhu since 1935. I have seen the Mahant Baldev Das managing the things and after his death, Bhaskar Das was managing the things. Besides the two I have not seen any Sadhu managing the control and arrangements. I have mentioned in Para 18 of the examination in chief affidavit about the clashes, which occurred 22 year ago from today in between the Sadhus of Nirmohi Akhara. But I cannot say about the Sadhus, who were involved in the clashes. This happened in 1934. I have heard about the clashes from my villagers and also heard in Mela, when I visited there. Bhaskar Das of Nirmohi Akhara has told me about this. I have mentioned in Para 19 of the affidavit about the Sant Niwas and storeroom. These were made from Chhappar and Tin. The wall of Sant Niwas and storeroom were made from bricks and cement. I have seen the Sant Niwas and storeroom, before and after the acquirement. The disputed Bhawan, having three domes was acquired in 1949. It is not correct to say that before 1950, Sant Niwas and storeroom were

not in use in this manner and was the residence of Mohijeem. I have seen the Sadhus of Nirmohi Akhara residing in Sant Niwas and storeroom after 1982. They were the managers. After 1982, Bhaskar Das used to live there. I do not know the name of Sadhu or Mahant other than Bhaskar Das. In Para 20 of the affidavit I have mentioned the fact about getting Independence, which we got in 1947. I knew Bhaskar Dasji two to four year before attaining the Independence.

In Para 22 of the examination in chief affidavit I have referred about the fact that Namaz were not being referred there by any Muslim since 1935. If Namaz was being read there before, by Muslim I have no information in this regard. Ram Janam Bhoomi, means the birth place of Ram Chandarji. When Ram Chandarji was born, two hundred year ago, thousand two thousand year ago or lakh-two lakh year ago, I cannot say. I myself have not seen the birth-taking place, I have heard about it from people. It is not correct to say that disputed place is not the birth place of Bhagwan Ram. It is also not correct to say that before 22nd December, 1949, Namaz was being read at the disputed a place five times a day. I cannot say whether disputed Bhawan was being used as Babri Masjid upto 22nd December 1949 or not. I have heard the name of Babri Masjid. It is not correct to say that the Bhawan demolished on 6th December 1992 was a Babri Masjid. The Bhawan which was demolished on 6th December, 1992 was a Ram Janam Bhoomi Mandir. It is not correct to say that there was no idol in the disputed Bhawan on 22nd December 1949. It is not correct to say that I have been induced by Bhaskar Das for giving false statement.

(Cross-examination by Shri Zaffaryab Zilani, Advocate on behalf of Defendant No. 9, Sunni Central Board of Waqf, U.P. concluded.)

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

XXX XXX XXX XXX

I have studied upto 4th standard from Haliyapur, which is at the distance of 3 km. from my village. In Haliyapur education is imparted upto the Junior High School. There are separate Primary and Junior High School. I have studied in Primary School. In that school, education is imparted upto 5th standard. I have studied there for 5 years. Before getting into 1st standard, two stages called "ALIF" and "BAY". Were there. But I have not studied Urdu. 1st standard is not called Abbai standard but 1st standard only. I cannot say at what age I was admitted to school. At that time I was 5-6 year old. Because generally children go to school at this age in the village. I left the study at the age 8-9 years. Perhaps in the year 1925.

I visited Ayodhya in the year 1934-1935 for the first time. There is a temple in Ayodhya called a Kanak Bhawan. I went there for darshan because it was a famous temple. I cannot say whether this temple was gifted to Sitaji at the time of her marriage, in the ceremony, called Muh-Deekhai or not. I cannot guess how old Kanak Bhawan Mandir is. There is an idol of Bhagwan in Kanak Bhawan. I have not visited to any other temple except the Ram Janam Bhoomi or Kanak Temple in Ayodhya and

them said I visited Ram Janam Bhoomi, Kanak Bhawan, Nageshwar Nath and Hanumangarhi Temple. There is an idol of Bhagwan Shiv in Nageshwar Nath Temple; an idol of Hanumanji in Hanumangarhi, In front of the main temple of Hanumanji there is a room, which is two-to-three feet (Haath) in width, where there is an idol of Ramji. There is an idol of Ramchandarji in Nageshwar Nath temple. Wherever there is idol of Ram Chandarji, that place is a holy place for me and to other. There are temples around my village, where there are idols of Ram, Laxman and Maharani Janaki. I cannot say whether Ramji idol's is called Thakurji or not. I go for Puja-darshan in the temple, which is near to my village. I go to all those temples, where there is an idol of Ram ji. Disputed Bhawan, which I called as Ram Janam Bhoomi. I can guess, its Chauhadi, because I have not measured it. There is a road in the northern side of the disputed Bhawan and in north there is a temple. I cannot say what is the name of temple located in the northern side of the road. I cannot say, whose idol is placed in this temple because I have not visited that temple.

I cannot say whether Bhaskar Dasji was a priest of northern side temple or not. I know this much only that he is a priest of Ram Janam Bhoomi temple. Janam Sthan Mandir is in Ayodhya. Sita Koop is situated in the southern side of Janam Sthan Mandir. The above said temple is in the northern side of Janam Sthan Mandir. Disputed Bhawan is a Janam Bhoomi Mandir. There is no difference in between Janam Bhoomi and Janam Sthan. It is not correct to say that Janam Sthan Mandir is in the north of the road in northern side of disputed site and I am giving false information in this regard. In my village there are 30-40 houses of Muslims. There is a Masjid in my village where Namaz is read. The door of Masjid generally opens

towards east. Muslims perform Namaz, sitting in the western direction. I recognize Masjid by its Minars, as these minars are 20-25 feet (Haath) high. There is no Minar in the disputed Bhawan and I never saw, other work being performed except Puja, so I can say that disputed Bhawan is not a Masjid. There are three domes in the disputed Bhawan. Among the three domes, mid dome was little bit higher. All the three domes were in line. These were round in shape, I also have seen the round dome at the Tiwari temple in Ayodhya. I do not recollect, whether there are round dome in other temples or not. Tiwari Mandir is adjacent to Tulsi garden. There are three domes in Tiwariji Mandir. These three domes are of the same size and are in line. Tiwariji Mandir is in the eastern side of Tulsi Garden. There is a road in between Tulsi garden and Tiwariji Mandir. There is medicine shop (Dawakhana). In the north of Tiwariji Mandir, there is a temple of his brother. In the east of Tiwariji Mandir there is a road and gali. There is dome in the Tiwari's Brother temple. There is only one dome I do not remember in which Mohalla Tiwariji Mandir is. I also do not know in which Mohalla Tulsi garden is. This much I also do not know that domes also exist in Kanak Bhawan, Hanumangarhi and Nageshwar Nath Mandir. There is only one dome in each Mandir and they are height in length. I have been in Tiwariji Mandir. I got Ram Mantra in Tiwariji Mandir, before going to Gaya. Tiwari is no more. He has a son. Tiwariji died 6-7 years ago. In what year he died I do not know and it has to be calculated. In which year I got Ram Mantra but I got it 15-20 years before.

I have mentioned about riots. This happened in 1934. At this time some part of the disputed Bhawan was damaged. A number of people had damaged the dome of

the disputed Bhawan. They all were Hindus, who had damaged it.

I have seen the Bahu-Begam Makbara in Faizabad, from outside. I have also seen the Gulbari. There is a dome in Bahu-Begam Makbara. I do not know whether there are domes or minars in Gulbari.

I cannot say, who was the guru of Baldev Das. Baldev Das used to look after of Nirmohi Akhara. Baldev Das was a priest of Janam Bhoomi. I cannot say whether Baldev Das was a Mahant of Janam Bhoomi or not. I cannot say in which years Baldev Das was a priest. But I have seen Baldev Das as priest. He might be of Ram Janam Bhoomi in the year 1934. Baldev Das has made Bhaskar Das a Mahant. I cannot say whether Bhaskar Das was a priest of Ram Chabootra (platform) or not. Baldev Das was a priest of Ram Chabootra. Baldev Das was a priest of Ram Chabootra in 1934. He declared Ram Das as a priest during his life. Thereafter he died. Perhaps his death occurred in 1937-38. I cannot say. Baldev Das declared Bhasker Das as a Mahant after the clashes in between the Sadhus. I do not know the name of Sadhus among whom the clashes took place.

I have not heard Ram Charan Das of Nirmohi Akhara who lost his one eye in the incident. I have heard the name of Raghunath Das. But I cannot say whether he ever remained a Mahant of Nirmohi Akhara or not. I have heard about Bomb Kand in Nirmohi Akhara in 1940 but I have not been there at that time. One person died in that incident I cannot say whether Ramcharan Das had lost his eyes in that incident or not.

In the north of disputed Bhawan there are a number of small temples. Ram Lalla temple was in the eastern side

of these small temples. I cannot say about the length and width of Ram Lalla Mandir. The then situation of eastern side of disputed Bhawan I have mentioned, do not exist today and position is changed now. Government has acquired this side after demolition of disputed Bhawan. Therefore, the situation has changed. Before demolition, the old position existed there which I have stated in the alcove mentioned statement. It is not correct to say that I have no knowledge of the site and I am giving false information in this regard. There was a pit in the western side of disputed Bhawan and a koop (well) in the southern side. People used to take water as a prasad from this koop (well) after having darshan there. There is an open place in the south of well. Whether graveyard was there or not, I cannot say. Perhaps there might be open space and graveyard in the east of disputed Bhawan but I have no knowledge about this. There was no open place in between the road in the north of disputed Bhawan and open space in the mid of Bhawan. I hear Ramkatha (story of Rama). In that story there might be mention of the year in which Ram Chanderji was born. But I do not remember because perhaps I have not heard the story attentively.

The design of disputed Bhawan is of such type that even after not visiting inside, I can say by watching from outside that it is a Mandir. This Bhawan looks like a Mandir. I say it a temple because there is dome in the disputed Bhawan. If Minars were there, it might be a Masjid. If Muslims read Namaz there then I would have treated it a Masjid. But I never saw, anybody reading Namaz there. I always saw, people lighting Dhoop-Deep etc. there. Dhoops means, putting Gugals in fire, it creates fragrance. Lighting Aggarbatti also comes under Dhoop Dena. I have seen people lighting Aggarbatties. Dhoop is presented in the temple but Aggarbatties are lighted.

Muslim also light Aggarbatties over Makbara and in Masjids. I have seen people lighting Aggarbatties in the graveyard.

In the affidavit term receiver is used. But I do not know the meaning of receiver. The term receiver has been used by the lawyer. The witness has been shown the Document No. 154/13 in suit, Shri Gopal Singh Visarad versus Jahoor Ahmad. On seeing this picture witness said it appears that there is staircase in it. On seeing this I can say that similar staircase was there below the dome of disputed Bhawan. In this picture, their staircases are visible. Idols have been placed above the staircase. I do not know whose idols are these. On showing the document No. 154/9 of this suit witness said he is not able to say whether it is the picture of any part of disputed Bhawan or not because only one door is visible, whereas there were three doors in the disputed Bhawan. I cannot say whether picture is of the any part of the disputed Bhawan or not. On seeing the picture Document No. 154/4 of the suit witness said the picture is not complete. On seeing the picture Document No. 154/5 of the same suit the witness said that he is not able to understand, and cannot say whether the picture belongs to any part of the disputed Bhawan. In the suit in which I am giving evidence Nirmohi Akhara is one of the party and Muslims are second party. What the Muslims say, who are fighting litigation, I do not know. So far I know the disputed in between the Nirmohi Akhara and Muslims is going on since 1934. I have heard that clashes of 1934 happened because of slaughtering of cows. Perhaps this cow slaughtering incident happened in Ayodhya. Slaughtering of cows was main cause of the incident. Upon this incident people became furious and indulged in clashes and damaged the disputed Bhawan. I have seen the dome after it was damaged. When I saw the

dome, at that time it was in tattered position. Till that time it was repaired or not repaired, I don't damaged in 1934 and was not repaired till 1992. All the three domes were damaged in 1934. The middle dome as a whole had fallen to earth. All the three domes were damaged in variation. It is not correct to say that disputed Bhawan was a Masjid. It is also not correct to say that Namaz was being read therein five times a day, regularly since 22nd December 1949. I am not able to say whether idols were placed there surreptitiously on 22nd December 1949. But whenever I visited there I saw the idols there. It is also not correct to say that on inducement by Bhaskar Das, I am giving false statement.

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

Shri Irfan Ahmad, advocate on behalf of Defendant No. 6/1 and Shri Fazzle Alam, advocate on behalf of Defendant No. 6/2, have accepted the cross-examination done by Shri Abdul Mannan, advocate, Shri Zaffaryab Zilani, advocate and Shri Mustaq Ahmed Siddiqi Advocate.)

Cross-examination on behalf of all Defendant/ parties concluded. Witness is discharged.)

Statement read and Verified.

Sd/-

Mata Badal Tiwari

14.9.2004

The stenographer, typed in the open court as dictated by me.

Sd/-

(Hari Shankar Dubey)

Commissioner

14.9.2004