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

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

NIRMOHI AKHARA AND OTHERS ... PLAINTIFFS

V E R S U S

BABOO PRIYA DUTT  
RAM AND OTHERS

... DEFENDANTS

STATEMENT OF D.W. 3/19

RAM MILAN SINGH

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

Other Original Suit No.3/1989

Nirmohi Akhara

Plaintiffs

Versus

Baboo Priya Dutt Ram and others Defendants

**Main Statement, Affidavit of Ram Milan Singh D.W.**

**3/19 under Order 18 Rule 4 of Code of Civil Procedure**

I, Ram Milan Singh, aged 75 years S/o Vikaramjaet Singh, resident of Village, Haliyapur, Sub- Division, Issoli, Tehsil-Muzafirkhana, Distt. Sultanpur, solemnly affirm under oath that:-

1. My father and mothers were religious people. My mother used to go to Ayodhya for Ramnavami parikrama every year. I also used to go with her, since childhood.
2. I attained the age of understanding at the age of 10 years. My date of birth is 15.1.1930 and thus I started understanding things by 1940. I, alongwith my parents and villagers went to Ayodhya for the first time in 1940, for darshan of God Ramlalla at Shri Ramjanambhoomi, Ayodhya. My parents told me that this is the Ramjanambhoomi temple, where in accordance with the belief of Hindus, Bhagwan Shri Ram was born.
3. Since then I have been visiting Ayodhya regularly for the darshan of Bhagwan Ramlalla on the occasion of Ramnavmi. I visited Ayodhya regularly from 1940 to 1951 at each Ramnavami. But after 1951 this ritual

of going to Ayodhya on Ramnavami to have darshan of Bhagwan Ramlalla was discontinued and sometimes I could not go there.

4. When I visited Ayodhya to the year 1940, I used to take bath in Saryu River and thereafter visit to Ram Janambhoomi temple, Kanak Bhawan and Hanumangarhi for darshans and offer water at Nageshwarnath.
5. My parents used to go to Ayodhya every year at the time of Parikarma and had darshan of God Ramlalla, sitting in Shri Ram Janambhoomi Mandir. I also used to go with them.
6. I first visited Ayodhya, after attaining the age of understanding with my parents in 1940, for darshan of Bhagwan Ram Lalla in Ram Janambhoomi Mandir situated in the disputed site and also went there at the time of Sawan Jhula which is organized in Ayodhya. At that time I took bath in Saryu River and had darshan of God Ramlalla sitting in Shri Ram Janm Bhoomi Mandir. I also went to Ayodhya in 1940 at the time of Panchkaushi Parikarma in the month of Kartik, 14 Kausi Parkiarma and Poornima Nahan (bath), had darshan of God Ramlalla, sitting in Shri Ram Janm Bhoomi Mandir.
7. Shri Ram Janambhoomi mandir was divided into two parts in December 1949. Inner part was attached and outer part remained open for the devotees.
8. I came to know about the attachment of inner part only when I visited Ayodhya in 1950, at the time of Chaitra Ramnavami. I saw that the iron door in which iron bars were fixed in the wall was locked and police vigil on the out side, I and others had darshan of God Ramlalla from there. On inquiring from the police I

came to know that inner part has since been attached.

9. During my first visit, with my parents, to Ayodhya in 1940, the barhe priest (senior most) of Ramjanambhoomi was sitting there in the inner part. My father told me that he is the barhe (senior) priest, Baldev Dasji of Ramjanambhoomi, I recognized him because he used to come to my village and Jawar. Since then I saw him in the inner part of Ram Janambhoomi, sitting there as a barhe pujari (senior priest). I saw Mahant Baldev Dasji as a barhe Pujari alongwith other Sadhus of Nirmohi Akhara till Kartik Poornima of 1949.
10. My father told me that after entering through the eastern gate he had seen the sadhus of Nirmohi Akhara residing in Sant Niwas and storeroom.
11. In the year 1940, when I went to Ayodhya with my parents for the first time, my father took me for darshan of outer portion also i.e., Ram Chabutra, Shiv Darbar and Chhatee Pujansthal.
12. There was God Ramlalla on the Ram Chabutra also. Sadhus of Nirmohi Akharas were sitting there as priests.
13. Shiv Darbar was at a south corner of Ram chabutra Mandir next to the wall under a tree, Shankar Bhagwan, Argha, Ganeshji, Parvatiji, kartikeyji, Nandiji were sitting on white marble stone. I bowed before them also and saw others doing the same.
14. Chhatee Punja Sthal was near the northern gate and Chakla Belan Chulha and foot prints of the



four brothers were also there. People used to bow before them and so did I along with my parents.

15. I visited Ayodhya regularly since 1940 during , in all the three fairs organized in Ayodhya. I visited Ayodhya at Chaitra Ramnavami upto 1951 and thereafter I used to visit Ayodhya once in year at the time of anyone fair.

16. In 1982, at Chaitra Ramnavami, when I visited Ramjanambhoomi Mandir for darshan , I came to know from police that the outer portion was also attached due to the internal disputes of the Sadhus of Nirmohi Akhara and receiver who was appointed for the inner part, has also been appointed as a receiver of the outer part.

17. I have seen the control of Nirmohi Akhara's sadhus and their performing the work of priest over Ram Chabutra since 1940 to 1982. I went to Ayodhya for Saryu bath on Makar Sankranti in 1982 and on this occasion I also went for darshan of Ram Janambhoomi Mandir . And therefore I know that the outer part was under the control of Sadhus of Nirmohi Akhara upto 1982.

18. I have seen the control of Nirmohi Akhara on the inner part and distribution the Charanamrit (sacred drink) and prasada by them since 1940 to kartik poornima in 1949. In the month of Agahan (4<sup>th</sup> month of the Hindu calendar) it was attached, as I have already stated.

19. In December, 1949, at the time of its attachment, I had seen Puja-Aarti being performed

by a Sadhu appointed by the receiver and police personal also informed me about this.

20. One of the temple of Nirmohi Akhara is at Ramghat in Ayodhya. My father took me there in the year 1941 during Sawan Mela (fair) and told me that they are from Nirmohi Akhara, under whose control and proprietary the Shri Ram Janm Bhoomi Temple is. After that also I went to see Nirmohi Akhara Mandir and Sawan Jhula tableau in Sawan fair. There I came to know that Mahant Jagannath Das is a Mahant of Nirmohi Akhara.

21. Mahant Baldev Das was the Mahant of Hanuman Temple at Naka Muzaffra Hanumangarhi Faizabad I have been there at the time of Mahant Baldev Das. I have seen his disciple Mahant Bhaskar Das with Baldev Das in Ram Janambhoomi Mandir, a year before the independence. I also saw him in Hanuman Mandir at Naka.

22. I know Mahant Bhaskar Das, the Mahant of Hanumangarhi Mandir Naka Muzaffra. I have been to Naka Hanumangarhi. Mahant Bhaskar Das is the disciple of Mahant Baldev Das.

23. Mahant Baldev Das told me about Nirmohi Akhara in the village that Nirmohi Akhara is a pachyati math and a religious organization, under which there are many temples.

24. I have seen the control of Nirmohi Akhara over the inner part upto the year 1949, when it was attached and the control over the outer part upto the year 1982.

25. I December 1992, the entire structure was demolished by the crowd. I came to know about this from the newspapers. After that, I went there two to three times, for the darshan of Bhagwan Ramlalla who is placed in a tent.

26. To the best of my knowledge, I have never seen any Muslim reading Namaz there nor have I heard about this from anyone.

Oath Taker  
(Sd/- Ram Milan Singh)

**Verification:**

I, Ram Milan Singh solemnly affirm that the contents from para 1 to 26 are correct to the best of my knowledge and I solemnly affirm it under oath. Nothing is false and concealed in it. May God help me, Confirmed at Lucknow Bench, Lucknow High Court, dated 12.10.2004.

Oath Taker  
Sd/-  
Ram Milan Singh

Shri Ram Milan Singh, witness is known to me and he has put his signature in my presence.

Sd/-  
R.L.Verma  
Advocate  
12.10.2004

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

(Commissioner appointed by Hon'ble Full Bench, Lucknow  
vide order dated 8.10.2004)

Other original Suit No.3/1989

Original Suit No.26/1959

Nirmohi Akhara

Plaintiff

Versus

Baboo Priya Dutt Ram and others

Defendants

**D.W.No.3/19, Shri Ram Milan Singh**

Main Examination affidavit: Page No.1 to 4, of Shri Ram  
Milan Singh, aged 75 years approx, S/o Vikaramajeet  
Singh resident of Village Haliyapur, Sub-Division, Issoli,  
Tehsil Musaffirkhana, Distt. Sultanpur, submitted and  
taken on record.

(Cross-examination by Shri Veereshwar Diwedi,  
Advocate, on behalf of Defendant No.17, Shri Ramesh  
Chandra Tripathi and Defendant No.22, Shri Umesh  
Chandra Pandey in Suit No.4/1989, begins).

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I had seen Mahant Baldev Das some 69-70 years  
ago. Mahant Baldev Das had a stout physique and  
average height. His height was above 5 feet. He had beard  
and tangled hair. I saw him for the first time when he was  
about 30-35 years old. Baldev Dasji was not a fast friend

of my father but he used to visit our village very frequently. I was a child at that time. He used to give us Rewari (sweet) when we used to go to see him. I saw him for the last time when he was about 60-65 years old. I saw him for the last time in 1949. When earlier I used to go for darshan, Mahant Baldev Das was the preist there and he used to give the prasad, which I had offered, back to me, but sometime there were other Pujaries also. At the time when I used to go for darshan there were about 7-8 sadhus. When I used to go for darshan Baldev Dasji used to be there. In his absence, Bhaskar Das used to be there alongwith 7-8 sadhus. One and two sadhus lived inside and the rest lived in Sant Niwas. The Sadhus who used to stay inside used to give prasad and Charanamrit (sacred drink). The people, who gave charanamrit, were the Pujaris (priest). There were two priests at a time. One used to give charanamrit and Prasad from inside and Baldev Das used to sit on the takth in the outer part. I met Mahant Baldev Das at the temple as a priest for the first time, in 1940, about 64 years ago. When I met him for the first I had no interaction with him, I bowed before him, he offered prasad to me and I went back. 64 years ago from to-day, for the first time I came to know that the Sadhus and the priest of that temple were from Nirmohi Akhara. My father told me about this. My father also told me that he is the same Mahant Baldev Dasji, who used to visit our village. I came to know about the Akharas of sadhus for the first time, 64 years ago, when my father told me about this. At that time I came to know that Sadhus have two Akharas I was told about these two Akharas. Later on I came to know that in addition to these two Akharas, there were other Akharas also, such as Santoshi Akhara, Parveen Akhara, Khaki Akhara etc., there are many more Akharas beside these but I do not remember their names. I also do not know how much is these number because I

used to have darshan then go back. It is not correct to say I am giving false statement in this regard.

I performed 14 Kausi Parikarma, at the age of 10 years, for the first time. After that I performed the parikarma atleast for 15-20 times. Surya Kund, Janora, Hanumangarhi Naka, Guptar Ghat, Laxman Ghat comes in the way of 14 Kausi parikarma via swarg dwari ghat Vaitarani Kund also falls on this way. I know about these majors places, which falls on the way of 14 Kausi parikarma. I also know that Panch, Sarpanch and Mahants of Nirmohi Akhara are elected.

Question: Have you seen any document in this regard, which proves that Nirmohi Akhara is the owner of the disputed Bhawan?

(Upon this question, Learned Advocate Shri R.L.Verma on behalf of plaintiff in other original suit No.3/1989, raised an objection that no document was referred in the main examination affidavit of the witness, so question in this regard cannot be asked).

Answer: I have not seen any document in this regard. But whenever I used to visit the disputed site, people there told me that all the sadhus there were the sadhus of Nirmohi Akhara.

I do not know who is the owner of Nageshwar Nath Mandir. But I know, that whosoever constructed this Mandir or formed the trust, must be the owner of the Mandir. Idol of God/Goddess installed therein are not the owners of temple but the person, who constructed the temple or donated the land for the temple, he or the Sarvrahaakar, appointed by him or the person who

manages the temple is called the owner of the temple. If there is no written agreement in this regard, then the person who constructed the temple, is the owner of the temple. It is not correct to say that I am giving false information in this regard. Sarvrahakar means the person who looks after the property of the temple and temple itself. But Sarvrahakar cannot sell the property.

There was no owner of Ram Janambhoomi Mandir before it was attached. Mahant Baldev Das was its Sarvrahakar. This is an old building. He himself said that he cannot say who constructed the building of this temple.

Kanak Bhawan was constructed by the queen of Teekamgarh. It is not correct to say that I am giving false statement in this regard.

(Cross-examination by Shri Veereshwar Diwedi, Advocate on behalf of defendant No.17 Shri Ramesh Chandra Tripathi and defendant No.22, Shri Umesh Chandra Pandey, in suit No.4/1989, concludes).

(Learned Advocate, Shri M.M.Pandey on behalf of defendant No.2/1 in other original suit No.4/1989 and Learned Advocate Shri A.K.Pandey in other original suit No.5/1989, has accepted the cross-examination, conducted by Shri Veereshwar Diwedi).

(Learned Advocate Shri D.P.Gupta, on behalf of plaintiff in other original Suit No.1/1989, said that he does not want to cross-examine the witness).

(No Advocate on behalf of any other defendants, except the Learned Advocate of defendant in other original suit No.4/89 and defendants No.4,5,6 and 26 in other original

suit No.5/1989 was present for conducting the cross-examination).

(Cross-examination by Learned Advocate Shri Abdul Mannan on behalf of defendant No.11, Shri Farooq Ahmad, begins).

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I am a resident of village- Haliyapur, Distt-Sultanpur from the very beginning. I have farms measuring about 30 bighas. My aunt is the co owner of the land with me. I am 75 years old. Since birth, I have been residing in village- Haliyapur, where there are around 700 houses and a population of 5000 more. Haliyapur is not a town. There are about 20-22 houses of Muslims in Haliyapur having two hundred to two hundred fifty Muslims. There are three approach road to Haliyapur, from Sultanpur it is at a distance of 57 Km from Sultanpur to Haliyapur via Kurebhar, 43 Km., from Sultanpur via Kurwar to Haliyapur and 52 Km., from Sultanpur, via Musafirkhana Adhanpur to Haliyapur.

After passing Vernacular Degree, I studied further as a private candidate. I appeared, in intermediate examination through private but could not get through and left the study. I never went outside my village for service. When I was studying in middle school, I used to go to Bazaar Valdirai to study.

Kurebhar is on the road leading from Sultanpur to Allahabad, in between Beekapur and Sultanpur, and is the shortest route to Haliyapur from Sultanpur, which is approx. 43 Km., Ayodhya is at the distance of 54 Km., from my village I go to Ayodhya from my village via



Faizabad- Raibarailee Road and there is no need to go to Sultanpur . I went to Ayodhya in 1940 for the first time. In 1940 I was not fully sensible, as I was only 10 years old but I still used to understand some thing . I went to Ayodhya by bullock cart from my village, which took me two days to reach Ayodhya. For the first time I went to Ayodhya with my parents and other villagers. I used to begin my journey from my village in the afternoon and would reach Ayodhya at 11-12 O 'clock on the next day. For the first time when I went to Ayodhya with my parents on bullock cart , we stayed in the courtyard of Issri Das. We all, including my parents and villagers, stayed there, when we visited Ayodhya for the first time in 1940. We stayed there for two days and came back on the third day. After reaching Ayodhya, we took bath in Saryu river and then went for darshan of Nageshwar Nath Mandir and offered water there and then went back to our place. Saryu bath Ghat in Ayodhya is after the Swargdwar. Saryu is at a distance of about two furlong from Issri Das's courtyard when I went to Ayodhya for the first time . There was no woman except my mother who went with us . In addition to Halwahai, four other men were with us, when I visited Ayodhya for the first time. The very first day, when we reached Ayodhya, we went a bath in Saryu River. It took us a maximum of half an hour to take the bath. We donated a cow at the time of bath. At the time of cow-donation. Panditji reads some mantras, with given the tail in our hand, and in this way cow donation is performed.

Question : How much money was paid at the time of cow-donation?

(Upon this question Learned Advocate of plaintiff in other original suit No.5/1989, Shri Ajay Kumar Pandey raised on objection that this question in no way is related to the suit.

Donation is a personal subject so such question should be allowed).

Answer: My mother had put some money in my hand during cow donation and I did not count it.

After cow-donation, we went to Nageshwarnath Mandir. Nageshwarnath is at a distance of approx 50 feet from bathing place. I cannot tell about the measurement of the room in Nageshwarnath where Shivling is installed because there always remains heavy gathering there. I have been to Nageshwarnath Mandir at least 30-40 times. I go there for darshan not for measurement of the temple so I cannot say about its measurement. On the first day we did not visit any other temple beside Nageshwarnath Mandir. We visited a number of temples the second day. We first went for bath at Saryu the second day also and then to Nageshwarnath from there to Hanumangarhi and after offering prasad we went to Kanak Bhawan. After that we went to Ram Janambhoomi for darshan.

Question: At the age of 10 years, when you visited Ayodhya, which all places you visited?

(Upon this question, Learned Advocate Shri R.I. Verma, on behalf of plaintiff in other original suit No.3/1989 raised an objection that the same question is repeatedly being asked and it is simply a wastage of time. So such question should not be allowed).

Answer: I have already detailed the places I visited.

I had not seen a Masjid there when I visited Ayodhya for the first time for darshan in 1940. I never saw any thing like Masjid. There were two Touchstone pillars at

eastern door and Mahaviri was applied on them. There was an idol of Bhagwan Baraha in the southern wall outside of the gate. On the northern side of the gate there were Thatch roofs of the bricks. Sant Bhandargrih and Niwas i.e., residence of Sadhus, was there. He himself said people used to sell prasad in baskets outside of the gate in the north. Kurebhar goes not fall on the way to Pratapgarh from my village and if I go Pratapgarh via Kurwar then also Kurebhar does not fall on the way. Kurebhar fall on the way to Pratapgarh only if you go via Kurebhar. Pratapgarh is 40 km, away from Sultanpur Faizabad is 41 Km away from Sultanpur. I used to go to Adodhya directly from my village. I used to go to Ayodhya via Kumaraganj, Milkipur and Kuchera. Sultanpur does not fall on the way to Ayodhya from my village. Faizabad falls on the way to Ayodhya from my village. I reach Ayodhya on the same day in the night if I go on foot but during the childhood when I used to go by bullock cart then I used to reach the next day. We used to come back to Ishri Das courtyard after taking bath and offering water at Nageshwar Nath Mandir and then we used to go for darshan of temples. There are about four to five hundred temples in Ayodhya. I used to visit only 10-5 main temples such as Hanumangarhi, Kanak Bhawan, Ram Janm Bhoomi, Amawva Ka Mandir, Ramgulella Mandir, Lomas Mandir, Temples of Santoshi Akharas and Nirmohi Akharas and temple of Digambar Akhara, Tiwariji ka Mandir, Pali Riyasat Ka Mandir. Besides these there are other temples but I do not remember their name. I have been to Ayodhya 30-35 times. When we used to go to Ayodhya on bullock-cart, we used to stay at Issri Das courtyard because we used to park our bullock cart there. If did do not go by bullock cart then sometimes we stayed at Santoshi Akhara and sometime at Bania Mandir and after becoming adult we used to stay at Faizabad and

some time at Hanumangarhi at Muzaffra Naka. Hanumangarhi is approx 9 km. Away from Muzaffra Naka. If we stayed at Muzaffra Naka, then we used to go by bicycle to Ayodhya. Mahant Baldev Dasji was a Mahant of Muzaffra Naka, who died 35-40 years ago. Now his disciple Bhaskar Dasji is the Mahant there and also a sarpanch of Nirmohi Akhara. Nirmohi Akhara is perhaps related to Muzaffra Naka because if it was not like this then Bhaskar Das would not be the sarpanch of Nirmohi Akhara. All Mahants of Muzaffra Naka are not from Nirmohi Akhara. There are Panch in Nirmohi Akhara but not in Muzaffra Naka. There are 14-15 Panch, including Sarpanch in Nirmohi Akhara. At present these Sarpanch are 13 to 15 in number. Panch of Nirmohi Akhara are not elected for a specific period but in case someone dies then another person is appointed in his place. If Panch does not perform his duties properly, then the committee removes him and elected another Panch. I cannot say when Nirmohi Akhara was formed. But a part of Nirmohi Akhara Bhawan is made of Lakhori bricks and another part is made of present times bricks. I cannot say whether Nirmohi Akhara was established 100 years or 200 years ago.

Question: Who is the sarpanch of Nirmohi Akhara at present?

(Upon this question, the Learned Advocate, on behalf of plaintiff in other original suit No.3/1989, raised an objection that this question has already been asked and answered. It is not relevant at present. Hence such questions should not be allowed).

Answer: Bhaskar Dasji is the sarpanch of Nirmohi Akhara, at present.

I cannot say from what time Bhaskar Das is a Sarpanch because I have no knowledge, when the committee held its meeting in this regards . Nirmohi Akhara has its own building. It is of the organization. There is temple in Nirmohi Akharas and rooms have been constructed therein, whether people stay in these rooms or not, I cannot say but Sadhus, priests and Mahants stay in them. I cannot say how many rooms are there in Nirmohi Akhara because I never counted them . I have been to Nirmohi Akhara 10-15 times and said, I used to go to Nirmohi Akhara to see my Guru (spiritual teacher) Jayantri Das, who used to come there at the time of fair. He gave me Guru Mantra in 1952. My Guru died in the year 1968. 18 years after he gave me Gurumantra. He died at Rampur Balihari near Gosaiganj. He said Matheca Bara Babu is the name of the Math, My Guru used to come to Ayodhya during fair for 2-3 days and then would go back visit to my Guru, whenever I visited Ayodhya. Some time my Guru and sometime I would , miss the fair. First fair in Ayodhya is of Chaitra Ramnavami, second is of Sawan Jhula on Poornima, fair of Chaudah Kausi (14 Km.) parikarma on Navami of third Kartik and Panchkausi (5 Km.) parikarma on Ekasdashi and thereafter the fair on Kartik Poornima. Chaudahakosi parikarma was performed on Kartik Poornima, Ramnavami fair falls in the month of March according to English calendar. Ram Navami fair is only for a day people coming to Ayodhya for the fair stay for any number of days, but the fair in Ayodhya is only for one day.. Snan (bath) and darshan takes place on Chaitra Ramnavami. People residing in Ayodhya go on Ramnavami for both and darshan. He himself said, they went for this purpose daily. There are four classes in Hindus Brahman, Kshtriya (Rajput) Vaishya and Sudras.

Question: Whether Brahmans are superior among all the four classes?

(Upon this question, Learned Advocate Shri Ajay Kumar Pandey, on behalf of plaintiff in other original suit No.5/1989, raised an objection that this question is not relevant with any point of the suit. So permission for asking such question cannot be granted).

Answer: Yes.

After Brahmans comes Kshatriyas, then, Vaishya and then Sudras comes respectively.

Question: At what time the classes were formed among Hindus.

(Upon this question, Learned Advocate Shri Ajay Kumar Pandey, on behalf of plaintiff in other original suit No.5/1989, raised an objection that witness is not a master of Hindu religion. Such types of questions are being asked to harass the witness and waste the time of the court. So permission for asking such irrelevant question should not be gives ).

Answer: I have no knowledge of history in this regard.

Question: Whether the daughters of Brahmans can not married to other community in general?

(Upon this question, Learned Advocate Shri R.L.Verma, on behalf of plaintiff in other original suit No.3/1989, raised an objection that cross-examination is being conducted in such a manner where no relevant

question is being asked and the time of the court is being wasted).

Answer: Yes. All persons marry their daughters in the families having privileged position.

There is sub-division in Brahmins. I have no knowledge about the privileged category in Brahmins. Privileged Brahmins get their daughter married in the family, which are more privileged than them and similarly the people of all caste/ class get their daughters married in a higher caste /class. The same thing applies to Vaishya and other castes.

I cannot say from what time the practice of not getting married is prevented among some sadhus.

Question: Who are the people (Class of people) who do not marry?

Answer: The people who want to follow celibacy does not get married.

I have neither seen the Babri Masjid nor have I heard about it. I cannot say whether news in regard to Babri Masjid is published in the newspaper or not because I do not purchase the paper nor do I read the newspaper. I do not get the time to read the newspaper. I am a literate, I do not know much of Hindi but have some knowledge. I came here to give witness in the suit of Nirmohi Akhara Versus Priya Dutt and others. I do not know the name of all defendants. This suit is in respect of Ram Janambhoomi. Nirmohi Akhara has filed a suit against its eviction from Ram Janambhoomi. Nirmohi Akhara was evicted in full in the year 1982. Inner part was evicted in 1949 and the outer part in 1982. In the year

1949 when Nirmohi Akhara was evicted , I was not there but I know, it was under the possession of Nirmohi Akhara upto 1949, a receiver was appointed. In the year 1949, after eviction of Nirmohi Akhara, Priya Dutt Ram, Chairman, Municipality, was appointed receiver. So far as I know, Priya Dutt Ram remained receiver for 6-7 years. He remained receiver till his death. After Priya Dutt Ram, who became the receiver, I do not know. The receiver appointed after Priya Dutt Ram, remained the receiver upto 1982. After the outer part was attached in 1982, the same person, who was the receiver for the inner part, was appointed the receiver of the outer part also. The receiver for outer part was appointed in March, 1982. In 1982, when it was attached, others like Vishwa Hindu Parishad and Muslims were the parties. Witness again said I cannot say whether Muslims were the party in 1982 or not . Mostly the Sadhus were fighting among themselves for their respective ownership. I do not know what happened to the suit after 1982. I know only that the disputed Bhawan was demolished in 1992. In 1982 I was living in my village. I did not appear in any other examination , after failing in high school examination. I was not in Ayodhya in 1982, when the premise was attached. I came to Ayodhya during in the fair. I came to know about it in the fair only. I came to Ayodhya 15 days after attachment. I came to know about attachment for the first time from the police personnel deployed at the disputed building. I made enquires from the police personnel when I did not see the sadhus there. The police personnel told me that the outer part has also been attached. At the time of the fair, there were about five six policemen and there were more police personnel at outside. I talked with the policemen for 10-15 about the matter minutes. About the attachment of outer part, the



police personnel told me that it happen because there was internal dispute among the sadhus.

Question: How the Muslims were the party at the time when the outer part was attached?

(Upon this question Learned Advocate Shri R.L.Verma, on behalf of plaintiff in others original suit No.3/89, raised an objection that in 1982, there was no dispute with Muslims in regard to the outer part. It is already stated in the statement that the dispute was amongst the sadhus. Hence the question is irrelevant and cannot be allowed to be asked ).

Answer: Muslims was not a party. Vishwa Hindu Parishad was a party. Vishwa Hindu Parishad wanted to have the ownership of the disputed site, so they were the party.

The plea of Vishwa Hindu Parishad or any other party was not agreed to, at that time.

Question: Whether Vishwa Hindu Parishad was the party after the attachment or not?

(Upon this question Learned Advocate Shri R.L.Verma, on behalf of plaintiff in other original Suit No.3/1989, raised an objection that this question is irrelevant and witness in his statement never stated that he knows that a suit in this regard is subjudice. Hence such question should not be allowed).

(Upon this objection, Learned Advocate Shri Mustaw Ahmad Siddiqui on behalf of plaintiff No.7 in the other original suit No.4/1989 raised an objection that the answer

to question is indicated by raising an objection, which is not proper).

(Shri R.L.Verma replied to the counter objection raised by Shri Siddiqui, that Shri Siddiqui has no right to raise such objection. Shri Siddiqui has also raised such an objection before, although he is not authorized to do so . I lodge my objection in English).

Answer: I do not know at what time Vishwa Hindu Parishad withdrawn their claim in this regard and since when they are no more a party.

Statement read and verified.

Sd/-  
Ram Milan Singh  
13.10.2004

Dictation by me to stenographer, typed it in the open court. Be present for further cross examination in the suit on 14.10.2004. Witness to be present.

[Hari Shankar Dubey]  
Commissiner  
13.10.2004

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

(Commissioner appointed by Hon'ble Full Bench, Lucknow  
vide order dated 8.10.2004).

**D.W.3/19**

**Shri Ram Milan Singh**

(Furtherance to dated 13.10.2004 cross examination by  
Learned Advocate Shri Abdul Mannan on behalf of  
defendant No.11 Shri Farooq Ahmad continues).

I have heard the name of Vishwa Hindu Parishad.  
But I do not know when it was established. I have never  
been a member of Vishwa Hindu Parishad. Since I am not  
a member of this organization, I do not know why Vishwa  
Hindu Parishad became a party in this dispute. I heard  
the name of Vishwa Hindu Parishad during elections, for  
the first time but in which year I have heard its name, I do  
not know. I heard its name during the election period  
when the election for Lok Sabha and Vidhan Sabha Uttar  
Pradesh were held together but I do not know the year in  
which the elections were held. This election was held in  
Distt. Sultanpur and in other districts. Vishwa Hindu  
Parishad is an organization of Hindus. I do not know  
whether Vishwa Hindu Parishad wanted to establish its  
control over the disputed site or not. I do not know when  
the Vishwa Hindu Parishad started showing its interest on  
disputed site, before 1982 or after that. I do not know  
where the Babri Masjid is. I know only about Ram Janm  
Bhoomi, where I go for darshan. There were three domes,  
where I used to go for darshan. He himself said that all  
the three domes had pitchers on them

Question: Whether the Babri Masjid was built up by Meerbaki?

(Upon this question, Learned Advocate Shri Ved Prakash, on behalf of plaintiff in other original suit No.5/1989, raised an objection that witness has already made it clear that he does not know about Babri Masjid. He knows the disputed site as Ram Janambhoomi. To ask the question, who built the Babri Masjid, is illusory. This question is being asked to confuse the witness. Also there is no suit point in this regard. Hence such question should not be allowed.

Answer: I do not know where the Babri Masjid is and who constructed it?

I have not seen the Babri Masjid. I used to go to three domed Bhawan, which is in Ayodhya.

I do not know that Babri Masjid was constructed in 1528 and at what place. I also do not know whether Babri Masjid was built up by Meerbaki or not and who Meerbaki was. It was not the Babri Masjid, which was demolished but a temple which was demolished by Hindus. I do not know whether Babri Masjid was demolished on 6<sup>th</sup> December 1992 or not because. I do not know about Babri Masjid. The temple was demolished on this date.

Question: Whether you were in Ayodhya on 6<sup>th</sup> December, 1992 ?

(Upon this question Learned Advocate Shri Ajay Kumar Pandey, on behalf of Plaintiff in other original suit No.5/1989, raised an objection that this question has been

asked at a number of times before also . Hence , it cannot be asked in such a manner).

Answer: I was not in Ayodhya on 6<sup>th</sup> December 1992.

I was at my home on 6<sup>th</sup> December, 1992. I got the information about the demolition of temple on the next day of 6<sup>th</sup> December, 1992. After demolition, I came to Ayodhya during the fair of Chaitra Ram Navami. On that date, I did not stay in Ayodhya, I went back to Faizabad. I stayed in Ayodhya throughout the day and went home in the evening from Faizabad. I did not stay there is Faizabad even for 1-2 hours because I immediately got the bus from there and so I went back home. After the demolition of the disputed Bhawan, I went to the disputed site in Ayodhya to see what was demolished. I saw there that building of the disputed Bhawan was demolished and Bhagwan (God) is sitting under a tent.

Question: Whether idols were kept there under the tent?

(Upon this question, Learned Advocate Shri Ved Prakash is other original Suit No.5/1989 raised an objection that witness has already stated that he was not present there during the period when the disputed Bhawan was being demolished or collapsed. Thereafter he went there on Ramnavami. Hence to asked the question, in whose presence the idols were kept there, is confusing and permission should not be given to ask such question).

Answer: When I went there, I saw the same idol in the tent, which was in the temple before, I went to Ayodhya two to two and half month later after the demolition of the disputed Bhawan and then after two to three years later on the occasion

of Ramnavami. At that time too, the disputed Bhawan was still in of demolished condition but I cannot say whether Ababri Masjid was demolished or not. Two to three years later on my visit to Ayodhya , I saw the barricading and deployment of Police personnel there. I had darshan and came back before going for darshan . Police frisked the people and ensured that nothing prohibited is there only then the , devotees were allowed to go for darshan. I had the darshan, from some distance because of barricades .The place of darshan was at a distance of 20-25 feet from the place where idols were kept. It is not correct to say that Babri Masjid was constructed in 1528 and regular Namaz and ajaan was being read there till its demolition.

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

(Cross-examination by Advocate Shri Jaffaryab Zilani, on behalf of defendant No.9, Sunni Central Board of Wakf, Uttar Pradesh in other original suit No.31989, begins).

XXX XXX XXX XXX

After unsuccessful attempt in high school examination, I did not appear in any further examination. I failed my high school examination in 1951. I filled the form for high school examination as a private candidate from Rajkaran Vedic School, Faizabad. The examination center was Farbs Inter college, Faizabad. During the examination, I stayed in Faizabad and on the day when there is no exam, I used to come back home. I stayed at the residence of my mother's cousin brother who was living at Faizabad. He was an employee of Nahar Vibhag

(Canal Department). After High school I did not take my education for 9<sup>th</sup> & 10<sup>th</sup> class from any school. I passed 8<sup>th</sup> Standard in the year 1946. He himself stated that at that time, middle school was upto seventh standard . I never passed my eighth standard. I passed my seventh class from Baldirai Middle School. It was at a distance of four kilometer from my house. I used to cover the eight miles distance by traveling on foot because at that time I did not know cycling. In school and in the form for High School Examination, my date of birth is recorded as 15.7.1933. I never had any job anywhere. I was a zamindar. It was not a village of riyasat ( an estate). It was a village of pattidars and all peoples were the owners of their respective land. My father also did farming. He did not have a job. My father had 20 bighas land. My aunt was also a partner in the land. That land was given to me and my aunt. I have no brother my aunt also has no son. My aunt is still alive. My father died in the month of Kartik in 1966. My mother died eight years ago. I went to Ayodhya with my father in 1947, for the last time. My mother was not with us at that time. I went to Ayodhya in 1945 with my mother. My mother also went to Ayodhya after 1945, but I was not with her. After 1945, my mother used to go to Ayodhya with my father, or uncle or with some other member of my family. When my mother visited Ayodhya for the last time, I do not remember. My mother went to Ayodhya for the last time in 1953 before her death. I have been to Ayodhya hundreds of time during my life time. Whenever I visited Ayodhya, I did not necessarily visited the disputed site for darshan. My aim of visiting Ayodhya was to seek darshan and nothing else. Every time I came to Ayodhya I took a bath in Saryu and had darshan of Hanumangarhi. I am a devotee of Shivji. Nageshwarnath temple is a temple of Shivji and I have already stated about offering of water there. Nageshwarnath is the

biggest temple offering of water there. Nageshwarnath is the biggest temple of Shivji in Ayodhya. I believe that it is the oldest temple of Shivji in Ayodhya. I went for darshan of Nageshwarnath and Hanumangarhi every time I visited Ayodhya. There is no idol of Shivji in Nageshwarnath temple, but Shivling is there. This Shivling is kept on the argha. I have no knowledge about Grabh Grih of temple. The room in which Shivling is kept in Nageshwarnath temple is about 10-12 feet in length and breath.

An extract (sentence) "I have been to Nageshwarnath temple some 30-40 times" at page No.12 of the statement given by the witness on 13.10.2004, was read out to him. Witness said that this statement is correct, but in the statement which I had given yesterday, I had said that I visited the temple 30-40 times after I became an adult. After becoming an adult, I visited the place for 60 times. I became an adult at the age of 18 years. I became sensible at the age of ten. Besides Ayodhya. I have visited "Dalmau" in Distt. Raibarailey for Ganga Snan (bath). Beside this I once went to Kashi for Ganga Snan (bath in Ganga). I have been to "Gaya" and Jagannathpuri. besides the above mentioned sacred places. I have not visited any other sacred place beside the sacred place mentioned above. I have visited Dalmau seven times, Kashi two times, and Gaya and Jagannathpuri once. Dalmau is at a distance of 30 kause i.e. 60 kilometers from my house. I do not know in which year I visited Dalmau. I went there for the last time some 14-15 years ago. I do not know in which year I visited Kashi for the first time. I went to Kashi again four years after visiting Kashi for the first time, but I again do not know the year in which year I went there. In Kashi, I sought the darshan of Baba Vishwanath and stayed there at the residence of a Panda, who belongs to our area. I went to Gaya on my second visit to Kashi. I have visited



Gaya only once for performing Pind dan. I did not perform Puja of any God, there. It took me 5 days in performing Pind dan in Gaya. During these five days I did not offer Puja in any temple to any God. I performed Pind dan in accordance to what I was told . I have visited Jagannathpuri only once and sought darshan of Jagannathji. I took meal three times in Jagannathpuri during one and half and two day's period. I stayed there for two days. There was no other family member with me on my visit to Gaya and Jagannathpuri. I went there alone.

I went to "Jagannathpuri" " Kashi " and " Gaya" in 1977-78. I do not remember the exact year but it was a month of Kwaar. I got married on 11<sup>th</sup> May 1948. I have never been to Ayodhya with my wife. My wife visited Ayodhya with my uncle. From her paternal village, she visited Ayodhya with her brother. I have three sons and a daughter. They might have visited Ayodhya once or twice.

There is a Shivji temple in village Haliyapur. There is no temple of Ramchanderji in my village. There are many temples in my village. There are three four temples of Shivji and two temple of Hanumanji and one Kali Mandir. Besides the above mentioned temples there are no other temples . There are twenty to twenty two houses of Muslims in my village and one Masjid. I have been seeing this masjid since my childhood. I do not know whether there is a dome in the masjid or not. There is a Burj in the Masjid and a koop ( well) in the side. Kuan is inside the masjid. It is surrounded by a wall, which is 20-25 feet in length and same in width. It is at a distance of one kilometer from my house. I can hear the morning azaan from my house. There is a mike fixed in the masjid. I have never heard the sound of azaan at night but the sound of majlis is heard from there wherever it is held. The sound of morning azaan is heard since the last 10 years, when a mike was fixed in the masjid. Among the 25-30 houses of

Muslims in my village, most of the houses are of khans, two three houses are of Defalees, two houses are of chikwa and three houses are of barbar. We pay visit to each other's houses and meet at marriage ceremonies. I have seen the masjid ten to twenty times. I have never gone inside the masjid. I do not pay attention to the masjid, which fall on the way to Sultanpur from my village. I have not seen any masjid on the way to Sultanpur from my village. I have only seen one masiud at Kumarganj on the way to Ayodhya from my village, which is on the side of the road. I have visited Sultanpur hundred times during my life time. I have not seen any masjid in Sultanpur. I have visited Faizabad four to five hundred times. I have visited Faizabad chowk 10-20 times. I have not seen any masjid at Faizabad chowk. I have not seen any masjid in Ayodhya.

I visited Ayodhya for the first time by bullock cart. It takes one and half day to reach Ayodhya from my village in a bullock-cart. I visit Ayodhya till 1942 in a bullock cart. After 1942, I used to visit Ayodhya on foot from my village. It took me 14-15 hours, to reach Ayodhya from my village. I have been visiting Ayodhya on foot upto 1948. After 1948, I started going by bicycle but how many times that, I cannot say, I travelled by bus from my village to Ayodhya in 1948, I went up to Faizabad and also went back to my village by bus. It was a private bus that I took to Ayodhya. The bus plyed to Faizabad from my village I went back to my village from Faizabad on foot. The rent from my village to Faizabad was twelve ana ( $3/4^{\text{th}}$  part of a rupee). Now it has been raised to Rs.17/-. There was only a primary school in my village during my childhood. Today there is college upto Degree level. I do not generally read the newspaper nor am I habitual of reading newspaper. I read newspaper occasionally. I do not purchase newspaper for my house.

All my three sons live in the house and do farming. My elder son has studied upto ninth class and so has the middle one and the third one has passed intermediate. I have never seen my sons reading newspaper at home. I have no television, radio at my home. Radio has never been in my home.

Inner part of the disputed Bhawan was attached on 23<sup>rd</sup> December 1949 and it was locked. After it was attached, entry into three domed Bhawan was prohibited for everyone. When the lock was opened, I do not remember, perhaps 40-45 years ago. I have not heard about any untoward incident after it was open but I have heard about the celebration on its opening. Hindus celebrated the occasion in their homes. Celebrations were held in my village and Mohalla. There are about 80 houses in my Mohalla. I do not know in which house there were celebrations and in which house there were not. I celebrated at my house and all the house of Hindus celebrated the opening of the lock, in my Mohalla. There are no houses of Muslims in my mohalla. Celebrations were held all over in Hindu community beside my village but I cannot say which were the places where it was celebrated. I got the information about opening, from the passengers coming back in the bus and not from the newspapers. Information reached my village on the next day when the lock was opened. There was no clashing of Muslims with the police over its opening in Musafirkhana of Sultanpur nor curfew was imposed there. I have no information if any clashes happened at any other place of Distt. Sultanpur. I went for darshan in 1972, after the lock was opened. At that time I do not visit the part beneath the dome even after opening of the lock. Although there was no obstacle. I sat with the Mahantji. In 1972, when I went for darshan before that when the lock was opened, I do not know. But I know it was opened. I had heard that

the lock was opened on the order of Distt. Judge, Faizabad. In 1972 when I visited the disputed site, it was 9-10 morning, and it was a summer season. Bhaskar Dasji was the Mahant at that time with whom I sat there for about 10-15 minutes. It was not the time of fair. I sat with Bhaskar Dasji on the Ram Chabutra. There was no other devotee when I went there. At that time I came back after sitting there on Ram Chabutra for some time. I did not visit any other place. After 1972, I did not visited Ayodhya for three four years. Three four years after 1972 when I visited Ayodhya I went till the part beneath the dome. He again said that he had darshan from a place where iron bars were fixed. After 1972, I never went to the part beneath the dome. Before 1972, whenever I visited the disputed site in 1940, 1941 and 1942, I went till the part beneath the dome. Then again said he did not visited the part beneath the dome in 1940, 1941 and 1942.

Picture No.6 of the document No.201 C-1 of black and white album was shown the witness. Witness said he can see three domes in the picture. All the three domes are of the disputed Bhawan, on which picture are there. The middle dome is some what bigger than the other two domes. The pitchers visible in this picture were of brass. For the first time, I saw these pictures in 1941-42 and the last time after 1982. These pictures were seen by me in 1986 for the last time before the demolition. I have seen these pictures for three to four times. Although I saw these pictures for a number of times. There were three doors below the three domes and every door had four pillars each. He himself said that these pillars were of touchstones. I cannot say whether a door is visible in picture No.46 of this album or not, because my sight is poor. A door is not visible in picture No.53 of the same album I can see three doors and pillars of touchstone

and an idol on them. In picture No.48, there appears only one dome and the rest is not visible. A dome is visible in this picture but I am not sure whether there is dome or not. My eye sight is poor. In picture No.43, of this album, a door is not visible below the dome. Nothing is visible in this picture. In picture No.20 of the album upper part of the temple can be seen. In picture No.36 of the album there appears a door. This is the door of Hanumant dwar. There appears a door similar to the door in the eastern side of the wall of the disputed premises but the wall is not visible and the gate is also not visible. There was a pillar on the right side of the the Hanumant dwar . It is not correct to say that the gate visible visible in picture No.36 is a gate of the iron bar's wall of the disputed Bhawan. There was no wall at the site where iron bars were fixed in the disputed Bhawan. Iron bars were fixed in a constructed wall. I cannot recognize the scene visible in picture No.23 of this album. This picture is of the northern the gate of the disputed complex. There are singh idols made above the gate. There appears Singhdwar in picture No.21 and 22 of this album. The Singh made above the Dwar is visible in these photo . It is not correct to say that Singh (Lions) are not seen in these pictures.

Statement read and verified.

Sd/-

(Rm Milan Singh)rified

14.10.2004

Dictated by me to the stenographer, who typed it in the open court. Furtherance to this the suit be listed for cross-examination on 15.10.2004. Witness to be present.

[Hari Shankar Dubey]

Commissioner

14.10.2004

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

(Commissioner appointed by Hon'ble Full Bench, Lucknow  
vide order dated 8.10.2004).

**D.W.3/19**

**Shri Ram Milan Singh**

(Furtherance to dated 14.10.2004 cross examination by  
Shri Zaffaryab Jilani, Advocate, on behalf of defendant  
No.9, Sunni Central Board of Wakf, Uttar Pradesh in other  
original suit No.3/1989, continues).

The place beneath the three domes of the disputed  
Bhawan was 36 feet in width and 50 yard in length.

Document No.154/7 and 154/10 of the suit, Shri  
Gopal Singh Visharad Versus Zahoor Ahmad and others  
were shown to the witness and the witness said that  
these pictures are of the disputed Bhawan. The length of  
the place beneath the three domes of the disputed  
Bhawan was 50 yards i.e., 150 feet. There was boundary  
wall around the disputed Bhawan after leaving some space  
towards the north and the south. This boundary wall  
consisted of two gates, one in the east and another in the  
north. On seeing the document No. 154/5 of the suit, the  
witness said it is the picture of some part of the disputed  
bhawan. I can not recognize what part of the disputed  
bhawan in this picture belong to. There were staircases  
for going out to the road, in front of northern gate of the  
disputed Bhawan. I cannot see staircase in the picture.  
There is a gate in this picture. There is something like

chabutra visible in this picture in the right side. It is not correct to say that this chabutra was a grave.

Witness was shown the picture document No.154/4, of the suit upon which the witness said that the eastern part of the disputed Bhawan is visible in this picture. There is something like a chabutra made in the place to the south of the disputed Bhawan.

Witness, on seeing the picture document No.154/16, of the suit said, there appears a small wall in the picture. It is not correct to say that people used to urinate sitting on the chabutra adjacent to the small wall. I have seen the walls, which were beneath the domes of the disputed Bhawan.

Witness, seeing the picture document No.154/12, 154/14 and 154/15 of the suit said the paintings visible in these pictures, were not seen on the western wall of the disputed Bhawan.

On seeing picture document No.154/8 of the suit, witness said that middle and northern side dome of the disputed Bhawan are visible in the picture, The northern dome is the same in whose north there was a road.

On seeing the picture document No.154/11 of the suit, witness said this picture is of the site, which appears in front after entering through the eastern gate of the disputed Bhawan. On entering from the eastern gate the front portion of the middle dome is visible. I went through the door, beneath the middle dome in 1940-41. I started going in 1940-41 otherwise. I have been there a number of times. There was a throne made of silver, in the middle the placed of four pillars, beneath the middle dome. It shines and idols were there in it. I am talking about 1940-41. Before 1992, when I saw these idols from a distance for the last time then also, these were at the same place. All the four pillars were beneath the middle dome. I cannot say whether these pillars were high till the roof or not.

These pillars were not than 6 feet in height, approx. I cannot even guess the distance between the pillars.

Witness on seeing picture document No.154/13 of the suit that said idols are visible in this picture. The three staircases are to visible in the picture. I cannot say whether these are the staircases or not. I can recognize that the idols are kept, at a place above from the level of earth. These idols are kept on a throne, on the wooden chauki. This wooden chauki is kept on the floor:-

"Witness, on seeing the picture No.56 of document No. 200 C-I of the coloured album said that he cannot say whether the floor visible in this picture is similar to the floor of the disputed Bhawan or not. He himself stated that picture is not clear. I understand the meaning of the word "Floor". There was a floor made of Plaster beneath in the disputed Bhawan. I did not see, whether there was any design on it or not. Chauki is kept on the same floor and a throne was placed over the chauki. The throne was similar to the throne shown in the picture document No. 154/13 of the suit. This throne was made of Ganga-Jamuna wood. The article on which idols were kept was made of silver. There were idols of Ram and Laxman placed on it. Idol of Hanumanji was on the side on the article on which the throne was kept. Idols of Rama and laxman were together and idol of Hanumanji was in the east of these idols. Idol of Rama and Laxman were made of eight – metals. Idols of Rama was 8-9 inches in height and that of Laxman is about 7 inches in height. Both these idols are in a sitting position and not in a standing position. Idol of Hanumanji was painted with Mahaviri. I cannot say that idol of Hanumanji was made of what. The idol of Hanumanji was 4-5 inches in height .

An idol visible in the north of the throne in picture document No. 154/13 appears to be an idol of Priest. It seems that this is an idol of Baba Baldev Dasji. Baldev



Dasji was alive in 1940-41 . Baldev Das, himself is visible in this picture Baldev Das was more than five feet in height.

The idol of Ram and Laxman on the throne are visible in the picture document No. 154/13, but not clearly. Besides the idol of Ram, Laxman, Hanumanji and Baldev Das, there appears another idol in the picture . Perhaps that of Kaushaliyaji. There seems to be box type thing on the staircase beneath the throne. This box a donation box. No photo in a framed , is visible on the wall because my sight is poor. The idol of Kaushaliya is approx, one feet in height. Idol of Kaushaliyaji was in the east of the idol of Rama. No flowerpot is seen in the picture but small article like a bell is visible in the picture. Pillars are not visible in the picture because it is a photo of the middle part. It is not correct to say that the idols visible in picture document No. 154/13 were not there before 22<sup>nd</sup> December 1949. It is not correct to say that I have not visited the disputed Bhawan in 1940,1941 and 1942 and before 1950. When I visited the disputed Bhawan after it was opened, I saw the idols kept there in the position as shown in the document No. 154/13.

On seeing picture Nos. 152 to 155, of the document No. 200 C-I, the witness said, that he cannot say whether the scenes visible in these pictures, were seen by him in the disputed Bhawan or not because nothing is clear in these pictures. During the period from 1972 to 1992, and upto the demolition of disputed Bhawan, I have been there 20 – 25 times.

By disputed Bhawan, I mean, the iron bars wall and not for the part beneath the part of three domes. There were two gates in the eastern wall of iron bar's, one in front Hanumant dwar and second was in the north. After the three domes part was attached and upto the date it

was opened, both the doors were locked and sepoy were deployed there. During that period, I used to have darshan from the gate in front of Hanumant dwar. The gate in front of Hanumant dwar and the door in the north in front of it were made of iron. I cannot say whether they were similar in size or not. But the door that was fixed at outer northern wall was different in size from the two gates fixed in the iron bar's wall. The door fixed in the outer northern wall was higher than the gate fixed in the iron bar's wall. Picture No.201 of the document No.200 C-1 of coloured album was shown to the witness, on seeing the witness said a gate is seen in this picture. I cannot say in which part of the disputed Bhawan the gate was. It can not be deciphered from the album because this is a picture of a part only. Witness was shown the picture No.107 of document No.201 C/1 of black and white album, on seeing picture No.17, witness said I cannot recognize, which part is shown in the picture. On seeing picture No.19 of the same black and white album, witness said he cannot say which part is visible in the picture. Fishes are not there in the picture No.20, instead lions can be seen. Nothing can be recognized by seeing picture No.28 of the album. In picture No.27, there appears some writing on white stone, in black ink. On the upper stone 15<sup>th</sup> August 1957 and on the second 3<sup>rd</sup> July 1975 can be seen written. In picture No.29 and 30 of the black white album, Ram Chabutra is visible. Thatch roof can not be seen in these pictures. I have never seen thatch roof over Ram Chabutra when I visited the disputed site. A sepoy a cave in the lower part is visible in these pictures. There was an idol of Kaushaliyaji in the cave. The cave visible on the side of sepoy is the cave on eastern side. In my view there was only an idol of Kaushaliyaji, with Ram in her lap, in the cave. I have seen this idol of Kaushaliyaji once or twice only because of heavy gathering there and

possibilities of getting hurt. I used to go at the time of fair so there remained heavy rush at that time when ever I had been to the disputed Bhawan. I have seen fifty, hundred, two hundred people there performing parikarma. People perform the parikarma of the idol placed on Ram Chabutra. There appeared three doors in each picture No.29 and 30 of the album. These were not made of iron. These were plastered so it is not possible to say from what things the doors were made of. The pillars of these doors were either of bricks or stones. The Idol was in the middle door. This idol was of Ramchanderji in his childhood and was approx ten inch in height. Whether the idol was made of gold or silver, I cannot say because it remained covered by clothes. Idols of Rama and Laxman were place on the Ram Chabutra and were there any other idols, I cannot say, Idol of Laxman was less in height than the idol of Rama. I cannot say from what this idol was made of, because it always remained covered with clothes. From the visible part of the idol it appears that the idol was made of stone. There is no idol in picture No.29 and 30. There were two caves on the western side of Ramchabutra. No cave on the western side is visible in the picture, whereas there were two caves. I cannot recognize the scene in picture No.31 of this album. It is not correct to say that scene of western cave of Ramachabutra is visible in the picture. I cannot recognize the scene in picture No.32 of this album because this picture is in parts. There appears the Shiv Darbar under a Pipal tree at east south corner of the disputed premises in picture No.33 of the album. There appears writing on white stone in black ink in this picture. I have not paid any attention towards the stones visible in this picture, so I cannot say whether the stone were there before attachment or they were placed there afterwards. There was no tin-shed at the place where Shiv Darbar. There

was something at the place where the Priest sits, but I cannot say whether it was of tin or mat. The Priest used to sit heading towards north at the side of south wall. It is not correct to say that there was no place for sitting of Priest on the Ram chabutra and no Priest used to sit there. It is not correct to say that the chabutra was constructed after attachment i.e. after 1950. I cannot recognize the place in picture No.37 of this album. One tree and corridors of iron bars are visible in the picture. I cannot recognize the scenes visible in picture No.38 of this album. Northern wall of the three domed Bhawan is not visible in the picture. Northern wall of the disputed premises is not visible to me in this picture. Eastern gate of the disputed Bhawan is visible in picture No.40 of the album. I cannot recognize the scene visible in picture No.41 of the album. A gate on the northern wall of the disputed premises is visible in picture No.49 of this album. No stone is visible to me in this picture. I cannot say whether eastern part beneath the middle dome is visible in the picture or not. Windows are visible in picture No.51 of this album. I cannot say which part is visible in the picture because this picture is in parts. I did not pay attention whether there were windows in the eastern wall of the middle dome or not. In picture No.54 a part of iron bars of the disputed premises is visible.

Statement read and verified.

Sd/-

[Ram Milan Singh]

15.10.2004

Dictated by me to the stenographer who typed it in the open court. Furtherance to this the suit be listed for cross examination on 25.10.2004. Witness to be present.

Sd/-

[Hari Shankar Dubey]

Commissioner

15.10.2004

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

(Commissioner appointed by Hon'ble Full Bench, Lucknow  
vide order dated 8.10.2004).

**D.W.3/19, Shri Ram Milan Singh**

(Furtherance to 15.10.2004, cross examination by  
Advocate Shri Zaffaryab Jilani on behalf of defendant  
No.9, Sunni Central Board of Wakf, Uttar Pradesh in other  
original Suit No.3/89, continues).

There were black colour touchstone pillars in the  
disputed Bhawan. These touchstone pillars were in the  
portion beneath the three domes of the disputed Bhawan.  
I cannot say in which parts of the disputed bhawan the  
Touchstone pillars were there. Beneath the three doors,  
there were four Touchstone pillars in each door. Witness  
on seeing the picture No.53 of the document No.201-C/1  
of the black white album said that Touchstone pillars are  
not seen in this picture. I cannot say whether the picture is  
of portion below the dome of the disputed Bhawan or not  
or it is of which part of the disputed Bhawans , because  
this picture is in parts. I cannot recognize the scenes  
visible in picture No.54 and 56 of this album, because the  
picture is in parts. I also cannot recognize the scenes  
visible in picture No.65 and 66 of this album. In picture  
No.67 of the album, there appears a photo of Guru Dutt  
Singh, the Magistrate. This is the picture of the eastern  
gate of disputed Bhawan. Hanumant dwar's gate is visible  
in this picture. Photo of Guru Dutt Singh must be at the  
front gate. In picture No.67, the photo of Guru Dutt Singh  
is seen in front of eastern gate. In picture No.81 and 82 of

this album Ram Chabutra is visible. In picture No.83 and 84 of this album, the place below the middle portion the disputed Bhawan is visible but whether floor is visible or not in these pictures, I cannot say. I cannot say whether floor or wall is visible in these pictures. In picture No.107 a scene of front portion of the middle part of disputed Bhawan is visible. In this picture a wall fixed with iron bar's is visible.

Witness on seeing the picture No.36 of the document No.200-C/1 of the coloured album said, this is the picture of front portion of the disputed Bhawan, where iron bar's are fixed and police is deployed. In picture No.37 of this album, outer portion of northern wall of the disputed Bhawan is visible. In picture No.45, of the album, Hanumanth dwar is visible. Gate is not visible in this picture. I cannot say whether the gate of the iron bar fixed wall of the disputed Bhawan is visible in the picture No.45 or not. In picture No.59 and 60, southern part of the disputed Bhawan is visible. Shiv Darbar, which was at the corner, is visible in these pictures. In these pictures, writings in black ink on white stones are visible. I cannot say when I saw these stones there, before the attachment i.e in the year 1950 or later. In picture No.63 and 66 of the album, a wall fixed with iron bars is visible. But except wall nothing is visible to me in the pictures. In picture No.69, of the coloured album, scene of Chatti sthal built in the northern part of the disputed Bhawan, is visible. In picture No.71 and 72 of the album, northern wall of the disputed Bhawan is visible but besides the wall nothing is visible to me in these pictures. In picture No.73 of this coloured album rear portion of Chatti sthal is visible. I have saw the Chatti sthal called the Kaushaliya kitchen, in the disputed Bhawan. I never heard whether it had any other name or not. In picture No.77 of the coloured album,

a door of the wall fixed with iron bars is visible. I cannot say what scene is visible in picture No.84 of the coloured album. In picture No.80 of the coloured album, what portion is visible I cannot say because it is in the parts. In picture No.85 and 86 of the coloured album right hand side part of the disputed Bhawan is visible. By right hand side part, I mean, the northern part of the disputed Bhawan. In picture No.87 and 88 of the coloured album, the same scenes of front portion of the disputed Bhawan are visible. I cannot say whether the scenes of portion below the domes are visible in these pictures or not. This picture is not of any wall of the disputed Bhawan. I cannot say what scene is visible in picture No.90 of the coloured album. In picture No.99 and 100 of the coloured album, scene of front portion of the eastern gate of disputed Bhawan is visible. By eastern gate I mean Hanumanth dwar.

I cannot say what scene is visible in picture No.103 of the coloured album. There is a scene of the cave, on the Ram Chabutra where there was an idol of Kaushaliyaji that is visible in picture no.116 of the coloured album. Kaushaliya idol seems to be visible in this picture. In picture No.128 and 129, of the coloured album, the front scene of eastern gate, where photos of Thakur Guru Dutt Singh are fixed, is visible. By eastern gate, I mean Hanumant dwar. In picture No.152 to 155 scenes from the inner part of the disputed Bhawan are visible. I had seen such scene there in 1942 for the first time. There appears an idol of Laxmanji but it is not clear whose idols are there in it. Idol of Hanumanji is visible in these pictures. Idol of Hanumanji is below, into these pictures. Hanumanji is seen placed next to Laxmanji. Laxman's idol is in the left of the idol of Hanumanji. I cannot say what I mean left, it may be east-west or north-south. Idol of Sitaji is not

visible in these picture but idol of Kaushaliyaji can be seen .the idol of Kaushaliyaji is in the right of the idol of Laxman. Idol of Bharat and Satrugan are not visible in these pictures. In these pictures idol of Ram Chanderji in his childhood is visible . Idol of Ram Chanderji is little above the idol of Laxman. I cannot say whether this scene is of some Chowki or chabutra. I have seen this scene there but at what place, I do not remember, I cannot recognize the scene visible in picture No.201 of the coloured album.

Chakla and Belan at Chatti Pujan sthal is of stone and chulaha is of the mud. Chulaha appeared to be made of earth but I am not sure. For the first time and last time I saw the chulaha in the same form there at the disputed place. Foot prints of all four brothers were of white stone. These were eight in numbers. These foot prints were 5 inches in length. There was no tin or thatch roof over the Chatti Punjan Sthal. I never seen any roof over the chatti pujan sthal. There was a Sant Niwas at a distance of approx 30 feet from Chatti Pujan Sthal on the east and south . There was no roof over the Sant Niwas. Eastern wall of the Sant Niwas was of concrete and there was thatch roof over it. This thatch roof was on the heap of bricks. There was some change in the Sant Niwas from the day when I saw it the first time to my last visit because at some places tins had been placed. The doors of Sant Niwas were of tins from the very beginning. This door was on the west side. There were two doors on the west side of the Sant Niwas. This Sant Niwas was 30-35 feet in length including the store room. I cannot say whether there was a wall in between Sant Niwas or store room because I never went inside. There appeared a door towards the west of the store room. I never went inside Sant niwas to meet Baldev Dasji. I never went inside to



meet Bhaskar Dasji, because he always used to meet outside.

There was a staircase in the north of the disputed Bhawan for going below towards the road. There was a temple in the north of the road. I cannot say whether this temple was called a Janmsthan Mandir or not, because I never went inside the temple. I have no knowledge whether Manas Bhawan was in the east of disputed Bhawan or not. I go to the disputed Bhawan from the side of Hanumangarhi. I do not remember whether I ever went to the disputed bhavan through any other route. Whether Manas Bhawan falls on the way from Hanumangarhi to the disputed Bhawan or not, I cannot say. He himself said that he has no knowledge about the temples, which fall on the way. I cannot say whether Kaushaliya Bhawan and Kaikai Bhawan fell on the way from Hanumangarhi to the disputed Bhawan or not. I do not know the name of any temples, which falls on this way. My knowledge about the disputed bhavan is based on of the facts I was told by my father. I have not read any book in this regard. I do not know who constructed the three domed Bhawan. Perhaps King Dashrath who was the father of Ram Chander got it made. I have not heard about the Dasrath Mahal in Ayodhya but I have heard about Bara Sthan. I never seen the Bara Sthan Mandir. I have no knowledge about other buildings in Ayodhya constructed by King Dasrath. Sita Koop, perhaps, was constructed by King Dasratha. I have heard about it and I have seen it also. Sita Koop is in the south east direction, approx at a distance of 500 yards or less, from the disputed Bhawan. The raised circular curb of Sita Koop is made of cement.

I have never seen Sumitra Bhawan. People says that it is somewhere around Sita Koop but I never seen it. The

temples in Ayodhya whose names are known to me are Kanak Bhawan, Hanumangarhi, Ram Janm Bhoomi, Nirmohi Akhara, Santoshi Akhara, Bania Ka Mandir, Pali Ka Mandir, Tiwariji Ka Mandir, which has three domes. Besides, a Nageshwarnath Mandir is also there. Besides these I do not know the names of other Mandirs of Ayodhya. I do not know who constructed the Hanumangarhi Mandir. I have no knowledge whether Hanumangarhi Mandir was constructed during the times of King Dashrath or later on. Nageshwar Nath Mandir is also very ancient but I have no knowledge as to when it was constructed. I also have no knowledge whether Nageshwar Nath Mandir was from the times of King Dashrath or constructed later on. Nobody has ever told me about this. Nageshwar Nath Mandir and Hanumangarhi Mandir are two hundred years old or thousand, two thousand years old, I cannot say. I have been seeing this Mandir from the very beginning. Regarding Grabh Grih I have no knowledge. Grabh Grih is the place where a temple is constructed. Grabh Grih of the Ram chabutra at the disputed site is at the same place where Ram Chabutra is constructed. In the southern side, where Shankar Chabutra was constructed, there was no temple. That place was under a tree and only chabutra was there. Chatti Punjan Sthal was also not a temple.

Question: In how many rooms, Grabh Grih was there in hanumangarhi?

(Upon this question the Learned Advocate, Shri Ved Prakash in other original suit no 5/89 raised an objection that witness has already stated that he does not know the meaning of Grabh Grih. Hence such question should not be allowed. Asking such type of question will confuse the

witness. On this basis this question should not be allowed to be asked).

Answer: I have already stated in my statement that the place where temple is constructed is called a Grabh Grih and I treat it a Grabh Grih. According to this notion, there is only one Grabh Grih in Hanumangarhi, where idol of Hanumanji is installed.

I never seen the idol of Ram, Sita and Laxman in Hanumangarhi. Whenever I went for darshan, I had darshan and would immediately come back. There is an idol of God in Kanak Bhawan. Idol of Ram Chanderji is in Kanak Bhawan. There are a number of idosls in Kanak Bhawan, one of them is of Ramji, rest I do not know whose idols are there. There is Shivling installed in Nageshwar Nath Mandir and not an idol.

When I visited the disputed place for the first time, there was no electricity. I never seen the light of electricity there because I never went there during the night and during the day I never saw the light of electricity. I have not seen any electric pole inside of the disputed Bhawan. It is not correct to say that I never visited the disputed site before 1950 and that I am giving false statement in this regards. It is true that before 1986, I never went inside the three domed disputed Bhawan. It is not correct to say that there was no idol inside the disputed Bhawan before 22<sup>nd</sup> December 1949. I have not seen Namaz was being read there inside the disputed Bhawan before 22<sup>nd</sup> December 1948. He himself stated that h e goes to the disputed Bhawan for darshan. I do not know whether Namaz was read there or not .When I was not at the disputed Bhawan He said that Namaz is not read in the

temple. It is not correct to say that I am giving false evidence because Mahant Bhaskar Das is my friend. It is not correct to say that disputed Bhawan was a Masjid and it was used as a Masjid upto 22<sup>nd</sup> December, 1949. It is also not correct to say that disputed site was never ever related to Ram Chanderji.

(Cross-examination by Advocate Shri Zaffaryab Jilani, on behalf of defendant No.9, Sunni Central Board of Wakf, Uttar Pradesh in other original suit No.3/1989, concluded).

(Cross-examination by Advocate Shri Mustaq Ahmad Siddiqui on behalf of defendant No.5 Mohd Hassim, in other original suit No.5/1989 and plaintiff No.7 in other original suit No.4/1989, begins).

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I have three sons. Elder one is unmarried. Other two are married. One son has children while the other have no children. Middle son has Children. The younger son got married 12-13 years ago. In which year my middle son got married, I do not know but at least 25 years have been passed since his marriage. Thakurs get married at later age. In my family marriage do not happen before 16-17 years. I cannot say in which year, my younger son was born. I do not remember, what happened in which year because my father and uncle used to note all such things. They used to keep account of the years. My father and uncle are no more. My father died first in 1966 and my uncle died 10 years after the death of my father. I have not noted down the years in which my father and uncle died. It is not a subject to note.

I was a landlord , myself I remembered a few things of that time. During Zamindars I used to give land revenue to Ameen (Revenue officer), which he used to deposit in Tehsil. I had two four cultivators, some gave me half of the crops, which they cultivate and some gave me cash. Now I have the land, which was with the cultivators earlier. Inspite of abolition of Zamindari, I paid the land revenue to the Ameen and deposit it in the tehsil, myself. My name did not figured in the land record. My fathers and uncle name was there. Abolition of Zamindari did not affected me nor I got any compensation. The year in which Zamindari was abolished was known to me earlier but not at present.

I know Gandhiji, The freedom struggle was fought under his leadership. I have a little knowledge about this. He gave the slogan "Britishers Quit India". This I come to know in 1942, when my cousin was arrested. He remained in Jail for three months. He went to Jail only once. He died three years before ago. My cousin Brother used to the pension. I do not know from where he used to get the pension, from Central Govt. or State Govt., I know only this much that he used to the pension because he was a freedom fighter. From which year he got the pension, I do not know but he got the pension soon after the independence. I had zamindari in three villages although in a small scale.

I went to Ayodhya sometimes on foot or by bicycle or by bus. I know the way to travel to Ayodhya. I used to visit those temples in Ayodhya only which have been referred above in my child hood. I knew the way to go to these temples. I used to go to the disputed premises via Hanumangarhi. Disputed premise was at three to four furlong away from Hanumangarhi. I always went to the

disputed site from Hamumangarhi by the same road. Sometime with my father we used to go by another road. I do not know about the temples, which falls on the way I usually took. He said that I have no knowledge about this because of the huge gathering there on the occasion of fairs. A number of temples of Bhagwan Ram fell on the way I usually took but I never visited any of these temples. I used to go for darshan to Nageshwarath, Hanumangarhi, Kana, Ram Janm Bhoomi, Tiwariji Ka Mandir, Santoshi Akhara, Nirmohi Akhara, Bania Ka Mandir and Mandirs of Pali. These all are within Ayodhya. The temple of Nirmohi Akhara is at Ramghat Mohalla. Ramghat Mohalla is in the east from Hanumangarhi inter section. I stayed there for night. Tiwariji ka Mandir is in the east of the road, which is in front of Tulsi Garden. I do not know the name of that mohalla. There is an idol of Thakurji in that temple by Thakurji, I mean Ram Chanderji. In the temple of Nirmohi Akhara at Ramghat, there is an idol of Ram Chanderji. Besides the idol of Ram Chanderji in this temple, there is an Argha of Shankarji, idol of Hanumanji and foot prints of the Guru and manager of that temple. I have seen the idol of Ram Chanderji in Tiwariji ka Mandir. There is an idol of Ram Chanderji in Kank Bhawan Mandir and an idol of Sabari on the outside. There are other idols in Kanak Bhawan Mandir also but I do not know their names. Idol of Sabari is in the outer place. I have not seen the idol of Sabari at any other place besides the Kanak Bhawan. This is the same Sabari which is referred in Ramcharit Manas.

I have not seen any masjid in Ayodhya from Saket Degree College to Saryu River to Faizabad Gorakhpur road. I have not seen any masjid in Faizabad. While on the bicycle it is not possible to see here and there because of huge gathering during the fair I have never

visited Ayodhya except at the time of the fair. I have visited Faizabad in normal time. I do not know whether there is any masjid in Sultanpur city or not. I have performed both the parkiarma, i.e., Panchkaushi Parikarma and Chaudah Kaushi parikarma. I never paid attention whether there was any masjid in the path parikarma way or not. I do not know where the Gurudwara of Sikhs is in Ayodhya.

Statement read and verified.

Sd/-

[Ram Milan Singh]

25.10.2004

Dictated by me to the stenographer who typed it in the open court. Furtherance to this the suit may be listed for advance examination for 26.10.2004. Witness to be present.

[Hari Shankar Dubey]

Commissioner

25.10.2004

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

(Commissioner appointed by Hon'ble Full Bench, Lucknow  
vide order dated 8.10.2004).

**D.W. 3/19,**

**Shri Ram Milan Singh**

(Furtherance to 25.10.2004, cross-examination by  
Advocate Shri Mustaq Ahmed Siddiqui, on behalf of  
defendant No.5, Mohd Hassim in other original suit  
No.5/1989 and plaintiff No.7, in other original suit  
No.4/1989 continues).

Photo of Thakur Guru Dutt was fixed in front of the  
wall with iron bars and its face was towards east. I have  
seen this photo after 1950-51. It is said that Thakur Guru  
Dutt was a city Magistrate of Ayodhya. I cannot say  
whether the photo of Guru Dutt was fixed at disputed place  
out of honour or not. I never tried to know. When the  
photo of Thakur Guru Dutt Singh was fixed at the  
disputed site and why?

About Baldev Dasji, I have stated in the statement  
that I have saw him for the first time. When he was called  
the Bare Pujari (Senior priest). He remained Bare Pujari  
later on also. I know the name of Baldev Dasji's disciple  
but I do not know the name of Baldev Dasji's Guru. Among  
the priests and office bearers of Nirmohi Akhara, I only  
know the name of Baldev Dasji and Bhaskar Dasji. Others  
I do not know. I cannot say, if Baldev Dasji was the Bare  
Pujari through out his life or not because during his life  
time, Bhaskar Dasji met me at the disputed site only on



few occasions . I cannot say upto which year he met me at the disputed site. Baldev Dasji met me for the first time in 1940 at the disputed site. I do not know in which year I met Bhaskar Das for the first time. Baldev Dasji was a Mahant of Naka Hanumangarhi later on so he went to live there. I sometime used to go to Hanumangarhi at Muzaffra Naka. I do not remember since when Baldev Das used to meet me in Hanumangarhi at Muzaffra Naka, after he did not meet me at the disputed site. Baldev Das used to visit my village from where he got grain etc. Baldev Das used to collect the grain from my village to undertake the Yagna at Ram Janambhoomi. I never got a chance to participate in Yagna. My father had also not told me about his participation in Yagna. I used to hear that Yagna and Bhandara are being organized at Ram Janambhoomi. I cannot say how many people gathered there in Yagna because I myself never participated in Yagna. I do not know at what place the Yagna was used to be performed. In general, about 1000-500 people participated in the Yagna but at times only 100-50 people participated in the Yagna, it depends upon. Its size i.e. whether it is a small or large Yagna. Baldev Dasji used to say in my village that he was going to perform a big yagna and Bhandara. When he stopped coming to our village, nobody came there to collect grain. I do not at what places the property of Nirmohi Akhara was. Its property must be at the places where its Akharas were. I do not know whether Nirmohi Akhara has any other temple at any places other than the temple at Ramghat or not.

Witness was shown the document No.45 C-1/1 of the other original suit No.3/89. Witness said that I have seen Baba Narayan Das referred as defendant No.8 on the document, at Hanumangarhi at Muzaffra Naka, Faizabad. I have heard about defendant No.3, Raghunath Das that he

was a Mahant of Nirmohi Akhara but I have not seen him. Myself have also heard the name of defendant No.6, Ramchanran Das, He also lives in Hanumangarhi at Muzaffranaka. Regarding other plaintiff and defendant I have no information. He said he can tell the name of present Mahant of the Nirmohi Akhara. I knew Mahant Baldev Das, Narayan Das and Ramcharan Das;. Besides these, I do not know any other plaintiffs or defendants. I have not heard about Mahant Ramcharan Das referred as the Plaintiff. I do not have the knowledge about the bomb explosion incident in Nirmohi Akhara, in which one person lost his life and another person lost his sight.

Witness, after reading part of Section 1 of document No.45 C-1/1 and rest part of Section 1 and Section 2 of the document No.45 C-1/2 said that it appears that this suit is regarding some property dispute of Nirmohi Akhara. Ram Janambhoomi is also referred in these sections. At the top of document No.45 C-1/1, compromise has under order 23, Section 3 Code of Civil Procedure is written.

Witness after reading the list A referred at document No.45 C-1/6 of other original suit No.3/89, said it is not clear which property is detailed in it. In Farhasist Alif there is detail of Nirmohi Akhara's Mandir at Ramghat in Ayodhya and chhaudani. In the above documents, at Sl.No.2 there is detail of Janambhoomi and chhaudani. In the same document, at page No.3, the details of Sita Koop and Chhaudani are given.

Witness on seeing the document No.45 C-1/7 said that I do not know about the Icha Bhawan and chhaudahi whose details are given at page No.4. I know the concrete chhaudani road of western side property whose details are referred in list 'B' of the document but I never visited

that place. I might have visited the property and chhaudani detailed on this page at Sl.No.2 and 3, but I do not remember what place it is. I have seen and have the knowledge about the three properties referred in document No.45 C-1/6 but have no knowledge of others. The details of property and chhauhani referred in document No.45 C-1/6 is correct. Witness after seeing the statement given at para 25 of other original suit no.5/1989, said that he cannot read it. The upsam (sentence) at para 25 of document tNo. 109 C-1/3 and 109 C/16 was read out to witness. Witness after listening it said it appears from this document that this suit is in regard to Ram Janambhoomi. I do not know about the plaintiff Siya Raghav Saran, disciple of Mahant Janaki Jiwan Saran.

I have not studied Urdu during my primary education. I do not know Urdu at all. I passed middle class with Hindi and English. I was passed Chahuram but I was not taught Urdu in it also. Witness on seeing document No.45 C-1/2A of the above suit, said the details given in the map is a detail of disputed premises. In this map, at the top, road poktha (pukka) and below it papal tree and charan padhuka and below it chabutra, in eastern side thatch roof, neem tree, maulshri, chabutra for sitting, yatri chabutra, janmsthan, tulsi chaura, Neem tree and pipal is written. These all are the places of disputed premises. In the north of the map, concrete road is written. I have not visited the disputed site through this road but I came out of the premises from it. I used to go via this turn to enter into the disputed premises and went to the eastern side. From Hanumangarhi I used to come by road and came to the disputed site by taking turn to the eastern side. While coming out from the disputed site, I come out of premises by northern road. In this map Babri Masjid is written. He

said that he had not seen this. At the bottom, in south direction, "Graveyard" is written. This map is of the disputed premises. In my view graveyard written in south direction is not correct. I do not know Babri Masjid. Whenever I went to Ayodhya for darshan, I used to go to Kanak Bhawan. After taking bath in Saryu and I used to go to Nageshwarnath for darshan and then to Hanumangarhi. From Hanumangarhi I used to go to Kanak Bhawan while returning and from there to the disputed site. I cannot say how many rooms are there in Kanak Bhawan because I never stayed there for the night. After having darshan I used to come back. There are a number of idols of Ramachander in Kanak Bhawan as I have already mentioned. Any Idol of Rama having bow/arch is there in Kanak Bhawan or not, I cannot say. I also do not know whether an idol of Sitaji is in Kanak Bhawan or not. It is not necessary that at an every point where an idol of Ramchanderji is there, idol of Sitaji must also be there. An idol of Sitaji is not place with the idol of Ramchanderji in his childhood. I have never performed parikarma in Kanak Bhawan. Some people do, but I do not remember in which direction they move. At some places, parikarma is held within the temple and at some places outside the temple. I have seen people performing parikarma in Kanak Bhawan along side the temple. I have performed parikarma at Hanumangarhi. If there is less crowd, then the parikarma is performed within the temple and in case of huge crowd, it takes place outside the temple. Hanumangarhi Mandir is within the premises. In Nageshwar Nath Mandir there is an Argha and there are idols on the walls. Parikarma of Nageshwar Nath Mandir is performed in accordance with the occasion.

Bara sthan Mandir is famous in Ayodhya. I have heard its name but I never visited it. I do not know whose

idol is there. I did not get the chance of going there. In Kanak Bhawan Mandir, domes are there because Pitchers are there. Pitchers are round in shapes but high rise in the middle. I have the knowledge about the pitchers that are used in temples. There was a pitcher in Kanak Bhawan. In my view where there are number of temple like places, constructed in the corners on the walls but do not know their number. The pitcher I saw appears to be made of brass. There is one dome in Hanumangarhi Mandir, which is different from the dome in disputed Bhawan. Dome fixed in the Janm Bhoomi are round in shape while dome in Hanumangarhi is high -rise. Besides the above difference is there any other difference in between them, I do not know. There is one dome in Nageshwarnath Mandir. There are three domes in Janambhoomi and Tiwariji Ka Mandir in Ayodhya. In other temple there is only one dome. Tiwariji Ka Mandir has a round dome and all domes appear the same in shape. There are pitchers on the domes of Tiwariji Ka Mandir. These pitchers shines but I cannot say whether they are made of brass or Gold. I never went inside the Tiwariji Ka Mandir. I used to bow from outside. Tiwariji was a Guru of some of my friends so I went with them. It depends upon the time whether you have darshan from outside or inside. In the temples where there are huge gathering people have darshan from outside. I have seen the people offering Prasad from outer staircase at Hanumangarhi. Besides Hanumangarhi, I have not seen any temple where people throw Prasad from outside.

Nothing special happened in my life in 1940. According to my horoscope my date of birth is 15.1.1930. I have seen my horoscope. It was bunt in the fire, which broke out in my house. Learned Pandits prepared the horoscopes. I do not know who prepared my horoscope because my father got it made. The date of birth, year

etc., everything is noted in the horoscope. I cannot say when my horoscope was prepared as no date indicated on it. He said himself that generally people ask the Pandit to prepare the horoscope and Pandit takes his own time in preparing the horoscope.

I have never given any statement in any suit. I advocated in certain land ceiling cases. These were my personal case. There cases were tried in the court of A.C.O., C.O., S.O.C. and D.D.C. Sometimes my statement was recorded in these cases in these courts I have stated above date I have never given statement in any suit by which I do not mean giving statement I gave statement in land ceiling cases. Witness after reading para 3 of the affidavit, said that the contents of the para are correct. After 1951, I visited Ayodhya occasionally. Sometimes I went there at the time of Ramnavami and sometime did not go because my father had grown old and I had to took after the farming on my own. Some time I did not visit Ayodhya for want of money. The same circle is going on even to day because I have the responsibilities of all. The statement referred at para 7 in the affidavit of my main examination that Ram Janambhoomi was divided into two parts in December 1949 and the inner part was attached, is correct. Mandir premises was divided into two parts by a wall fixed with iron bars in December 1949 as mentioned in my above statement. Iron bar's wall was there before 1949. I have been seeing this wall since 1940. The word "structure" used at para 25 of the main examinee affidavit stand for the entire building of the temple. There were Hindus among the persons who demolished structure. Hindus demolished the structure for its reconstruction. I had not seen the building being demolished but it was a large building so it must have been demolished by the crowd. Kar sewa people were seen moving there to

demolish the building I heard that these people were going to Ayodhya. I had seen the Kar sewa passing through Faizabad Raibareli road to Ayodhya. I do not know where these Kar sewa were coming from and from how far. I had no prior information about the incident of 6<sup>th</sup> December 1992 in which the old bhawan was demolished had for its reconstruction. The incident of 6<sup>th</sup> December, 1992 was not an ordinary incident, in which disputed Bhawan was demolished for reconstruction. The statement referred at para 26 of the main examinee affidavit that in my knowledge I have not seen any Muslim reading Namaz in disputed Mandir is correct. So far I know, Muslims do not treat the disputed structure as a Masjid. I do not know, Muslims call it reading of namaz in the disputed building. So far I know, neither any Muslim called it a masjid nor any Muslim read namaz in it. In spite of this about enclosing para 26 of the main examinee affidavit, I can only say that the person who prepared the affidavit can only tell about it. I have not read the affidavit thoroughly before putting my signature on it. I read it in full after signing it. I signed it in the High Court Lucknow. I cannot say whether this was typed in Lucknow or not. I was at the residence of my Lawyer in Ayodhya, at the time of preparation of the affidavit. He told me that he is preparing the contents of the affidavit. I did not read it after it was prepared. On second day I went back home. I saw the typed affidavit on reach Lucknow. In my main examinee affidavit, at first page name of Babu Priya Dutt Ram and others was written as a defendant. Babu Priya Dutt Ram was a Chairman of municipality. Besides Babu Priya Dutt Ram, there were other defendants also. Babu Priya Dutt Ram was appointed the receiver at the time when disputed Bhawan was attached. So he was referred as the defendants in the suit. It was attached in December 1949. I cannot say since when the suit is going



on, in which I am giving statement but it for personnel right. I do not know fully what is the main issue in the suit and against whom it is. I know this much that this suit is in regard to the dispute of Ram Janambhoomi. I do not know against whom the dispute is. So far I know, Sunni Wakf Board is a party. Sunni Wakf Board might be organization. What is the aim of this committee, I do not know. This committee is of the Muslims. I do not know what the Sunni Wakf Board has to say about the matter. The present suit is between two parties. This suit is between the Hindus and Muslims in . I cannot say, what is the stand of Muslims in this suit. Today I gave a statement that "who are the parties in this suit I do not know" is correct. In this statement I also said that I cannot tell about all the defendants. The statement given by me today that in this suit, Hindus and Muslims are the party in this suit is correct. From my point of view there is no contradiction between my above two statements. In my view, it is not correct to say that there is contradiction in the above two statements of mine and that I am giving false statement 4-6 years ago from to day I came to know that there is a suit in the court in connection with the disputed Bhawan in which Hindus claims that disputed site is Ram Mandir while Muslims claims it as a Masjid. The statement which I given today that "According to my knowledge no Muslim has claimed the disputed Bhawan as a Masjid nor Muslims read Namaz in the disputed site." Is correct. I come to know about it only after I heard from the people that Hindus calls the disputed Bhawan a Mandir and Muslim calls it a Masjid.

Question: Your statement just now "4-6 years ago from to day I came to know that there is a suit in the court in connection with the disputed Bhawan in which Hindus claims that disputed site as



Ram Mandir while Muslims claims it as a Masjid" and the statement, which you gave to day . "According to my knowledge no Muslim has claimed it as a Masjid nor Muslims read Namaz in the disputed site". Whether there is any contradiction in these two?

Answer: Nothing. I have already stated, whatever contradiction was there.

I know that I am not free to say anything whatever I want to say in the court. After taking the oath I can only say the things, which are correct in my view and what I know about . My statement that there is no contradiction in my above statements is correct in my view. I am not feeling well at present and I am suffering from gastric problem for the last 3-4 days.

It is not correct to say that three domed disputed Bhawan was a Masjid, It is also not correct to say that after demolition, the vacant land belongs to masjid. I do not know whether the masjid was constructed at the disputed place, in 1528 or some where else. I never heard that from the date of construction of disputed Bhawan, to 22<sup>nd</sup> December, 1949, regular Namaz , five times a day and Ajaan was being read there at the disputed site. It is not correct to say that I used to go to Ayodhya occasionally so I do have not heard about the Namaz being read there . He said, I have been to Ayodhya a number of times. I had not seen the Namaz being read there, during the time I remained there in the disputed site. It is not correct to say that I have not visited the disputed site before it was attached. It is not correct to say that there was no idol in the disputed Bhawan before 22<sup>nd</sup> December 1949. It is not correct to say that I am

giving false statement because of my friendship with Bhaskar Dasji.

(Cross examination by Advocate Shri Mustaq Ahmad Siddiqui on behalf of Shri Ram Milan Singh in d.W. No.3/19, on behalf of and plaintiff No.7 in other original suit No.4/1989 and defendant No.5 Mohd. Hasim in other original Suti No.5/89, concludes).

(Shri Mustaw Ahmad Siddiqui, Advocate told that Shri Irfan Ahmad, Advocate on behalf of defendant No.6/1 and Shri Fazle Alam, Advocate on behalf of Defendant No.6/2 have informed him that they accept the cross examination conducted by Shri Abdul Mannan, Advocate Shri Zaffaryab Zilani, Advocate, Shri Mustaw Ahmed Siddiqui, Advocate).

Cross examination on behalf of all defendants concluded.

Witness is allowed to leave.

Statement and verified.

Sd/-

Ram Milan Singh

26.10.2004.

Dictated by me to the stenographer, who typed in the open court.

Hari Shankar Dubey

Commissioner

26.10.2004