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BEFORE: COMMISSIONER SHRI SHANKAR DUBEY, ADDL.
DISTRICT JUDGE/ SPECIAL EXECUTIVE OFFICER, HIGH
COURT, LUCKNOW BENCH, LUCKNOW

(Commissioner appointed by the full Bench of
High Court, Lucknow vide Order dated 8.10.2004)

Other Original Suit No. 3/1989

Original suit No.26/1989

Nirmohi Akhara ... Plaintiff

Versus

Babu Priya Ram & Ors. ...
Defendants

27.10.2004

DW-3/20 MAHANT RAJA RAM
CHANDRACHARYA

Affidavit of Chief examination of Mahant
Rajarmchandra Age about 76 years Chela
Raghunath Das R/o Ranchor Rai Mandir Dakor
District- Khera, Gujarat, from pages 1 to 16 is
filed and same is taken on record.

(Cross examination starts in Suit No.
5/89, on behalf of the plaintiffs Shri Ajay
Kumar Pandey, Advocete)

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My place of birth is Indore. I was born in
the Mohalla named as Narsingh Bazar of Indore.
I was born in a specific house of Narsing Bazar
Mohalla. In a specific room of the above I was

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born in the same manner in which manner other people are born at their place of birth. I was born in Chait Sshuk Pripda in the year 1929. I do not member the date in English calendar. I got my primary education at home. I did not get this education from any school. My first school education starts after my coming to Ayodhya. In Ayodhya I used to go to Gyatri Bhavan for study the Vedas. I read some part of Vedas in Gyatri Bhavan. I did not got any degree or certificate from there. Thereafter in the year 1954 I went Varanasi for study. In Varanasi I passed *Sampurn Madhyama*. The year when I went Varanasi I passed this exam in the same year. I lived in Varanasi from 1954 to 1959 and studied various subjects. *Vedant*, *Meemansa* and literature was included in these subjects. The education got by me from 1954 to 1949 at Varanasi, in this regard I got degree of Specialties Vedant Shastri. I dot this degree from Varansey Sanskrit University. Name of this university is changed and at present became Sampurnanand Sanskrit University. After receiving the title of Shastri due to busyness I could not get

title of Acharya. After getting title of Shastri I was looking other granths and besides I also held busy in social works. Akhara means the society constituted for religious protection and promotion, is called Akhara. Vol. word "Akhand" means akhara. In case Nirmohi Akhara is to used anywhere then purely it will be written "Nirmohi Akhara". It is correct that name of Nirmohi Akhara will write "Shripanch Ramnandiya Nirmohi Akhara" purely. This Akhara is established in All India basis. Thus complete name of this Akhara is "Akhil Bharat Varshiya Shri Panch Ramandniay Nirmohi Akhara" Thus apart from the Nirmohi Akhara, similar wordings is being used for all the Akhara. These Akharas are established several years prior to the tradition. In the time of Walanandcharya Ji, promotion and sophisticated works was especially established. Establishment of Akhara is starts from the custom of Amrit Manthan. The struggle between Asur and Goddess Shakti is there is the demonstration of Akhand Shakti is the basic motivational element of derives of the Akhara. Keeping in mind he

tenure of the country their development is being made in time to time. Since the time of *amrit manthan* basic source of the creation of Nirmohi Akhara and other Akhara is begins and considering the circumstances their nomination are made in time to time. There are nine departments of Nirmohi Akhara. Nomination ceremony of this akhara has also done in the time of Balanandacharya. In which time of the Mahatma and Acharya nomination of these akhara was happened, I cannot tell, but former Acharyas have mentioned name of these Akharas and these name is continuing till date. First Acharya of the Ramandniya Community is Acharya Ramchander Ji. In this regard there is a shloka "*Sitanath smarambha ramanandcharya madhyama, asmatcharya paryatam vande guru parmparam*". Ramanandcharya is at 22nd place in the disciple tradition. In his *dwardash* disciple Sursura Nand and his disciple Anubhavnand, his disciple Brahmanand, disciple of Brahmanand became Balanand. Thus after Ramanad his disciple Sursuranand is at 23rd number and Anubhavnand is at 24th number, Brahmanand at 25th number,

Gajanand at 26 number, and Balanand at 27th number in this disciple tradition. Establishment of Akhara occurs after a struggle.

Witness is shown page 8 para 47 of the affidavit of chief examination "Shri Ramanandiya tradition.....there are several meetings of Nirmohi Akhara. Witness said that the facts given in these lines they are true. In para 9 of the affidavit of chief examination the fact written "In Ayodhya , Ramnandiya Bairagiya..... has niravlambiya Akhara, are correct. In page 9 of the above affidavit in 11th line "Garunji" word is come. This Garun Ji is the Parshad of Bhagwan. Garuda is the carrier of Bhagwan Vishnu. There was Hanumt Dwar in the east side to access the suit premises and Singh Dwar in the east side. Besides there was no any other door to go to the suit premises. There were idol of lions above the Singh Dwar and Garuda Ji idol in their middle.

Witness is shown Shyam Swet Album document No. 201 C-1, photo No.20 and after seeing the same witness said that this photo is of Singh Dwar. In picture No.23 of the album Singh Dwar is visible and stairs are also seen on the bottom.

When I was entering in the Ram Janm Bhumi premises from Hanumat dwar, then first Ram Chabutra comes. In the corner of south-east of the Ram Chabutra there was a Chabutra on which Shiv Darbar was situated. Picture No. 32 and 33 of Shyam Swet Album is shown and witness said that in these pictures Shiv Parivar is seen. This Shiv parivar was in the south-east corner of the dispute premises in the chabutra below the peepal tree.

Picture No 59, 60 ad 61 of colour album document No. 200 C-1 is shown to the witness and seeing the same witness said that this picture is of the same Shiv Darbar.

In para 2 of the affidavit of chief examination I have written that my Ishtdev is Ramlala. Ishtdev of my Guruji were also

Ramchander Ji. In third line of this para it "parshad" word is come which means entire utensils or resources etc. being used in the worship, are called parshad. In para 3 of affidavit of my chief examination it is written that Rampriya Das was the disciple of Kop Bhavan Mandir, I meant it that he was the disciple of Mahant of the mandir named as Kop Bhavan. Bhagwan Ram was incarnation or born in Treta era, such faith, believe is continuing in the Hindus as a tradition. That the place where Ramchander was incarnation, there is his birth place. This is also the faith and belief of the people that salvation is attained by the glimpse of Ramjanmbhumi. In this regard there are two stanzas :- *kapila gosahshren yo dadati dinedin tatfal samvapnoti janmabhumih: pradarshnat janmantar sahshren tyapamp samupajirtam tarsarve nashmayanti janmbhume: padarshnart putarathi labhte putr ghanrthlabhte dhanam moksharathi mokshmanajyoti janmbhume: pdrashanat.*

This faith and believe of the people is continuing from the tradition that birth of Ramchandra Ji was took place beneath the middle dome of the three domes of disputed premises. Ramachandracharya Ji was born in 13th Century. Shri Ramchandrabhumi is coming from Treta Era. Chatti Pujan Sthal was inside the disputed premises and located in the north side. On coming from the North Singh dwar Chhati Pujan sthal comes in right front side. Step sign of the four brothers of Bhagwan Ram and chulha and belan was at the chhati pujan sthal. There was also a *chauka*. Inside the dispute premises storehouse and kitchen was in east side. Upon entering from Hanumat Dwar, this was in the north side. In the same line there was *Sant Nivas*. Storehouse, kitchen and *sant Nivas* size these three was about 30-40 ft. and width would be about 8-10 ft. The rod wall in the disputed premises has two doors. One door of the rod door was in front of the Hanumat Dwar. One wall of the rod door was in the north side. This door was in the line of first door. Upon entering from the Hanumat Dwar these both the

doors come in the rod wall. There were two poles of black stone installed in the Hanumat Dwar. These both poles were installed in both the sides North and South. There was a stone outside the door, on which Ramjanmbhumi Yatra Nityatra was written in Hindi and English both languages and *patthar No.1* is also written on it.

Picture No. 44 and 45 of colour album document No.200 C-1 is shown to the witness and after seeing witness said that in these pictures this stone on which Ramjanm Bhjmi Nitya Yatar is written, is visible. Witness is shown Shyam Swet Album document No.2001 C, picture No.25 and seeing the same wintss said that in this picture also Janmbhumi Nitya Yatara stone is visible.

There was *parikarma marg* around the dispute premises. Viewers and devotees who came there, they used to do circumambulation. For the circumambulation they walks towards South side and idol of *varah bhagwan* is made in the south wall. Witness is shown colour album

document No. 200 C-1, picture No.15 and 16 and seeing the same he said that in these picture *barah Bhagwan* idol is visible. In Shya Swet Album documente No. 200 C-1, Picture No. 9 and 10 idbl of *barah bhagwan* is visible. I have seen this idol in the wall of disputed premises. Idol of *Barah Bhagwan* was about 5-6 ft height.

Slightly away from the south wall of the disputed premises there was Tombs of Angira and Markande. There was *Lomash Chabutra* in the south of the disputed premises. *Parikarma Marg* was in the west side of the disputed premises and in the west side there was sloping soil. In the north side of the disputed premises there were *Samadhi* of Sanat, Sananda, Sanatan and Sanat Kumar and there were also Samadhi of Garg, Gautam and Pandliya. *Narad Chabutra* was also made there. Site Koop was at the distance of 200- 250 ft. from east-west corner of Hanumat Dwar, which is still today. The water of Sita Kupa is considered to be very sacred. This water is still considered very sacred.

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Sumitra Bhavan is in the south side of the suit premises. Vijay Rahav Sakshi Gopal Mandir was in the east and north corner of disputed premises. Some portion of it is still present.

Sd/-
Statement is read over and affirmed
27.10.2014

Typed on my dictation by the typist in the open court. In this order further cross examination be put up for 28.10.2014, witness be present.

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(Hari Shankar Dubey)
Commissioner
27.10.2004

12149

BEFORE: COMMISSIONER SHRI HARI SHANKAR
DUBEY, ADDL. DISTRICT JUDGE/SPECIAL
EXECUTIVE OFFICER , HIGH COURT, LUCKNOW
BENCH, LUCKNOW

(COMMISSIONER APPOINTED VIDE ORDR DATED
8.10.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

28.10.2004

D.W. 3/20 MAHANT
RAJARAM ACHARYA

(Cross examination of DW 3/20 Mahant
Rajaram Chandracharya, starts from 27.10.2004
by Ld. Counsel Shri Ajay Kumar Pandey,
Advocate, in other Original Suit No.5/89).

God is worshiped in four forms, this is
Name, Roop, Leela and Dham. The place where
Bhagwan is born this is called Dham. Bhagwan
Ram was born at below the middle dome in the
disputed premises of three domes and hence this
place is called Ramjanmbhumi. Vol. at present
this is also known by the name of Garbhgrah. It
is believed that Bhagwan Ramlala is seated
there at every movement and hence his darshan
and worshipped there. Vol. at present Ramlal is
seated there. Vighrah established in the mandir
is considered as living and its bath, dhoop

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deep, chanting, bhog is being done. Podpopchar puja is being offered according to vedic rites.

Question: The deity established in the temple this mandir is called in the name of the said deity ?

Answer. The place where *pran-pratishtha* of the deity is performed, the person performing the *pran-pratishtha* and society or person constructing the temple, along with the mandir name of the said society or persons is also used.

Nageshwar Nath Mandir situated in Ayodhya is known by the name of Nageshwar Nath. Hanumangarhi Madir of Ayodhya is known as Hanumangarhi. Vol. in the introduction of Hanumangar word Panch Ramanandiiya Nirwani Akhara, Hanumangarhi. It is correct that for writing the correct address of Panch Ramnandiya Nirwani Akhara, word Hanumangarhi is added. Its reason is that Hanumangarhi is established in Panch Ramnandiya Nirwani Akhara, therefore it is proper to write Hanumangarhi Panch Ramnandiya Nirwani Akhara. All the devotees or

pilgrims came for the darshan of Hanumangarhi, they according to their belief looks at Hanumanji. But if one want to know the full details in this regard then it is necessary to get full introduction. Devkali Mandir of Ayodhya is known by the name of Devkali. Vol. In case want to know systematic information about Devkali Mandir, then it is necessary to mentioned the names who constructed the same. In case name of constructor of this temple is not mentioned then significance of the mandir does not lower. Significance of name is only for introduction. Name There is no relation to the significance of the temple by name. The visitors and devotee went to Mandir they went to glimpse the deity established in the temple. They did not go to glimpse the builder of temple. Builder of the temple has no concern with the glimpse of visitor. The service and worship of the temple be performed property, hence right to appointment of the priest and the staff is remains to the builder.

I heard the name of Ex. Justice Devki Nandan Aggarwal who has filed other original suit No.5/89. I do not know that Civil Judge Faizabad, had permitted to Shri Devki Nandan Aggarawa to file the suit as next friend of Plaintiff No.1 and 2 or not. On 1st July 1989 Civil Judge Faizabad had appointed Shri Devki Nandan Aggarwal as next friend of Plaintiff No.1 and 2 in other original suit No.5/89, earlier suit No. 236/89, or not, is not in my knowledge, because at that time I was not present there. Vol. this was forged suit filed. I got knowledge in this regard on the basis of documents of court that in the suit No. 5/89 before Civil Judge Faizabad, Shri Devki Nandan Aggarwal is appointed as next friend of Plaintiff No.1 and 2. I have not read these documents because they were in English, but on the basis of the information filing of the suit making the guardian and close friend of Shri Ram born crores years ago, is fraud and forged act.

Witness is shown para 44 of his affidavit of chief examination,, despite of having knowledge Civil Judge Faizabad, has appointed Devki Nandan Aggarwal, as next friend. It is correct to write in this para that Shri Devki Nandan has no right to file the suit. Despite of complying the Court order party has right to speak and hence appeal is also filed. On having knowledge to this order Babu Sarvji Lal has filed objection in this regard before the High Court, Lucknow Bench. In this regard information can be obtained from perusal of the documents. Despite of rejecting the above objection by the Hon'ble High Court, I have right to say. Upon the death of Devki Nandan Dr. T.P Verma is appointed next friend of Plaintiff No.1 and in the other original suit No. 5/89. I have leveled any allegation against Shri Devki Nandan Aggarwal in the affidavit of chief examination, but in this regard the thing I deemed proper, has been mentioned. It is incorrect to say that the facts stated by me against Devki Nandan in the affidavit of chief examination, are false. Vol. I have mentioned

in the affidavit whatever I think proper in my view and legally. I have not obtained law degree but I heard in this regard from lawmakers that Shri Devki Nandann Aggarwa cannot be made Wali of Ramchander Ji born about crores years ago. Vol. in which circumstances Court has appointed him as Wali, I do not have any knowledge. On the basis of my hearsay I have written in para 44 of my affidavit of chief examination that Shri Devki Nandan Aggarwal has no right to file the suit. In the verification part of my affidavit I have written that contents of para 44 of the affidavit is correct based on the things heard. In relation to para 44 in the verification para, it is correctly mentioned that this para is true to best of my knowledge, because after the hearing and understanding any person writes.

In para No. 9 of my affidavit of chief examination, I the second line 'Utsav Samaya' word is written in which "samaya" means time. My meant to it that the occasion in which

festival should be, it happened in its time. My meant from Manav Smriti is that which is going one prior the human memory. My meant to eternity is acts and memories continuing from the tradition. Ved, Puran and Smirities are considered from the eternity. Nirmohi Akhara is not mentioned in the Vedas and Smrities, but Nirmohi Akhara is bound to comply the directions given in the Vedas and Smirities. Whoever is Sanatani Hindu is complying the instructions given in Veda, Purana and Smirities.

12 poles of black stones were installed in the disputed building. Witness is shown document No.118 C-1/152 in the Other Original Suit No. 5/89. Witness said that this picture is of the same pole in which vermilion is applied and flower-leave and idol marks are visible.

Witness has read para 58 of the affidavit of chief examination and he said that I have read the book "Ramvan Gaman" mentioned in this

para. The place directed in this book, I have seen some of them.

When Mahant Dharamdas made party in the case of Sunni Central Waqf Board, which is pending in this court, is not known to me. I know Jagadguru Ramnandacharya Shri Shiv Ramacharya. He was appointed in the post of Acharya of Ramanand Sampraday. He was learned. Appointment in the post of Jagatguru Ramandacharya is made traditionally. In case principles of Sampradacharya and its regulations are complied then his respect is made in the same manner in the manner of original Ramanandacharya. Swami Shiv Ramacharya was complying the principles of Ramanandiya Sampraday. I am not aware of the fact that in the case pending before this court, Viswa Hindu Parishad is party or not. Whoever the person give statement, gives pas per his knowledge. Knowledge of the this specific person is also important in this regard and on the basis of which he gives his statement. The person who has no concern with the case, to give statement

is depends on the person giving statement.
Swami Shiv Ramacharya was studying with me. I
have seen him reading and writing.

Chatusampraday means Shri, Madhwa,
Vishnuswami, and Nimbaar. In para 49 of my
affidavit of chief examination it is mentioned
that for the awareness and advancement and
security of the Chatusampraday, three other
were constructed. My meant from the same is
other three aniyos. Ani means Army.

(Cross examination in other original suit
No. 5/89, by counsel for the Plaintiff Shri
Ajay Kumar Pandey Advocate, is closed).

(In other original suit No. 4/89, cross
examination on behalf of Defendant No. 17 Shri
Ramesh Chander Tripathi and Defendant No.22
shri Umesh Chander Tripathi, by Shri Vireshwar
Dwivedi, Advocate).

X X X X X

I got general education of specialties,
literature, theology and Ayurveda. I practice
Veda from Gyatri Bhavan, Ayodhya and gave

examination of specialties vedant from Sampurnand University. After getting education from Gyatri Bhavan, no degree is awarded. I do not get any degree. I got degree of Shastri from Varansi. In this degree Vedanta definition, Yatinder Matvethika etc. grans are practiced. The degree got by me in which subjects are not mentioned. The place where I got education, there my date of birth was mentioned or not is not remember to me. Although normally date of birth is being mentioned at the time of admission. I do not have any certificate of any educational institution in which my date of birth is mentioned, because I never required it. The schools from which I got education and from where I got certificate, in which my date of birth would be mentioned. I do not remember that the schools from which I got education, in these schools my date of birth is mentioned or not.

I know writing Gujarati and Hindi. I normally read and understood Gujarati and

Sanskrit. At present I do not remember the meaning of word 'Majoom'. In case this word is used in any sentence, then I can tell its meaning. At present I do not remember the meaning of word "Jujo". In case this word is used in any sentence then I can tell its meaning. I have signed the affidavit of my chief examination after reading it. From how many years I forgot the meaning of words Majoom and Jujo, in this regard I cannot tell, because these words are independently asking from me. Till these words are no used in any sentence till then I cannot tell their meanings. In the past months I do not need to used word Jujo and Majoom. Inpara 16 of affidavit of my chief examination in the verification para, in third, fourth, fifth line word Majoom and Jujo are used. Majoom word is wrongly typed in the verification part, in fact it should be Manmon. Jujo is a legal word n Urdu, I do not have its knowledge. It is incorrect that I have signed affidavit of chief examination without reading and understanding. It is correct that Majoom is written due to typographical error. After

typing of the verification part I have signed it. While reading may be I forgot and hence I did not pay attention to the error of the word *majoom*. My signature made on the affidavit is identified by Shir Ranjit Lal Verma, Advocate.

I am living in Ranchor Rai Mandir, District Indore, from the lasts 35-36 years. My father's name was Shri Sugandh Maharaj. He was the permanent resident of Indore. I got discipleship of Mahant Raghunath Das Ji in or around the year 1943. I the year 1943 I did not come to Ayodhya from Inodore for getting education. In which manner I ran away from the house and came at Ayodhya. My father had named me Raja Ramchander. I myself went to Mahant Raghunath Das for getting discipleship. Earlier I was living in Ramjanmbhumi and later I got discipleship. Along with me any other has not taken discipleship at that time. I alone got discipleship. Lord Vishnu incarnated in the form of Krishna Lord at Dwapar. Bhagwan Krishan is -also called as Ranchor. Rajchor Rai Mandir which I referred in my affidavit, is the temple

of Lord Krishna. I am in Dakor temple from the last 35-36 years. This temple is of Dakor Temple Committee. Its name is Dakor Temple Committee. It is correct that this is temple of Lord Kishna, which is being managed by Dakor Temple Committee. This committee has also made me Mahant of the above temple. My faith, devotion towards the Ramjanmbhumi Mandir arose when I came Ayodhya and glimpse this temple and know about its significance. I came to Ayodhya and became member of the Ramjanmbhumi Nirmohi Akhara. Temple of Ranchor Raii is the temple of Vishnu Swami Sahai and is affected by the said community. A part of the same community is also Vishnuswami Nirmohi Akhara. Definitely this is a department of Nirmohi Akhara. Nirmohi Akhara is generally not managed by a temple committee. I am member and panch of Nirmohi Akhara. I became member of Nirmohi Akhara in the year 1943. At that time my age was 14-15 years. Person of this age can be the member of Nirmohi Akhara.

Question. It should be understood that you are the worshiper of Lord Krishna at the same time and also worshiper of Lord Rama.

Answer. I consider Rama as brahmswaroop and as many avtars occurred and all the splendor of the divine, all the forms of Rama. Therefore we says Rama as *Anant Koti Brahma*.

I am also worshiper of splendor of Ramchander Ji. I am also worshiper of Narsingh Avtar and Barah Avtar, because these are the Avtars of Lord. Place of Narsingh Avtar is in Multan City of Pakistan.

Sukshm chit achhit vishisht brahm sthl chit achit vishisht brahm both are unitary specially. Dualism means *Maya & Brhama*. Monism means where distinguished ends and where knowledge of unitary is gained, is called monism.

Question: What is your purpose of *Manav Smriti*?

Answer. Each human has different *manav smriti*. It means *Manav Smriti* is from the past.

I do not have knowledge when *manav Srishti* starts. People says that *manav sristhi* is since the time of Manu. How old was the age of Manu from today, in this regard it is written in *grantas*, but I cannot say in this regard. I have general knowledge of the Hindi language. The language in which affidavit of my chief examination is written, I have general knowledge of this language. Whatever is written in affidavit, I have its full knowledge.

Witness has read para 51 part "only prior to the human creation" at page 11 of the affidavit of chief examination, and said that my meant with present human. In the third line of this para this word is used it also meant present huan..

Question Is it understood that as per you the word "only" is means "present"?

Answer. My meant from "only" is with "present human".

The facts written in para 51 of my affidavit of chief examination they are true to

my personal knowledge. In para 52 of the affidavit suit No.4/89 is referred. This suit is filed by Sunni Central against Gopal Singh Visharad, Ram Chander Paramhans, Nirmohi Akhara etc. Apart from the above, who are the Defendants in this suit, I do not have clear knowledge. This suit is filed by the Sunni Central Waqf Board may be for declaration of their title. Contents of para 52 of the affidavit are also true to my knowledge. In the last line of para 52, list-18 is referred. This list -18 is also true to my personal knowledge. This list -18 is written in Urdu language and it is also written in Hindi. In this document which is written in Urdu, I cannot say in this regard that it is true or not, because I do not have knowledge of Urdu. But whatever is written in Hindi is correct. I have stated in the verification of my affidavit that list -18 is true to the best of my personal knowledge. This is with regard to only that part which is written in Hindi. I have not clarified this position in the affidavit, its reason is that I did not think it necessary to clarify the same.

It is totally incorrect that I have signed my affidavit without reading. The fact written in para 3 of my affidavit of chief examination 'at that time elder pujari of the Nirmohi Akhara was Baldev Das etc.' is true to my personal knowledge. Govind das mentioned in para 3 is not motioned by me in para 38 of the affidavit of my chief examination, because the Govind Dasd referred in para No. 48 at first number, he was anterior Mahant of the Akhara.

Question: How any years ago custom of Mahant is starts in Nirmohi Akhara, can you tell?

Answer. This is the years old tradition, in which panch appoint Mahant. Panch can also separate Mahant.

The Nirmohi Akhara had existed thousands of years ago for the first time, I heard this from others. These Ahare are Ramnandiya Akhare. Ramnandiya Akhare were emerges in 13th Century. Ramnandiya Akhare are the Akhare of Virakt Sadhus.

Nirmohi Akhara has also filed suit, in which I came to give evidence for Nirmohi Akhara. Suit number of this case is 3/59. Nirmohi Akhara has filed this suit for repossession of the Ramjanbhumi which was illegally got. Nirmohi Akhara has filed this suit for ownership. It is incorrect to say that Nirmohi Akhara has filed this suit only for right of management, rather was filed for ownership. It is incorrect to say that I am giving false evidence on this point.

House is also called temple holy place is also called temple. Apart from this worship place of deity is called temple. Temple word is used in comprehensive meanings. I have read Ramcharitmanas. It is written in Ramcharitmanas that 'mandir-mandir prtikar shobha'. It is written for Hanuman Ji in Ramcharitmanas that 'Gau Dasanan mandir mahi'. Here the temple means house or building. Building of the various God-Goddess is also called temple, such as Durgaji's temple, Hanuman Ji's temple, Krishna Ji's temple and Lord Rama's temple.

Vishnu avtar or other deities are born in holy place and is sacred. Vol. its reason is that for the introduction idol of Rama-Krishna is covered. The prison where Lord Krishan was born, there is a temple and also has idol. In case soil of Rasleela of Vrndavan is holy, which is brought by the people. This place is holy because still Rasleela is performed there. Idol of Krishna is at the Rasleela place. It is incorrect to say that I am giving false statement on this point. I also went Prayag. I have not seen the place named Alokshankari at Prayag. I did not visit that place. I am hearing this fact first time that there is no any idol in Alokshankari temple. I never went there. I went to Badrinah. Gangaji incarnate at Hardiwar and hence question of not having any idol at the incarnation place in Hardiwar does not arise. I went to Hari Ki Paidi at Haridwar for bath. I have seen idol of various God and Goddess.

I cannot tell where Varah was incarnated. I heard name of Varah area but where is it

situated I cannot tell. I cannot tell if there is any idol or not in Varah kshtra. Because I did not went there. Ganaji is sitting on crocodile, I have not seen such picture. Picture of Yamuna Ji is found in the human shape in Ballabh Sampraday. I cannot tell what is the carrier of Yamuna Ji. Carrier of Vishnu Ji is Garura. I have seen photo of Vishnu with Garura. I went to the Dwarkadhesh temple of Gujarat. , but I have not seen Garuradhwaj here. I never visit Pushkar.

I am adorer of Brahmand Nayak Bhagwanram, I am worshiper and adorer of all his incarnations. In this form I am also worshiper of Krishna Ji. Bhagwan Vishnu has infinity avtar. Out of these Avtars name of some of the avtars is written and some are not written. It is said that entire word is Vishnumay.

Question: Did you read any books for writing the affidavit of your chief examination?

Answer. After reading the necessary vedic material, mandir nirman and pratistha etc

material, which are called Partistha Mahodir, etc. which are necessary for the rights of Nirmohi Akhara in the Ramjanmbhumi dispute, I have filed the affidavit. I have read the records received in the Nirmohi Akhara. I have also read the books of these records. The books I have read for writing the affidavit, in which name of four books are as under:-

Ram Vangaman, Ramjanmbhumi Ka Itihas, Rajasthan ki Bhakti Parampara Tatha Itiyas and Muslim law.

The records which I read for filing the affidavit their names is - Ramjanm Bumi Ka Itihas, Ram Vangaman, Rajasthan ki Bhakti Parampara tatha itihasa and Muslim vidhi. Apart from these books and records I have also read various books. It is incorrect to say that the facts written in the affidavit of my chief examination, are false and in this regard I am giving false statement.

(In other original suit No. 4/89 cross examination by Shri Ramesh Chander Tripathi and

Defendant No.22 shri Umesh Chander Tripathi, by Shri Vireshwar Dwivedi, Advocate is closed).

(In original suit No. 4/89, cross examination of Defendant No..... by Madan Mohan Pandey starts).

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I am giving statement in this case being the panch of the Nirmohi Akhara and as party. Regulations of the Nirmohi Akhara regarding customs and management arrangement were prior to the year 1949 but first time they were registered in writing in March 1949. At that time the record was registered in which it was not written that threes rules and customs were already not available in the Nirmohi Akhara. Only these rules and customs are not registered. Customs of the Nirmohi Akhara were already written i.e. prior to March 1949. In relation to election of the Mahants of Aydhya these rules and customs which are in written. At the time of election agreement was being written. Proceeding under section 145 Cr.P.C. was initiated in relation to the suit property,

in which Mahant Baldev Das has fought with the Nirmohi Akhara for the right of his ownership. Being the devotees Abhiram Das and Gopal Singh Visharad etc. were party. I do not remember names of other persons. Nirmohi Akhara was also party in the proceeding independently through Mahant Baldev Das. It is incorrect to say that Nirmohi Akhara was not party in his cases individually or through any Mahant. The case in which I am giving evidence, this case was filed by Nirmohi Akhara and its Mahant. It is incorrect to say that there were only two parties in the proceeding under section 145 Cr.P.C, one Hindu and another Muslim. It is correct that on behalf of the Nirmohi Akhara Baldev das and Abhiram Das was as darshanarthi. I cannot tell that in this proceeding Abhiramdas has filed his counter as worshiper and adorer, but he was present in this proceeding as a viewer. In this regard I did not read any record. In this proceeding 4-5 persons were considered as party on behalf of the Nirmohi Akhara. Out of them one was Abhiramdas. Apart from him Ram Subhag Das,

Sudershan Das, Rmvilasdas, Vrindavan Das etc. were party. I am giving this statement on the basis of heard by me and which is remembering to me. According to me along with the other Sadhus of Nirmohi Akhara, Abhiram Das is also considered as a priest in this proceeding. I have seen Abhiramdas. He is from the Math of Hanumangarhi Nirwani Akhara. During the pendency of the suit place and its around places were also acquired. During this acquisition proceeding no amount was claimed as a compensation rather Nirmohi Akhara has stated the acquisition proceeding as unconstitutional and challenged the same. I do not have knowledge of the fact that in relation to the acquisition proceeding Nirmohi Akhara has claimed the compensation amount in respect to east side temples in the disputed place and in this regard demand letter was rejected. Vol. this acquisition was declared unconstitutional by the Hon'ble High Court on 11.12.999. On 11.12.99 after declaring the acquisition proceeding as unconstitutional, President has acquired 67 acre land. In this land of 67 acre,

land of Nirmohi Akhara was acquired. Apart from it any other land of property was not acquired. But out of the acquired property disputed property was released because of the pendency of the case. Nirmohi Akhara is the owner of disputed property, in this regard documents are produced before the Court. In my knowledge in the year 1941 mutation order in favour of the Mahant Raghunathdas is the main ground of ownership. Apart from this in the year 1885 the proceeding of the cases in relation to rights and ownership was taken, is also the prove of ownership in this regard. Case of 1885 was filed by mahant Raghubar Das in his personal capacity, because he was the Sadhu of Nirmohi Akhara. Contents written in para 55 of my affidavit of chief examination that Mahant Raghubar Das has personally filed the suit for constructing the roof in the year 1885 in which Nirmohi Akhara was not the party, is correct. Mahant of the Nirmohi Akhara did not have full right in relation to management of the property of Akhara. He did every acts with the opinion of Panchas. Right of ownership and management

of property of the temple is vested with the panchayat. Panchayat is represented by the members of the executive of panchayat. This executive gives advice to the Mahant in relation to the function of work. On the advice of the Executive, Mahant did the management work in view of the management. Mahant is the head of Executive. This condition is also written in the above agreement of 1949. In relation to the customs and management of Nirmohi Akhara the agreement executed on 19th March 1949, this agreement is used, but apart from this in relation to the regional management, considering the deshkaal of specific area, separate rules are being framed according to this custom. In the operation of Nirmohi Akhara in Ayodhya, apart from the above agreement dated 19th March 1949, there are no other rules in relations to additional management and in relation to the custom of the Akhara. In my knowledge in relation to the other Akhara also similar records are received, such as in relation to Hanumangarhi, Nirwani Akhara deeds are available. Sanatandharmi Hindu

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people of the country and abroad are worship the disputed place as Ramjanmbhumi Mandir. Hindu religious are considering this place a scared place because Ramlala is seated there. This place is considered as birthplace of the Ramchander because introduction of this place is a s a idol. It is incorrect to say that disputed property is not the property of ownership of Nirmohi Akhara. Vol. 'Sitanath Samarambham Ramanandarya Madhyamam Asmdacharya Prayatam vande Guru pramparam.

(Cross examination by Ld. counsel Shri Madan Mhan Pandey of Defendant No.2/1 in other original suit No. 4/89 is closed).

Statement is readover and affirmed
28.10.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 29.10.2004.

Sd/-
(Hari Shankar Dubey)
Commissioner
28.10.2004

BEFORE: COMMISSIONER SHRI HAIR SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW

(COMMISSIONER APPOINTED VIDE ORDER DATED
8.10.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

29.10.2004

D.W. 3/20 MAHANT
RAJARAM ACHARYA

(Cross examination of Defendant No.3/20
starts from 28.10.2004)

(Ld. Counsel for the Defendant No.20
Sushree Ranjana Agnihotri has informed that she
is adopting the cross examination by Shri
Vireshwar Dwivedi, Advocate, Shri Ajay Kumar
Pandey and Shri Madan Mohan Pandey).

(Ld. Counsel for the Plaintiff in other
original suit No1/89 Shri Puttu Lal Mishra said
that he did not want to cross examine witness).

(Thereafter apart from the Ld. counsels
for the Defendants No. 4,5,6 and Defendant
No.2... in other original suit on. 4/89, any
other Defendant is not present for the cross
examination, therefore their cross examination
is closed).

(Cross examination on behalf of Defendant No.11 Mohd Farukh Akhad, by Shri Abdul Mannan, Advocate is start)

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Ramanandacharya was born in 13th Century. Balanandacharya has developed the Akharas in Jaipur. Since, Balanandacharya was living in Jaipur and hence he chooses this place for development of Akhara. Prior to of Balanandacharya also these Akhara were in existence, but how long ago these Akhara had existence, I cannot tell. Development of total 18 Akhara was made by the Balanandacharya considering the desh-kaal. Branches of these Akhara were every corner of the country. These branches were in every corner of the India. Every corner means its branches were in Bengal and other states. Its branches were also in Uttar Pradesh. Earlier also branches of these Akhara were at this place. In Avadh Pradesh also Akhara has branches. In Avadh, Panchramandiya Nirmohi Akhara, Panch Ramanandiya Nirwani Akhar, Shri Panchramandiya khakhi Akhara, has branches in Chitrakoot,

Vrindavan and Giriraj. In Ayodhya also the branches were they were involved in the protection of religion and their publicity and propaganda. In Ayodhya these Akhara were present long years ago but how many years ago these were there, I cannot tell. There were 18 Akhara in Ayodhya. Ramnandacharya has declared the protection of religion. Vol. earlier after the Acharya, this also done by the Acharyas. Ranandacharya alive till 14th Century. He was living in Kashi and also visit in other states. Ramnandacharya were giving inspiration for the protection of organized Akhara. At that time there was danger to the country- religion and was the infinite disciple of Ramanandacharya. I cannot tell their number. In his main disciple were Raidas, Pipaji, Sursuranand, Bhavanand etc.

In 13th and 14th Century, ruler of the Muslim era were demolishing and loot the temple. They people were giving duhai of Islam religion and making the people to Muslim. They have influence in Uttar Pradesh. In Uttar Pradesh there were majority of Hindus and still

has. Number of Muslim was very few. At present what is the ratio of Hindu Muslims population in Uttar Pradesh, is not in my knowledge.

I got degree of Shastri from Sampuranand University, Varanasi. I got this degree in the year 1959. After getting degree of Shastri, I stayed in Varanasi for few days and thereafter I used to visit there. It took three years to get degree of Shastri. In these three years I also used to go outside of Varnasi for visit. In these three years I used to go to the houses of my friends in Ayodhya. After obtaining the degree of Shastri how many times I go out in these three years, I cannot tell its number, but I often went outside. Sampuranand Sanskrit University is in front of Chetganj in Varanasi. Old Queens College is known by the name of Sampuranand University. I heard that earlier its name was Queens College. Queens College was built during the lifetime of Sampuranand. At the time when Samuranand Ji was Minister, at that time this University was built. When Sampuranand was Minister, I cannot tell. I cannot tell that who was the Minister of which

department. Sampuranand Ji made Minister after the freedom, because thereafter cabinet was established. In which year Queens College was made as Sampuranand University I cannot tell. I cannot tell that till 1950 Sampurnanad University was called Queens College, because I did not go there. After making the university I got education there.

In the year 1956 or 1957 I took admission in Shastri syllabus. After passing the Shastri exam I did not read Acharya, but the books read for obtaining degree of Acharya, I read the same. In the syllabus of Acharya I read Brahmsutr, Khandkhadh, Adwaitsidhi, Shribhas. etc. philosophical granth. After getting degree of Shastri I had read above books in two-three years. After obtaining degree of Shastri, I often visit Ayodhyam Vrindavan and to my friends incidentally. I also used to visit Kashi. How many times I visit Kashi I cannot tell the number. I did not think it necessary to remember the number. During the period of obtaining degree of Shastri I read from only these two persons. In Kashi I was residing in

Shankudhara. I did not try to now that Queens College is in which side of Varuan river. I heard name of river as Varuna. The place where I was living in Varanasi, from there university was at the distance of around 2 kilometer. During the study I continue visit from my residence to University in these three years. I got education of Vedant Darshan from Sunbramanyam Shastri. I was getting education of Vishitadwait from Neelmedhacharya. Apart from the Sanskrit University I also went to other schools and house of teachers for study. I used to go Goyanka School, Dakshinamurti Math, Ramanand School etc. for getting education. I used to go to Queens College only once a day. My main teacher Subramaniam Shastri was in Kashi University. After obtaining degree of Shastri, I do not have knowledge that Subramaniam remains in Sanskrit University or not. After completing the study I often visit in the University in the occasion of distribution of degree, but there I did not thing it necessary to meet Subramaniam shastri or any other person. Whenever I went to Kashi

in the degree distribution function, I used to stay there for one or two days. And then I also used to stay with my close friends Gopal Das Ji, Santosh das Ji etc. The period I stayed in Kashi for obtaining degree, during this period I never went to Shrawasti. During the stay at Kashi I once or twice went at the place named Sarnath near Kashi, in the Bodh function, there I had seen seminar of Bodhs and heard their speech. From Sarnath I returned in one day. Who were the chief guest in the function, I cannot tell, because enough time has been lapsed. Mahapandit Rahul Sanskrtyayan was in the speakers. At that time Rahul Sanskrtyaya was living in Dehradun or not is not in my knowledge. I do not remember name of any of the leader of national level who has attend the said seminar. Vol. above similar was the bodh seminar in which attending of any national leader was not required.

There were various temples in Sarnath, but whose temple was, I cannot tell. I have seen the Stoop in the Sarnath. Due to crow I could not go near the said stoop. Mahatma Budh stayed

in Sarnath, I only have this information. Apart from this I only know that he had propaganda the religion, but he has given his first discourse in Sarnath or not I do not have its knowledge. I do not have knowledge that there in temples of Chinese or Japanies there are idols of Sarnath or not, because I do not know these temples by names, because I the temples I visit there were idols in these temples.

There is any modern museum in Sarnath or not I do not know, because I had no time to see. I only went to function. In the function I stayed hardly two- 2 ½ hours. Thousands of people were present in this function.

After the stay at Kashi I lived in Ayodhya and Gujarat. I used to visit at these places. I never went Mahdya Pradesh, because I never need to go there. I never went to east states. I came first time in Ayodhya in the age of 14 years. In the age of 14 years when I went to Ayodhya, at that time I was some sensible. In the year 1943 I went first time in Ayodhya. At present I am not living in Aydhoya. I am living in Dakor (Gujarat) I came to Ayodhya for giving

evidence. In this connection I am coming daily to Ayodhya. I came to Aayodhya from Dakor on 25 October and also two Months ago. In the year 1943 when I came first time at Ayodhya at that time there was no any mosque, because at that time idol worship took place there. I heard name of Babri Masjid. Disputed building is babri Masjid. Vol. This is not the Babri Masjid. This is mandir. There is three domes in the dispute building. This is not the mosque. This is birthplace of Lord Rama. In the year 1943 when I came first time in Ayodhya, at that time I had not seen Babri Masjid. I never seen offering Namaz in the disputed building. I have seen worshipping there. Vol. the place where pooja is offered there question of offering Namaz does not arise. In the year 1943 when I went first time to Ayodhya at that time I had not seen mosque in the disputed place, have seen temple. Vol. Pooja-service was offered there. Three domes were made at disputed bhavan.

Disputed building was 250 ft. long and 90-10 ft wide. I am telling this length and width

on my idea. After 1943 I was living in disputed building. At present I am living in Gujarat, but am coming from disputed Place of Ayodhya. From 1943 to 1949 I remained at disputed place. In the year 1950 also I was residing in disputed place. In the year 1951, 1952 and 1943 I permanently reside there for several years and also used to visit outside. When leave living permanently at the disputed place, since then how many times I visit Ayodhya till date, I cannot tell the number, but I used to go there. As per need, I generally know writing-reading. The granths mentioned by me in my above statement, I read these granths. I was living in Ramjanmbhumi in Ayodhya, which is considered as disputed place. At present I am living in Gujarat. I had gone Gujarat in or around 1964-1965. Since then I am permanently living at Gujarat. I used to visit out of the Gujarat as per need. I used to visit various functions, marriage in Gujarat and apart from this I used to go Prayag, Haridwar, Nasik and Ujjaini on the occasion of Kumbh.

How much time I went outside Gujarat within the past 35 years, I cannot tell in numbers, but I used to visit outside several times. In the past 35 years I never went to Mumbai. I used to go to Kumbh fairs. Kumbh fairs are organized in Nasik, Haridwar, Ujjain and Prayag. I used to go these four places on the occasion of Kumbh. In the entire place Kumbh fairs are not held together. Each kumbh fairs runs for about one month. On the occasion of Kumbh fairs, such in case kumbh fairs run in Haridwar, there satsang, and discussion regarding country and religion is being held, apart from propaganda of the good faith is also spread. On the occasion of Kumbh fair number of lakhs of people came there. On the occasion of Haridwar Kumbh this position is remained there. On this occasions people of country and abroad came there. by the propaganda of good faith people are benefited and returned. I joined Haridwar and each of the Kumbh fairs. In the Hardiwar Kumbh fairs and other kumbh fairs various saints of various Akhara and others install their camps. In these camps Prasad

distribution and food etc. arrangement is being made. Food arrangement for the passengers is being made by the saints of the various Akhara. On the occasion of Kumbh for the royal baths, the procession of Saint Mahatma is comes, this is called royal bath. This is also called bath festival. On the occasion of the bath the procession is called Shahi Shobha Yatra. These shobha yatra comes out from the camp of Akhara and went to Hari Ki Paidi for Ganga bath. Hari Ki paidi is in Haridwar.

On the occasions of a Kumbh Shobha atra is comes out keeping in view of two or three parvs. This bath is called royal bath. Royal is the farsi word. Because of the Muslim rural era from the years this type of words are prevalent. The bath in the Kumbh Fair of Allahabad is called royal bath. On the occasion of kumbh fair of Allahahad, along with the procession of the Akhara, people used to go taking hood, weapon etc. from the front of procession. Similar custom is in the Haridwar and each Kumbh fair. In Nasik and Ujjain also people are taking similar weapons at the time

of royal bath from the various Akhara. At the time of royal bath respected people o of the society are also present, in which saint-Mahant are also include. General person baths after this royal bath. This is called procession and royal bath.

I lived in Ayodhya for around 8-9 years. From 1943 to 1949-50 no namaz was offered in the disputed building, rather pooja was offered.

Witness has seen document No. 115 of section 145 of Code of Criminal Procedure and said that this first information report is written in relation to the incident occurred on the birthplace on 22.23.12.49. This report was written by Ram Dubey, Sub Inspector, Kotewali, Ayodhya, Faizaba. While writing this report I was not present. This first information report is not clear. Witness is read over the first information report. Witness has read the report and said that this report is forged and is written by the Sub inspector under the pressure of someone. Because earlier also some forged cases were lodged by Head Constable Abu

Bakarat. Name of these accused were Bhagwat Das, Ram Dayal, Laxman Das and Murlidhar. Against them forged case of breaking the tombs were made, in which they were acquitted in the year 1950. Accused persons of this report have neither unholy the mosque nor they people not did any nefarious act. They people were priests of temple. It is incorrect to say that on the date mentioned in the report idols were kept in the disputed building and earlier no pooja was offered there. Witness has further heard the last two lines of the report 'accused persons Ramdas , Ram Samal Das... established and unholy the mosque said that there was no mosque there, rather Ramjanmbhumi was at that place. From reading of this report it appears that Ramdev Dubey was the police station incharge of PS Ayodhya. Vol. This report was written by him under the pressures of Muslim and this is forged report. After this report some people were also caught After the forged report such proceeding is necessary. At the time when report was written I was in Ayodhya. At that time I was living in disputed place. I have not

stopped anyone because I have no right to stop the daily worship program. I cannot tell when this report was written, but forged report is written. After writing of this report case under section 145 Cr.P.C. was filed.

Proceeding under section 145 Cr.P.C. was starts on 29.12.1949, in which Mahant Baldev Singh has filed case of ownership of Nirmohi Akhara on behalf of Nirmohi Akhara. Who was on the side of Muslim I do not have its knowledge. Vol. some people of Hindu viewers were party in this proceeding. Because of initiation of the civil suits proceeding under section 145 Cr.P.C. was adjourned and it was held that till the civil cases are not decide till then no action shall be taken in this case. Upon starting of proceeding under section 145 Cr.P.C. disputed building was attached and in its boundary , on north hall Chhati Puja Sthal possession was of Nirmohi Akhara, North land-fallow and parikarma, East possession of Chabutra Ram Ji Ka Nirmohi Akhar, west Parikarma and fallow. In his temple along with the general list was handed over to receiver

Priyadutt Ram on 5.1.1950 and I have seen list of said article. The list of articles handed over on 5.1.1950 bears signature of Priyadutt Ram. Attachment happened on this date.

I hear that Babar has demolished the temple in 1528 and built mosque and due to which dispute is continue and in this investigation Inspector of Sunni Waqf Board Mohammad Ibrahim came Ayodhya and reviewing the circumstances of Ayodhya he wrote to Secretary of Sunni Waqf Board that neither any muslim can go there nor can offer Namaz, because is threatened and abused. Sunni Central Waqf Board is a legal entity. I do not have its knowledge that it has been constructed with the recognition of State Govt or not. I do not have any knowledge whether there is any Central Act in relation to its recognition or not. Vol. inspector of the Waqf Board has filed this report to the Secretary of Board on 10 December 1949 that after the year 1934 nether Muslim can not go in the disputed place nor can offer namaz. It has been said in relation to the disputed Building that after demolishing the

temple in 1528 mosque was built. It is incorrect to say that Namaz is being offered at the disputed place.

This country got freedom on 15 August 1947. Year of 1949 is the year after getting freedom. It is incorrect to say that that thereafter class has got forged possession it. This entire incident is remembered to me because at that time I was present there and because this temple was fraudulently attached. After the attachment I remained I the disputed place and there I was doing the work of brooming, cleaning utensils, brining flower garland and tulsi etc. for the Lord. In relation to the attachment of the disputed building i.e. on 5.1.1950. I do not know any later attachment. After the attachment of the disputed building people use to view from outside the grill and offered Prasad etc.

When disputed building was demolished in 1992, this fact is revealed to me from the newspaper, because at that time I was not present there. I have read in the newspaper that disputed building was demolished. I read

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in the newspapers that after breaking the
disputed building chabutra of the Lord Ramlala
established there.

Statement read over and affirmed

SD/-
29.10.2004

Typed on my dictation by the typist in
open Court. In order to same put up for further
cross examination for 01.11.2004.

Sd/-
(Hari Shankar Dubey)
Commissioner
29.10.2004

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BEFORE: HON'BLE HIGH COURT ALLAHABAD, DIVISION
BENCH, LUCKNOW

01.11.2004

D.W. 3/20 MAHANT
RAJARAM ACHARYA

(Cross examination of DW-3/20, behalf of Defendant No. 11 Mohd. Farooq Ahmad, by Shri Abdul Mannan, Advocate, is continuing from 29.10.2004).

I remained in Ayodhya from 1943 to 1951. After 1951 I used to go to Ayodhya. At present I am living in Gujarat at Dakor Kasba. I am living in Dakor from 35 years. There is temple of Ranchor Rau. I lived in this temple. I am living in this temple from last 35 years. I used to come to Ayodhya once or twice in a year. I always stayed at Ramghat Nirmohi Akhara at Ayodhya. I did not roaming more in Ayodhya and hence I cannot tell how many mosque are there. I have not seen Babri Mosque. I did not need to see any mosque in Ayodhya and hence I have not seen. There are domes in the mosque and also minaar. I never entered in any mosque. I do not need to go any mosque I do not there are 20 more mosque in Ayodhya. While sleeping I heard voice coming from the mosque. Vol. I

heard sound, but what is said to it is not known to me. When I interrogate then it came to know that it is called azaan. In the morning I heard sound of azaan while sleeping and the I inquired from people and they told that it is the sound of azan prior to namaz. I do not know from which mosque this sound of azan of namaz was coming. Vol. this sound was of loudspeaker. I do not know how long from his sound was coming. It was coking form four hundred sq yds. or not. I had not heard this sound of azan at Ayodhya, but heard at Dakor. In Ayodhya I did not heard any such sound not I consider on it.

Chanting are being held in Ayodhya, and also held Ramayan path. I do know azan is also occurring or not. I do not know there are 20 mosque in Ayodhya in which namaz azan is performed. I cannot tell how many Muslims resides in Ayodhya. I never try to know what is the population of Ayodhya. I do not now about 3-4 thousand Muslims are living in Ayodhya or not. I cannot tell that population of Ayodhya is 30-40 thousand of or 25-30 thousand or what is. Hazi Mahboob Sahab, who is sitting in the

Court, I know him, he lives in Ayodhya. Mohd. Hashim, who is present in Court, I know him but I do not know where he lives. I cannot tell that Haji Mahboob Sahab or Mohd. Hashi Shaab came to court in connection with which case. I came to give evidence in the case of Ramnandiya Nirmohi Akhara vs. Babu Priya Dutt ram. I do not know any case filed by Mohd.Hashim is pending in this Court or No. I have seen these people before the Court and hence I know that they came here. I cannot tell they used to come here or not. I do not have knowledge in this regard that what effect is put by azan to whom or not. As I have stated earlier that I lived in Ayodhya since 1943 and still used to visit Ayodhya. I did not consider on this subject that azan of namaz is performed in Ayodhya or not. The time when disputed structure was demolished at that time I was in Gujarat. After demolishing the disputed structure I did not think it necessary to come Ayodhya and hence I did not come Ayodhya.

I do not have knowledge to the fact that on which date dispute structure was demolished.

Disputed structure was demolished on 6th December 1992 or any other date I do not know. At that time I was in Dakor. I heard there that storm came at Aydhya and disputed structure was demolished. I came to know this fact after one or two days. People were discussion among themselves and I heard from them. After falling the structure I did not think it necessary to go to Ayodhya. Vol. After 2-3 years on the special invitation and in connection of being a Mahant, I came Ayodhya. At that time I stayed in Ayodhya for 3-4 days. At that time I went for the glimpse of birthplace. I do not recognize Babri Masjid nor heard its name and hence glimpse of same does not arise. I went for the glimpse of Ramjanbhumi. I heard that Babri Masjid was built in 1528 after demolishing the temple. It is incorrect that namaz is always performed in the said building from 1528 till 1949. It is incorrect to say that I am deliberately giving false statement before this court.

(Cross examination on behalf of Defendant No.11 Mohd. Farooq Ahmad, by Shri Abdul Mannan, Advocate, is closed).

(Cross examination on behalf of Defendant No.9 Sunni Central Waqf Board U.P. is starts by Jafaryab Jilani, Advocate).

X X X X X

I was living in the Ramjanmbhumi in Ayodhya, when I was reside there i.e in the year 1943, at that time no dispute was there. Dispute arose in the year 1949. This dispute arose in the year 1949 in my presence. At the time when dispute building of three domes were attached at that time I was living in that said building. Attachment proceeding was held on 5th January 1950. In the morning at about 10-11 hrs when this proceeding was taken at that time govt. officers came for attachment I cannot tell their name and designation. In my knowledge any proceeding was taken prior to the attachment of 1950, I do not know.

Question: whether prior to the attachment of disputed place on 5th January 1950, any proceeding took place in your presence?

Answer. I cannot explain clearly what proceeding was going on.

Prior to 5 January 1950 some proceeding was going on, but what proceeding were going on I cannot explain clearly.

Question. The fact written in para 10 of your affidavit that in December 1949 on the false basis police has attached, is wrong because today you gave statement before the Court that attachment took place on 5th January 1950.

(On this question Shri Ranjit Lal Verma, Advocate has objected that his question is in two parts which should not ask together. As per the court this objection is baseless, and hence is rejected).

Answer. Whatever is stated by me in para 10 of the affidavit that on the false basis this attachment was conducted, pursuant to the same I said that something is happened but when list of the articles of temple was made and its boundary was written and handed over to the receiver Priya Dutt Ram, then this was the date 5 January 1950.

In para 10 of the affidavit it is correctly written that attachment took place in December 1949.

Question. You have stated in your today's statement that attachment took place on 5th January 1950, please tell how the attachment of 1949 is written in the affidavit.

Answer. In the affidavit attachment took place in 1949 is correctly written and its proceeding was completed on 5.1.1950 when receiver Priyadutt was handed over along with the article and boundary i.e. attachment proceeding starts in December 1949 and completed on 5th January 1950.

In para 10 of the affidavit the statement made regarding filing of true copy of the seizure attachment, from perusal of the copy of seizure filed in this case. At the time when seizure attachment was prepared, at that time I was present there and at that time I heard him. My signature is not made on seizure attachment. I cannot tell whose signature on behalf of Nirmohi Akhara are made in the seizure attachment. In this para of the affidavit true

copy of the seizure attachment is filed and in relation to seeing the same I have made the statement, I meant to it that earlier I had seen the photocopy and also seen after filing in this case. This photocopy is seen as document No. 108 C/4, suit No. 5/89 in the file of Faizabad and also seen in Lucknow and then written. This I can tell after seeing the file of case No. 5/89. Along with the affidavit I have filed copy of the list-1. Document No.108C-1/104, which is mentioned by me in para 10 of the affidavit, I have seen concerned file of the case in the High Court. In this para the statement made by me about seeing the case file of 145, this file of case 145 was also with the advocate, and on the basis of seeing I have made statement. I have seen the file of 145 with Shri Sarvjeet Verma, Advocate. Shri Sarvjeet Lal Verma has died. I would have seen this file of 145 with the advocate in or around 1951-52. It is incorrect to say that in para 10 of the affidavit I have not mentioned the document No. 108C/104 on the basis of looking

the concerned file, rather stated at the instance of Advocate Ranjit Lal Verma.

In the suit filed by Nirmohi Akhara, I am attorney on behalf of Nirmohi Akhara. My name was in the power of attorney. I was attorney. This power of attorney was executed in my favour by Mahant Ramkewal Das. This power of attorney was executed in or around 1980-85. Mahant Ramkewal Das has expired. I do not remember that after the Mahant Ram Kewal Das, whoever the Mahant was, they made me attorney or not. On the basis of the power of attorney executed by shri Ram Kewal Das, I came to contest this case, but Mahant Bhaskar Das was mainly contesting the case. Because of the ill health of Bhaskar Das he has difficulty to visit Lucknow and hence other Sadhus used to visit Lucknow for contesting the case and I also came from Gujarat in this connection. From the last year I am coming from Gujarat for contesting this case and from the last one-two months I am contesting permanently. Statement in para 10 of the affidavit that " true copy Photostat (list-1) document No. 108C-1/104... Is

read and giving statement" I meant to it that annexed photo state list-1 with this affidavit is seen and giving statement. This copy was secured with my advocates and I got while preparing the affidavit. In para 10 of the affidavit boundary of the attached property, seizure attachment which was prepared at that time, On the basis of which and on the basis of the Photostat List annexed with the affidavit.

I cannot tell that above attachment was conducted on the basis of the report written on 23rd December 1949 or not. On 22 and 23 December 1949 I was at Rajanmbhumi Mandir i.e. which was later attached, was there. My meant with disputed place, is which has been attached.

It is correct that at present the building inside the courtyard of Hanumat Dwar and Singhdwar is included. Attachment of 1949 as recorded in para 32 of my affidavit, is concern with the attachment of the building which has three domes. In this attachment of 1949 disputed building was limited only upto the wall of grills and its outside enclosure i.e.

outside wall and grill wall enclosure was attached later in 1982. In the details given by me in para No.32 of my affidavit Ramchabutra Mandir, Shiv Darbar, Chathi Pujan Sthal, Bhandar grah, Kothar and Sant Nivas were attached in the year 1982. At the time attachment of 1982 I was not present at Ayodhya. I came to know about this attachment by the letter sent by Mahant Ramkewaldas Ji on 2.12.82. After receiving this letter I came to Ayodhya after some days. I had given application to the Nirmohi Akhara for taking permission for contesting the case regarding to the said attachment. Being the panch of Nirmohi Akhara, I have given above application for the consent of the all panchas. I am panch of the Nirmohi Akhara since 1980. Nirmohi Akhara is operated through by the executive committee of the Panchas of the panchyat. I am not the member of this executive, who operate the Nirmohi Akhara. Number of the members of executive committee always remains five and in this manner still members of the executive committee Mahanat S/Shri Bhaskar Das, Ramdas,

Jagnnath Das, Dinender Das and Jairam Das, who has died just last month. I have written in para No.15 of affidavit about the loot and attachment, this is written by me on the basis of my personal knowledge and documents. List-3 has been referred by me in para 15 of the affidavit, in which charge sheet and FIR are annexed. From the charge sheet of List-3 it is clear that in the case accused persons were Ram Lakhan Saran, Dharamdas and Ram Balak Das. Now this case has been disposed and above three accused have been acquitted. I never came to Faizabad in this criminal case.

The articles referred in the list in relation to the attachment of 1949, this was came out from the dome building. These auricles were remained below the dome of the same building after the attachment of idol of Ramlala. In this lists two small and big idol of Ramlal Ji, six of Saligramji and one idol of Hanuman Ji was attached. Two idol of Ramlala Ji one small and one big and small idol of Laxman Ji. Thus total nine attached idols were in the building, out of them one was Ramlala, 6 of

Saligram and one was of Hanmanji. It is correct to say that there was no size of the idol of Saligram and they were of stone of general conscience and six stones thrown were lying along with the Ramlala.

Picture No. 154/13 (other original suit No.1/89) all the six of six idols of Saligram Ji are visible, which are kept back and forth and these all idols were kept in this hall at the time of attachment. The scene showing in above picture, same position was on 5 January 1950. In this picture the in hanged picture has the darbar of Ramlala which has photo of Ram, Laxman Hanuman etc. and Sita is also visible. In this picture in the throne Ramalala, Laxman and Saligram are seen inside and Hanuman Ji outside. Stones are installed above the stair seen in the picture and throne is lying on the above stone. Throne is of silver. Two more pictures are lying in front of the throne which is not visible because it is small. Because of the lapse of several years I do not remember that who were the God in this picture, I am viewing these pictures since the year 1943 when

I came to view and worship. Similarly two photo are seen above the throne , one just above the throne and other in wall, but the picture seen in it is not clear because of the lapse of several years I cannot tell that this picture is of which God. Prashad of puja are kept on the downstairs in which one bell, one joss stick and one urn is kept. I orally not remember that something is written on the stone attached to the pot parallel to the upstairs or not.

Since long time has been passed and hence I do not remember that any big stone was attached on the outside wall of the dome or not. I do not remember if something was written on it or not. It is correct that picture document No. 154/11 is the photo of outer part off the middle dome, in which something is attached in the front side. I cannot say that it is stone or not. When I start to visit disputed place , since then I do not member that I have seen this stone or not, because it was not needed. Since this stone was at the much height hence question of reading on it

does not arise. I cannot tell that the contents carved on the stone were in Sanskrit or Arabi or in Farsi or Hindi. I do not remember that the scene seen in document No.154/12, is the photo of west wall of the inner part of the middle dome or not. I never seen the inner wall of the middle dome thoroughly. On the basis of which I have not seen any inner wall in the north-south domes. Walls below to the dome building was the part of the disputed building, but never think it necessary to look. Vol. I had seen that number of the pillars installed below the walls were 10-12. I do not remember if there is any Photo of the three domes building in document No.154/14 or not. I have not seen the picture showing in document No. 154/14, because curtains were lying there and also covered with chandni. Curtains were lying over the wall and entire wall was being covered. On the wall below the three dooms i.e. north-west and south walls, are covered with curtain and over chandni was covered. I have seen this position of curtains from 1943 to 1951. After 1951 I do not know the position of

curtains, because after 1951 I used to visit outside. From 1951 till 6 December 1992 I never entered in the disputed building because disputed building was attached. After opening the lock in the year 1986 also till 6 December 1992 I never entered in the disputed premises, because I was living in Gujarat. Curtains were not remained similar always and were changed on day basis such as white on Sunday, green on Wednesday, saffron on Wednesday etc. Curtains were changed by the priest and employees. Curtains were taking off and kept in a room. I never did this work. My work was brooming, bring flower-tulsi and wear garland. Work to change the curtains was done by Ram Adhar, Ram Bilas, Ram Sakal Das etc. In picture document No. 154/7 and 10 in the picture behind the three domes building, white design is seen, this is because of moss. , this is not any pole etc. This is the design made by plaster in cement and due to flow of water in between the same this moss is generated.

In picture document No.154/5, the chabutra, three chabutarnuma samadies are shown

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towards right side. These Samadhis are of Angira, Narad and Shadliya etc. sags. I cannot tell these samadhis are of how many Sags. It is incorrect to say that these are tombs, rather these are samadhis. Domes seeing in the picture document No. 154/8 is northern or southern, I cannot tell because this is incomplete. In document No. 154/6 in the south-west corners of the domes of disputed building, there is picture of corner. I cannot tell that picture document No.154/16 is of any part of the disputed place or not because this is not complete picture. Because of lapse of enough time I do not remember that any chabutra is made in the hall of south side of the disputed place or not. since urine is never discharge inside the hall and hence I cannot say that the picture shown is the place of discharge of urine behind the wall.

Statement read over and affirmed

SD/-

01.10.2004

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Typed on my dictation by the typist in
open Court. In order to same put up for further
cross examination for 02.11.2004.

Sd/-
(Hari Shankar Dubey)
Commissioner
01.11.2004

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**BEFORE: HON'BLE HIGH COURT ALLAHABAD, DIVISION
BENCH, LUCKNOW**

02.11.2004

**D.W. 3/20 MAHANT
RAJARAM ACHARYA**

(Cross examination of DW-3/20, behalf of Defendant No. 9 Sunni Central Board of Waqf UP, by Shri Jafaryab Jilani Advocate, is continuing from 01.11.2004).

Below part of the three domes of the disputed building was Garbhgrah. Nowadays Ramlala is in a tent, this is a small place. I mean from grabhgrah is the place where birth took place, this place is called grabhgrah. Grabhgrah is in the same temple where birth of anyone took place In this regard I would not tell if there any grabhgrah in the temple of Kanak Bhavan, Hanumangarhi, Nageshwar Nath Mandir. The temples of the India in which any Avtar is born there would be grabhgrah, such as Narsingh Bhagwan was born in Multan and hence there is Grabhgrah in its mandir. Similarly Lord Krishna was born in Mathura and there is Grabhagrah in that mandir. In Mathur Grabhagrah is only in Krishna birthplace. I do not know about the rest temples. I heard that for the

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shape of grabhgrah, temple buildings , Vastu Shastr is a certified granth, but I have not read it.

In relation to the religion in some books I have read Vedas, Upnishad, Ramanayan and Geeta etc. I have also read some mantras of four Vedas. I have not read complete Vedas. There are up-veda of the four Vedas. They are eight in total. I have not read any veda in entirety, rather read some of the parts. I went Gayatri Bhavan Sanskrit Vidyalaya, Ayodhya for the study of Vedas for three-four years. At that time Paniji was the teacher. I start going there for study in after the year 1943. Vol. I start going to Gyatri Bhavan Ayodhya for study of Veda after 1946. All four Vedas and four up-vedas are in Sanskrit language. Till 1946 I had no full knowledge of Sanskrit, rather was normal knowledge. I have knowledge of the Sanskrit upto the extent that I can generally read the Vedas and can explain their meanings.

I got experience of shastri from Varanasi Ramanand Sanskrit Vidyalaya and got degree of Shastri from Varanasi Sampuranand Sanskrit

University. In the Vedas it is written in Rig-veda - '*ashtchakra navdwar devana pur ayodhya*' which mean that Ayodhya has asthkon and it has nine doors, in this manner Ayodhyapuri is. It is correct that this is mentioned only about whole Ayodhya city and not about any specific place. In any of the Veda birth place of Ramchander Ji in Ayodhya is not mentioned according to me.

I have not read Valmiki Ramayan and Ramcharit Manas from any school or university, rather heard and explained from saints. I have read translation of Valmimi Ramayana and understood the original from the translation. In Ramcharitmanas birthplace of the Lord Rama at Ayodhya is mentioned, in which episode it is mentioned I would not tell this time, but I remember the Doha and same is as - *janmbhumi mum puri suhawan, uttar dis saryu bahipawani*. Question. I say that in the above chaopai Ayodhya Nagri is mentioned and not any specific place of Ayodhya where Ramchanderji is stated to be born.

Answer. In this chaupai *mum suhawani* is a sense of birth place and *suhawahi* is the second sense of Avadhpuri and in north side holy Saryu is flowing, this is third sense. Therefore birthplace is clearly seen mentioned in this *chaupai*. This is stated by the Ramchanderji,

At present I do not remember that apart from this any other place of Ayodhya is mentioned as birthplace of Ramchanderji or not. Vol. in other place one *chauai* is as under - *mamdhamda puri suhrashi ati priya mohi yahi ke wasi'* which mean is that where there is my Dham I loved their residence and it has specific directions of birthplace. At present I cannot tell in which episode of Ramcharitmanas has the above *chaupai*.

In Valmiki Ramayan birthplace of Ramchanderji is found mentioned. In this Ramayan following verse is found:-

Yewam devowara datwa devana
vishnuratmanah:

Manushye rochyamata janmbhumi atthtmanah:

It means Vishnu has blessed the gods and Vishnu has gave himself birth in the form of

Human and also direct his birthplace. In which sarga or khand this verse is in Valmiki Ramanayan I would not tell this time. I do not remember that apart from the above verse in any place birthplace of Shri Ramchander Ji at Ayodhya is mentioned or not. I heard that creation of Valmiki Ramayan was happened in the era of Shri Ramchanderji. I believe on it. Vol. despite that on this basis I heard from Mahatmas that Valmiki Ji has on awakening of the wisdom and on having knowledge of the Trikaal, this Ramanayan was performed. Era of Ramchanderji is of crores of years ago and he was in 24th Tretayug. Valmiki Ramayan is the book written crores of years ago. I heard that now some part has been added in the Valmiki Ramayana, which is called implied part. I do not know that which part of the Valmiki Ramayan is implied or which verse are stated to be implied. Present Ramayan which has been printed in two parts by the Geeta Press, Gorakhpur, is document No.261 C-1/1 and 261 C-1/ and is in the original language in which language Valmiki Ji has written. (Vol. this Ramanayn has been

printed by the various press in India and hence path-bhed are different). Path-bhed is in the original. I cannot tell that Balimiki Ramayan printed by which press shall be deemed certified or universal, even though we believe the Valmiki Ramayana with reverence. I read the Valmiki Ramayan printed by Bombay Banketwshwar. I would not tell in which press has printed Valmiki Ramayan first time and where is it and it has any copy or not.

(On cross examine by the Court witness said that when I starts reading Valmiki Ramayan then I could not imagine that during this period any part was added as implied in this Ramayan or not).

Apart from the Ramcharit Manas, Valmimi Ramayan related to the life of Shri Ramchander Ji, I have read Adhyatm Ramayan, Uttar Ramcharit Natak etc. Granths. At present I do not remember the name of other books. At present I do not remember that there is any verse in Adhyatm Ramayan in relation to the birth place of Shri Ramchander ji at Ayodhya or not. At present I do not remember at present

that in any other book relating to the Uttar Ramcharit or related to the life of Ramchander Ji, his birthplace at Ayodhya is mentioned.

In the Puranas, only in Skant Puran birthplace of Shri Ramchanderji at Ayodhya is mentioned. In Ayodhya Mahatmy part of the Skant Purana, such thing is mentioned - *Kapila Gosdhsthren, yo dadati din dine, tatfal, swawanoti, janm bhume: prdarshnart, lomashtpiyeme bhage*, its meaning is that who donates thousands of cow every day, this fruit only got from the view of Ramjanmbhumi and the sine generated from thousands of the births is destroyed by the view of Ramjanmbhumi.

Apart from the above in the Ayodhya Mahatmya part of Skand Puran other details is also found. I remember sholk and sentiment both. According to its details birthplace is stated as janmbhumi in the east and north corner of the Vashisht Ashram. In north Mattagender is stated and the place defined in the south I do not remember it. According to the above details of Ayodhya Mahatmy distance of the birthplace from the above three places

i.e. Lomesh Ashram, Vashisht Kund and Mattgajendr is around 1 ½ - 2 flang. Vol. I do not remember that this distance is mentioned in Ayodhya Mahatmya or not. I have telling this distance considering the present position. I would not tell that in case distance of a place is shown 500 dhanush from another place then how many feet, meter or flang would be it according to present measurement. In Ayodhya Vashisht Kund or Vashisht Ashram are one. I did not read or heard that Lomesh Ashram is also called Lomesh Chaura. I do not know any such place known Lomesh Chaura, which is situated at near the disputed place. At present Lomesh Ashram is at the distance of around 1 ½ flang east from the disputed place. Lomesh Ashram is in front of Manas Bhavan.

(Witness has seen the site plan annexed at the end of case of original suit No. 3/89 and said) that below south side of the Sumtra Bhavan, Lomesh Chaura is shown this is Lomesh Chabutra. I have seen this place at spot. This Lomesh Chaura is in the name of the Lomesh Muni whose Lomesh Ashream is told by me. This Lomesh

Chaura is 2 ½ -23 ft long and similar wide and similar height as per my idea. This is the place of sitting of Lomesh Muni and hence his worship is offered. Above this Lomesh Chaura, in this site plan two Samadhies Markandey ad Angira is seeing who are correctly shown. I have seen these samadhies at the spot. These samadhies are at eh distance of 4-5 feet from the South wall of the disputed building. These samadhis were situated 4-5 ft towards south from the south wall of the disputed premises. Angira was also Muni and his Samadhi is also worshipped.

(Attention of the witness is drawn towards the part of page 70 in which in reference to the photographs document No. 154/5, Samadhi of Angira is told) that yesterday I have mentioned the samadhi of Angira along with the samadhi of other told Sags, this was mistakenly done. In fact Samadhi of Angira was towards south side. In the site plan document No. 154/5 of above case Narad Chabutra is shown towards north side, which is Narad Samadhi. Narad Samadhi is not shown. In document No. 154/5 Narad Chabutra

is clearly seen, but is seen adjoining with the Samadis and hence it is called Samadhi. In this site plan of the suit the Samadhi shown in the north side , apart from I there were other samdhi or how were, is not remember to me. At the time I used to go there for worship, I did not count that how many Samadhi were in the north side. But all the Samadhi shown in the north side were seen by me separate at the spot. At the spot 8 samadhi were visible separately. I did not measure that what is the length-width of the Samadhi. Samadhi would be 4-5 ft long as per my idea and 2- 2 ½ ft. wide. I would not tell from seeing the Samadhi/chaure shown in picture document No. 154/5 that the Samadhi seen by me at the spot, they were in the same width and length of the Samadhi shown in the picture of less, because picture is not clear. Narad Chabutra shown in the north side was square at the spot. It was around 2 ½ 3ft long and similar wide. This Narad Chabutra was in the north side, alight from the fatah at the distance of four or five ft from stairs towards

west side. These stairs starts at some distance from the fatak.

After crossing from the north fatak of disputed place there is 5-7 ft wide road, in the north of the said way there is the place of Samadhi and its north has the dammar road.

(Witness has seen the photo No.23 shown in the photograph No. 201 C-1, and said) I told its width as 5-7 ft as per my idea which is not measured).

In the north side of the disputed premises crossing the road there is another Ramjanmsthan temple. But in fact this is called Sita Rasoi. Vol. disputed place is called Ramjanmshthan, Ramjanmbhumi Mandir. I cannot tell that above Ramjanmbhumi Mandir situated in the north side, which we called Sita rasoi is 200-250 years old or not. When I start seeing this temple at that time how old was it 40 to 50 years or 100-200 years, I do not have its idea. It is correct that am glimpsing the north temple since the year 1943., such like other temples. Main door of the above Uttari Mandir is towards east side. I cannot tell its length

and width. Since I did not measure it and hence I cannot tell that it is 8-10 ft height or 7-8 ft wide. In my previous statement the length-width of the Samadhi told by me, I did not measure it and only told as per my idea. There is a stone on the main gate of above temple, on which Ramjanmsthan (Sita Rasoi) is written. This stone was planted in 190 by the Edward Ayodhya Samvradhhani Sabha and at that time 148 similar stones were planted in the religious places at Ayodhya. According to me birthplace written on the stone is not referred to the birth place of Ramchander Ji, rather I cannot tell it is for which birthplace. Vol. stone No.1 Janmbhumi Nitya Yatra is planted at the disputed premises and below it written "Janmshtam Ramhander Ji ka". It is incorrect to say that I am giving false evidence that on the stone at disputed premises 'Janmstehan Ramchander Ji ka' is written. The stone building is clearly seen in the photograph No.25 Album No.201 C-1 and hence Janmsthan Ramchander Ji Ka is not seen, I say that

Janmsthan Ramchander Ji ka is written in below side.

I cannot say that 'Janmsthan Ramchander Ji' is written in this stone since that time or not, when this stone was planted or extended later. It is correct that writing or inscribe 'Janmbhum' and 'Janmsthan Ramchander ji' are in different style. It is incorrect to say that 'Janmsthan Ramchander Ji' is only written on the stone rather it is correct that this word is also sculpted and glass is filled. It is correct that Janmsthan (Sita Rasoi) is used for the same mandir which is situated in the north of the disputed place across the road. It is correct to say that in the north part of the disputed building a part is called Sita Rasoi. Vol. Kaushalya Ji has performed Chhati Pujan at this place. There are *Charan* and *Chulha* of the four brothers and at the same place Rasoi of Sitaji is made. Since I did not go to the Uttari Temple and hence I do not know there is Sita Rasoi or not. I read there and heard that Sita Rasoi is written on the door, but neither I have seen the Sita Rasoi in the Uttari Mandir

nor heard from the people nor I heard that there was any Sita Rasoi in the Uttari Mandir or not. Since I was living in the disputed place from 1943 to 1951, but I never went across the road of the Janmsthan Mandir.

It is correct that Mahant Bhaskar Das who is sarpanch of the Nirmohi Akhara, was the priest of the Jamsthan Mandir situated across the road for long time. At that time he was the priest of the Mandir, I was not in Ayodhya and visit sometimes but I never went across the road to meet the Mahant at the Uttari Mandir.

The statement given by me yesterday that from 1943 to 1951 I was living in the dome building. My meant for living is to do worship and rest. For sleeping I used to go in the Saint Nivas made on the disputed premises. In the nivas big priest sleeps on the plank and we rest used to lean on the ground. Sant Niwas as around 15 ft long and 7-8 ft wide, roof of this sant niwas was of tin in which chaff was laid. Wall of this sant niwas was cemented for some height and had nets on three sides and backside has wall of the temple. Two doors were

installed in the east side. Sant Nivas was adjoining to the north wall of the premises of disputed building.

Length and width of the storehouse would be approximate 5-7 feet, in which one door was installed. I did not measure the door. This door was south face, which also had tin shed and had thatch over it. Similar to the Sant Nivas three walls were limited for some height and then lattice was installed.

Storeroom was in the south side adjoining to the store house, which length was 3-4 feet. The way to access the storehouse was via storeroom. Door of storeroom was towards south side. Apart from the door of storeroom there was no any way to access storehouse. Total length of the Sant Niwas, Storehouse and storeroom would be around 25-30 ft. Ramchabutra would at the distance of about 35-40 ft from the corner of storeroom. In the north of the Ramchabutra and in the south of storeroom there was the place of chanting, over which tin-shed was lying. Distance from storeroom to chanting place would be around 7-8 feet. I myself gave

application to the Court of City Magistrate and sought permission to put tin -shed in the place of chanting. This permission was given to me and site plan was also passed from the Municipality. This application was given by me in 1961. I was not living in Ayodhya in the year 1961, but in connection to the arrangement I used to visit Ayodhya and during his period I had filed application. I do not remember this time that copy of the above application and copy of the order passed thereon is filed by me in this case or not. May be in the case of Nirmohi Akhara Vs. Priya Dutt Ram copy of the above application and order is filed. I have not filed but filed by the advocate of Nirmohi Akhara. I cannot tell what number is put in the above documents. The document number referred by me in the affidavit, is at the instance of my advocate. In para no 17 of the affidavit I have mentioned number of those document at the instance of my advocate. I cannot tell the date when it was inspected. I cannot tell the year of the inspection. So far as I remember document were inspected 2-3 years ago. At that

my advocate was also present and I was also sitting and these documents were shown to me. These documents were given on behalf of the govt. which I had seen. While writing my affidavit also I have seen date 6.2.61 on the above application, its copy is still with me. In para 18-19 of my affidavit the referred document are seen at the time of preparing the affidavit and its copy is still with me and all these documents are related to the chanting. In Album document 200 C-1, photo 56 the front tin-shed is the same was passed by me and in which regard permission was taken from City Magistrate. After getting permission work was started immediately and completed in the year 1961. Below this tin-shed Chabutra was already made. The chaff shed seeing behind the tin-shed is over the Ramchbutra. There was already tin-shed over this chabutra which flee in the year 1953-54. Thereafter chaff thatch was put. This thatch of chaff was remained till 1955 and thereafter I went to Gujarat and then I do not know there is tin-shed or not. From Gujarat I used to come in second or third year when

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needed, but I not come for the darshan of Ram Chabutra, rather after talking with the officials of Akhara, I used to return.

In para 20 of my affidavit the site plan referred by me , this is filed before the court. I have written the document number from seeing the file kept by me.

Statement read over and affirmed

SD/-
02.11.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 03.11.2004.

Sd/-
(Hari Shankar Dubey)
Commissioner
02.11.2004

BEFORE: HON'BLE HIGH COURT ALLAHABAD, DIVISION
BENCH, LUCKNOW

3.11.2004

D.W. 3/20 MAHANT
RAJARAM ACHARYA

(Cross examination of DW-3/20, behalf of Defendant No. 9 Sunni Central Board of Waqf UP, by Shri Jafaryab Jilani Advocate, is continuing from 01.11.2004).

Witness has seen the picture made on document no. 289C-1/202 and said that east side of Lomesh is of Ramjanmbhumi- Babri structure is rightly seen in it. Vol. this is Lomesh Ashram. From the disputed structure it should be west in Vashisht Kunjd and in this site plan document No.289 C1/202 in case it is shown in North side then it is incorrect. In this site plan Vidhnesh is shown in the east side. Vol. I have some illusion about the direction shown in this site plan. Site plan made in document No. 289C-1/23 is seen and witness said that Lomesh Rishi Ashram shown in it is the Lomesh Chabutra i.e. Lomesh Rish Ahram is wrongly shown in this site plan, because Lomesh Ashra is in the east side of the disputed structure. Yesterday in my

cross examination I have stated about the Chaupai of Ramcharitmanas 'Mamdhamadha puri suhrashi ati priya mohi yahan ke wasi' and also explained its meaning. It is incorrect to say that above chaupai is not in Ramcharitmanas and its similar chaupai is after 34th doha in third chaupai of Balkand. *Ramdhamadha puri suhawani lok samast vidit ati pawani.*

My yesterday's statement is not in reference to this chaupai rather is in relation to the chaupai which was referred by me yesterday. Since Ramcharitmanas is printed in several press and since the Ramcharitmanas read by me , in which this chaupai is mentioned and hence I told the same. I have not read the Ramcharitmans printed by Geeta Press. At present I would not tell by searching the Ramcharitmans printed by Geeta Press document No. 258 C-1/2/2 that the chapuai told by me is at which place.

It is correct that after 33rd Doha of the Balkand of Ramcharitmanas, in fifth and sixth chaupai date of birth and month of Shri Ram is

mentioned. In this Ramcharitmanas apart from the above two chaupai, date of birth of month of Sri Ram, is not mentioned. After the 33rd doha of the Balkand, in sixth chauppai above fact is mentioned that the day when Shri Rama was born, according to Veda Shruti all the pilgrims came there.

The verse of Balkmi Ramayan mentioned by me yesterday in the last line of page 74,, this is the 30th verse of 15th sarga of balkand of Valmimi Ramayan. This Valmiki Ramanayan document No.261 C-1/1 is seen and witness said that this verse is as under:-

*Yewam datwa varan devo devana
vishnuratmanah:*

Manushye rochyamata janmbhumi atthtmanah:

In this book the meaning of this verse is written, is not completely clear in my view. The meaning given in this book according to which it is written that considered about the birthplace whereas the meaning should be that consideration made in relation to the

birthplace (Vol it is clear from the next verse) It is not coregent that next verse is not concern to the janmbhumi. The meaning of 21st verse of 15th sarga of the balkand of above Valmiki Ramayan is given, is not correct. Its correct meaning is that Lord has in his four forms i.e. Ram, Laxman, Bharat and Shatrughan, made father Dashrath as their creator, which happiness is taken by the Dashrath in the form of sons. It is incorrect to say that the meaning told by me of this verse is wrong. It is incorrect to say that meaning of the stanze given in this book is correct. I do not remember that in Bamiki Ramanayan any verse relating to the birth of Shri Rama is clear or not.

10th verse of 18th sarga of the Balkand of Valmiki Ramanayan is related to the birth of Shri Rama. (Ld. counsel has shown the Valmiki Ramayan to the witness and seeing the same witness said) in this book of the above verse of 18th sarga is correctly given. (Vol. the verse of the 30 and 31st of 15th sarga referred

by me has concern to the same intent). It is incorrect to say that 30th and 31st verse of 15th sarga of Valmiki Ramayan and 10th verse of the 18th sarga have no relation. In 13th and 14th verse of the 18th sarga referred about the birth of Bhart Ji, Laxman Ji and Shatrughan Ji. It is not correct that in 10th verse of the 18th sarga , date of birth and month of Shri Ram is mentioned. It is correct that in this sarga in the 8th verse month and date of birth of Shri Rama is mentioned.

Question. I have to say that in this 18th sarga there is no mention about the birth place of Shri Rama?

Answer. I would not tell that in this 18th sarga birth place of Shri Rama is mentioned or not because I have not read entire sarga.

It is not correct that in the 17th and 18th verse of 18th sarga of Valmiki Ramayana it is mentioned that there was an atmosphere of happiness at the time of birth Shri Rama. It is also correct that in the 21st and 22nd Verse of the same sarga naming ceremony of the four

brothers is mentioned. I do not remember that this Valmiki Ramayan has any mention about the chhati puja ceremony or not. Thus I cannot say that there is any chatty puja sthal mentioned in this Valmiki Ramayan or not. In Ramcharitmanas nandi Shardad etc. ceremony are mentioned, in which all the 16 ceremonies come.

In Valmiki Ramanayan palace of Shri Ram and Dashrath Ji is mentioned. In Valmiki Ramayan Raj Sadan of Dashrath is mentioned which means Dashrath Mahal and it is also mentioned in it that Kaushlya gave birth to Rama. At present there is a temple named Bada Sahan in Ayodhya, which I know. As per my information at present there is no any building in the name of Dashrath Mahal or Dashrath bhavan in Ayodhya City. Nowadays the mohalla is called as Ramkot Mohalla in this Mohalla at stone No.9, Ramdurg is written, it expressed the palace of Dashrath. In my view Fate of the palace of king Dashrath was at the same place where stone no 9 is planted. Distance of the above stone No.9 from the disputed place is

about three flang in east side. This stone No. is planted at the door of Bada Sthan Mandir i.e. Bada Sthan Mandir is also included within the durg of King Dashrath. There are several departments in durg. In the books Ranivas, Darbar, Singhasan etc, Ratan Singh Mahal is mentioned in the palace since the time of King Dashratha. Apart from a the above in Valmiki Ramanayan, in the same fort whether the palace of Shri Ram is mentioned or not I cannot tell. In the Valmiki Ramayana for the residence of Raja Dashrath, separate palace in the same durg is mentioned. It is possible that in Valmiki Ramayana, it would be mention that Sita Ji lives with Shri Ram in the palace. It is also correct that in this Valmiki Ramayana, separate places are mentioned for Kaushaliya Ji, Sumitra Ji and Kekai Ji. I did not study that at the time of Raja Dashrath, what was the distance between the palace of Kaushalya Ji and Ramchander ji. I did not saw any book that what was the distance between the places of Kaushalya Ji and Ram Chander ji. I never saw written in any book that in the time of what

was the shape of palace of Raja Dashrath, Shri Ram, Queens of Raja Dashrath. I heard from Saint Mahatmas that Raj Darbar was grafted with gems. I have not heard from the Saint Mahatmas about the length-width of palaces. About the length-width of Durg I heard from the Saint Mahatmas that it was with the perimeter of 125 of 150 Kos. This durg from the east side where stone No.9 was planted and was upto the bank of Saryu river i.e. Durg was in the west side ahead to Brahmkund. Till that time Brahmkund was included in the durg. Brahmkund was not in the bank of Saryu in the time of Raja Dashrath. I would not tell that Saryu river flow at what distance from Brahmkund. At present Saryu river flows at the distance of 1 ½ kilometer from Brhamkund. I have seen Saryu river flowing at near the Brahmkund, i.e. apart from the time of flooding I have seen Saryu flowing at near the Brahmkund. There are various temple and gurudwara in between the disputed place. Theses temple and gurdwara are not in the management of Nirmohi Akhara. In between the west wall of the Brahmkund and disputed building there is

distance of about 2 - 2 ½ flang. At present distance between the temples named as Kaushlya Bhavan and disputed premises would be ½ flang as per my idea. Since present Kaushlya Bhavan is situated in the durg of the time of Raja Dashrath and hence it may be possible that it is at the same place where Kaushalya Bhavan was at the time of King Dashrath. Vol. It would not be correct to say that at present the place where Kaushalya Bhavan is situated, there would be the bhavan of Rani Kaushalya. Disputed place was the palace of Kaushalya Ji. Since Sumitra Bhavan is situated in the south of the disputed place and Kaikai Bhavan is in the North and hence Kaushalya Bhavan would be at the disputed place because she was the eldest queen.

In document No.289C-1/203 Sumitra Bhavan is shown at the right place. I do not know that in the three palaces of three queens of King Dashrath has separate kitchens or all the kitchens were in one place or kitchen of all the places was one. I cannot tell that Shri

Ramchander Ji and Sita had any separate kitchen in the palace or not.

Question. Then on which basis you says that Kaushaliya Rasoi was at the disputed place?

Answer. Since Kaushalya Ji gave birth to Rama at the this place and hence for their ceremony and dev puja, a kitchen would be made in the palace.

The place where birth is took place kitchen is also made there. I have not seen that in the book of Ramcharitanas or Ramanayana or any other book Kaushalya Rasoi is mentioned or not. Similarly I have not read mention of Sita Rasoi in any of the book.

I believed that 'Geetawali' created by Tulsidas Ji is reliable. I have seen it little in the causal view. In document No. 46 C-1/1 Geetawali, birth and birth related ceremonies of Ram Chander Ji are detailed. In this Geetawali Book at page No.19, padh two, fourth pad 'Bhupadi Sadan' means palace of King Dashrath. In page No.21 of this book, in 9th

line Bhupati Sadan is referred it also meant palace of King Dashrath. Bhavan and Sadan have similar meaning. Bhupati Bhavan and Bhupati Sadan can be similar. Vol. in words it seems two and hence I cannot say that both the word are indicative of one building or of separate building. From page 19 to 21 of this Geetawali, has details of the atmosphere of the time of birth of shri Rama. In which at the time of giving birth to Shri Rama by Kaushalya Ji, sky was came lighten.

Question. Is there any place is mentioned in this para where Rama was born?

Answer. In 20th para Ranivas of Kaushilya, Sumitra and Kaikai is referred, from which it can be said that in the Ranivas of Kaushalya Shri Ram was born, but I this para this place is not mentioned, where Ranivas of Kaushalya was situated.

At page 28-29 of the Geetawali, in para 3 chhati word is mentioned, which means chatty pujan. It is correct that at page no 28-29 of

this book in third para it is mentioned that Mahraj of chatty is in Manjul Bhavan.

At page 30th of this book the meaning of the above sentence is given is correct. In this para Manjuli Math means the place where Chathi pujan was held because according to which Bhupati Jani word came. In this para chati pujan in Kaushalya Bhavan is not mentioned but Chathi pujan would be at the same place where Kaushalya Ji was living.

In page No 49 of this book, pad No. 21 second para Bhupati Bhavan is meant palace of Maharaja Dashrath. At page No.72 of the book in 39th para first line, Narpbhavan Dwar is written, its means Raj Kumar is standing at the door of the Raj Bhavan of King Dashrath.

Chhati Pujan Sthal is given religious recognition by the people since the time of Dashrath and since then their worship is continuing. This place was the place of Kaushlyya Bhavan since the time of King Dashrath and by the passage of time Kaushlyya Bhavan fell down, but there is no such recognition that

upon going to Saket Dham by Ramchander Ji, Ayodhya became silence. In the uttrakhand of Valmikiya Ramanayan in 114th sarga 10th verse it is written "after reaching Paramdham by Shri Raghunathji, delightful Ayodhapuri will remain silent for several days. But in 114th sarga parshit is added from behind and I think it is not proper and the reason of my considering it is that after the Ram Chander Love and Kush have to ruled and they have to forward the Suryavanshi traditions, which traditions are still exists in the various parts of the country. It is incorrect to say that Love and Kush have never ruled in Ayodhya, rather Ayodhya was within the area of their State. It is incorrect to say that there are such recognition that Ramchander Ji has in his lifetime given the separate states to Love and Kush and they are far from Ayodhya. It is correct that as has recognition that Ramchander Ji remained the King of Ayodhya till his last time. According to the recognition today's Ayodhya is the same which was in the time of Ramchanderji. But by the passage of time

development and damage was happened. Today's Ayodhya became smaller than the time of Ram Chanderj, whereas according the Valmikya Ramayan at the time Ram Chander ji, Ayodhya was 12 yojan long and three yojan wide (144 mile long and 24 mile wide). Thus it is correct that in comparison to the tile of Ram Chander ji, today's Ayodhya is collapsed. This fact is in which sarga of the Balkand of Ramchander J, I cannot tell the number. Seeing the Valmiki Ramanayan witness said that in the fifth sarga of the Balkand in verse No.7, area of the Ayodhya is written. In verse No.6 of this sarga, Ayodhya was constructed by Manu. Which number of Manu has constructed, I cannot say. It is incorrect to say that verse No.9 meant that prior to Maharaja Dashath Ayodhya was ruined and later its development was made and rehabilitated.

Question. Did you believe that after settling the Ayodhya by Manu, Ayodhya was never ruined nor deserted and this Ayodhya is continuing till date.

Answer. The Ayodhya settled by the Manu is the same Ayodhya, but due to time and circumstances this loss is occurred. My mean to it is that the Ayodhya exists earlier same was damaged by the passage of time and the palace and splendor are destroyed i.e. not seen today. Some people have recognition that this Ayodhya was habited by Vikramaditya, it means that he rehabilitated Ayodhya i.e the building which fallen he renovate the same. According to me ruining or destroying does not complete destroy, rather its form is reduced. According to me such situation never came that there was no population. Rather in the fifth sarga of Balkand of Valmiki Ramayan, the details of Ayodhya is given is correct.

Question. Is this detail of Ayodhya which his given in above fifth sarga, is still exists?

Answer. Splendor of the above details is not exists today in Ayodhya, but form of the above details is seen today in narrow form.

It is incorrect to say that I am giving false statement and above details of the Valkimi Ramayan is not in Ayodhya rather truth I that height of the durg is still can be seen. In the above sarga i.e. fifth sarga, the details given in verse No.10, is also found in Sugriv Teela, Angad Teela, Kuber Tela, Mantgaid Teela, Hanuman Teela i.e. Hanumangarhi.

Question. I say that that in the above Teelas there is no any door or fatak or bazaars, as is written in verse No.10.

Answer. It is correct that there is neither any existence of above Teelas or Fatak nor any door. Bazar is not on teela by there is a way to go bazaar. It is correct that in today's Ayodhya, garden mentioned in the above verse 12 of above sarga are not present nor there is forest of Sakhu, but this garden etc. can be anywhere within the area of 144 mile and I do not know its exact position. Deep trench mentioned in verse No. 13 and cattle full Ayodhya does not exist today, despite that hours and today's motor car etc. are the

developed sources. High palace mentioned in the verse -15, are not exists today but in their place high temples are available today. Gold water in the palaces is mentioned in verse -16, is not exists today. Sweat water, paddy etc. mentioned in verse No.17, are still exists, but the splendor is mentioned is not seen today. Water of Ayodhya is still sweet like juice of sugarcane, but population is not so crowded as mentioned in verse No.17.

In today's Ayodhya oldest to old Mandir is 250-300 years old. I cannot say that there is any oldest building of temple in Ayodhya or not.

Question. Is in your knowledge and information there is any temple of building is in Ayodhya which is more than 500 years old and still exists or not.

Ans. In my remembrances there is no any temple in Ayodhya, which is more than 500 years old.

The disputed building which was broken down on 6th December 1992, according to my knowledge this building was more than 500 years old. This building was Rammandir, which was prior to the ruling of Babar and which was changed by the Babar. Vol. tried to change. In the ruling of Babar, sabotage was made in this building and reconstruction was done. My mean to say that earlier constructed building was sabotage in the time of Babar and later tried to reconstruct in which he was not succeed and it was changed as a struggle and this struggle is still continued.

Along with my affidavit in the list 11 I have filed extracts of the book named 'Raktranjit Itihas', the written in it are correct.

Statement read over and affirmed

SD/-
03.11.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 04.11.2004.

Sd/-
(Hari Shankar Dubey)
Commissioner
03.11.2004

BEFOR THE SPECIAL FULL BENCH OF HON'BLE HIGH
COURT ALLAHABAD, LUCKNOW

04.11.2004

DW-3/20 MAHANT RAJARAM
CHANDRACHARYA

(Cross examination of DW-3/20, behalf of Defendant No. 9 Sunni Central Board of Waqf UP, by Shri Jafaryab Jilani Advocate, is continuing from 03.11.2004).

Along with my affidavit extract of the annexed Rankt Ranjt Itihas List II, first sentence "from today..... held" is correctly written. Whatever is told by me in my statement given before the Court that Shri Rama was born crores years ago, is correct and in the above part of this book, his birth about 9 lakh years ago is correct. Vol. clarified that the statement given by me earlier was in reference to birth of 24th Ttreta Era and in this book it is written that Shri Rama was born in 28th Treta era. I heard from Ramanandacharya Ji that Shri Rama was born crores of years ago. I have not read in Puranas or any other religions book that Shri Ram was born crows of years ago, rather heard from Acharya. Birth of Shri Rama

in 9 Lakh year ago in 28th Treata Era, is read by me in Adhyatm Ramayan. Out of the four Era one is Treta Era and four Eras together make Chaturyug. I would not tell that what is the period of each of the era of Chaturyug or how the period is calculated. I heard this from the Saint that Shri Ram was born in each Treta Era. Since this fact is in relation to the Shri Rama and hence I fully rely on it. In every Treta Era Shri Rama was born in the same place of Ayodhya. In relation to Shri Rama, the facts written in Ramcharitmanas or Valmiki Ramayana, his each birth took place in the same manner. In the list 11 of my affidavit, at page 10-11 the pole engaged in the disputed building, out of these 14 poles, two pole were installed in the Hanumat Dwar of the disputed building. Out of the 14 poles engaged in the dispute structure, I have seen idol of Hanuman sculpted in two poles installed in Hanmat Dwar and vermillion was applied in it. I have not seen idol of Hanuman Ji sculpted in rest 12 poles, but sculpted in other poles. In page 11 of the above list 11 the facts of bringing the 84

poles from Shri Lanka is written, out of them where is the rest 70 poles are installed, I would not tell. Vol. these 84 poles were planted in making Ram Mandir. In the time of Maharaja Vikramaditya, restoration of this temple was made. In this book i.e. Rakt Ranjit Itihas of Janmbumi (List-11) this fact is also found mentioned that the 84 poles planted at the time of Shri Rama were present at the time of restoration of Ram Mandir by Maharaja Vikramaditya. In the time of Babar when Mandir was demolish and disputed building was made, then out of the 84 poles 70 poles would be taken by the people or what was happened is not known to me. Because this was the Kasauti stone and was precious stone.

(Court has asked the witness and written that Maharaja Vikrmaditya has mad overhauling of the above temple about two thousand years ago. This Vikramaditya was the Maharaja of Ujjain and in his name Vikrami Sambate starts)

The engraving carving made in the above poles, this is in time of ancestral of Shri Ram Maharaj shri Anarnay. I believe that whatever

the flower leafs made in these poles or was at the time of excavation, these all is in the time of Maharaja Anarnay and such is written in the Lomesh Ramanayan. On page No.14 of the above book Rakt Ranjit Itihas (list-11), in the first title of Babar Ka Akraman, we already written above.... remain secured is correctly written. In the several attacks of Muslims, apart from Babar Mohd. Tuglak, Mahmood Gajnavi, Aurangzeb etc. attacks were happened. These attackers have tried to demolish the temple situated at the disputed place, but could not cause any damage to the idols. In pare 2 of page No.104 of this book this sentence ' After the ruin of Shri Ram Janmabhumi..... went Uttrakhand, is correct. According to it, main Shri Vighrah was seated in the Saryu i.e keep with respect and shri Vighray i.e. small idols were taken and went to Uttrakhand. In the time of Vikramaditya the idols were kept in this temple, they were secured in the same since the time of Babar and thereafter. These idols are still seen in the disputed place. These are the same idols which are out of the idols taken by

Shyama Nand Ji to Uttrakhand. Baba Shyamanand Ji had taken these idols to Uttrakhand at the time of attack of Babar. Govind Das Ji was the bodyguard and disciple of Baba Shyamanan. Govinddas Ji has brought the idols and again established at the same place.

Question: After allegedly taking the above idols to Uttrakhand by Baba Shyamanand, how long time later his disciple Govind Das Ji has brought these idols again to Ayodhya and again established?

Answer. When the war ended them all the idols were brought and restored.

According to this book these idols were stored at the same time. I believe that Govinddas Ji has restored the idols at the same place in the end time of Babar era, where it were earlier placed. At the time of restoration of idols disputed structure was not construct completely and its compete construction could not be made every. I think that the form of the disputed building was in that time, when Govinddas I had restored the idols, its form was maintained till 6 December 1992. I cannot

tell that Govind Das Ji has restored the idols at the same place where I had seen it from the year 1943. Photo document No.154/13 (filed in case Gopal Singh Visharad Vs. Zahoor Ahmad) is seen and said that the idols seen in this picture, its numbers, and place of keeping and Bhagwan Saligram are the same as is established by Govindas Ji in their time.

Ram Chabutra was also established in the same time, when Govind Das Ji has restored the idols, where idols were already present. This was the last time of Babar ruling. In this Ram Chabutra, idols of Ramlala, Bharat Ji, ,Laxman Ji, Shatrughan Ji and Kaushalya Ji, was established by any the disciples of Govind Das. Do not remember name of this disciple. I cannot tell that when hoon, Bodh or Shakon have attacked at the disputed place in Ayodhya, as is written in page 14 of the above book.

In second para of the page 104 of the above list 11 (Shri Ram Janmabhumi Ka Rakt Ranjit Itihas), it is written that '*Shri Ramjanma Bhumi ki brbadi ke baad*' it means that after the more loss to the Ramjanma Bhumi< it

does not meant that after the complete destroy. Pandi Ram Gopal Pandey Shard who was the writer of the above book *Rakt Ranjit Itihas*, is seen by me. He has died. He was the editor of Virakt Newspaper and also writer. He was poet. I cannot say that he was Historian or not. I do not remember I read any book written by him in the subject of history.

Gutargarhi is in Guptargarhat which is separate from Hanumangarhi. Guptargarhi was made in the time of Govind Das. Shri Govind Das Ji was the Mahant of Nirmohi Akhara and were guard of Ramjanmabhumi. Guru tradition of Guptargarhi and Nirmohi Akhara is similar but there are little difference.

Question. At page No.106 of above book tradition of Guptargarhi and guru tradition of Nirmohi Akhara is mentioned, but in the guru tradition of Nirmohi Akhara name of Govind Das Ji is not mentioned, in which regard what you have to say?

(Witness has read page 106-107 of the above book for giving reply to this question and said I will tell after some watch).

Answer. Govind Das Ji were of Nirmohi Akhara and in his disciple tradition Mahant Kaushalya Das ji is mentioned and his guru brother Makhan Das Ji, who was separated from him and went to Ayodhya. On behalf of the Nirmohi Akhara, a math was established at Ramghat, which is famous in the name of Nirmohi Akhara. Therefore there was no justification to write the name of Nirmohi Akhara in the Guru tradition.

Mahant Raghubar Das Ji mentioned at page No.106 of the above book 'Rakt Ranjit Itihas' is the same Raghubar Das or not, who are mentioned by me in para 48 of my affidavit, I cannot tell. Vol. He is same Raghubar Das, who are referred by me in para 48 of my affidavit. In page 55 of the affidavit I have mentioned name of Mahant Raghubar Das Ji, he is the same who are mentioned by me in para no 48 of my affidavit. I do not know that in the 'Hindu-Muslim riots, mentioned at page 107 of the above book Rakt Ranjit Itihas, has caused any damage to the building situated at disputed place or not. witness has seen document No. 44Ga/4 that I believed that the facts written

in its para No.2 are correct. The thing of demolishing of Babri Mosque held in 1934, it is written in it. At that time some damage was caused to Babri Mosque, as heard by me from people In the year 1943 when I came Ayodhya, then I heard from the people that the riots happened in the year 1934 in which damage was caused to the Babri Mosque. Thereafter tax was imposed on the Hindus and from the said money mosque was renovate. At page 44ga-1/6 of this book the fact of renovating of the mosque is correctly written. This riots tax was imposed only on Hindus. At page No. 40ga-1/7 of this Book, the title "Shri Ramjanmabhumi Ka Tala kaise khula" I am not agreed with the facts written in the first sentence. In my view it is wrongly written that Lord Rama Ji was further revealed in the disputed place on 22.12.1949. This can be tell by the writer that on which basis he write this things. Prior to day I have not heard this fact that Lord Rama was reveal in the disputed place on 22.12.1949, because there was already a temple where worship was being done. I have not heard in relation to

celebrating the festival, which is celebrated in the name of Prakatasova on 22 or 23rd December. I do not remember that after the year 1950 I ever stayed in the Ayodhya on 22/23 December or not. In the year 1950 and 1951 I was in Ayodhya but on 22/23 December was not present in Ayodhya or not, I cannot tell. I cannot tell anything about the facts written in para 2 of this book document No. 44ga-1/7, because I left Ayodhya in the year 1966 and start living in Gujarat.

The type of Ram Chabutra was in disputed place, we called it in our holly language as 'Vedi', on which Vedic Karma Puja etc. is done. Any chabutra or holy place can be Vedi. There is no need of its shape. It does not matter if chabutra is small or big for the Vedi.

I have stated in para 51 of my affidavit that prior to the *Manav Smriti* any Mahant has done *Pran-pratishtha*, which I mean, myself i.e. present *manav smrit*. My teachers told me that *Pran-pratistha* of Lord Rama was conducted by a Mahant of Nirmohi Akhara, but did not tell me the name of said Mahant. My teachers have nto

told me that Maant Ji has conducted the *pran-pratishtha* about hundred years ago or earlier. It is not possible that the of conducting *Pran-Pratishtha* is only 10-20 years go. So far as I remember fact of above *Pran-Pratishtha* is told by my teachers to me in the year 1945-46. In second and third line of the affidavit only about the *Pran-Pratishtha* of the idol of Ramlala is written. In the first line of para 51, the *Pran-Pratishtha* of the Lord Ram Lala is written by me, this was held in the *Garbhgrah* of the temple. In the first line photo of the idol of Ramlala is in document No.154/13. In first line my meant with the 'prior to manav smriti' related to the *Pran-Pratishtha* is that when temple is built since than *Pran-Pratishtha* is conducted. In page No.104 of the List 11 this is referred that Govind Das Ji has established Ramlala Ji in the Temple. In this reference my explanation is that in the first line of para 51 *Pran-Pratishtha* was done much prior to that time. I have not given name of any Mahant prior to Govind Das Ji n para 48 of my affidavit, but there were Mahant prior to

him, but I do not know their names. I do not know prior to Govinddas Ji, how many Mahants had been in the Nirmohi Akhara. I found name of all the mahants written in para no 48 from a book , which name is '*Rajasthan Ki bhakti Parampara tatha Sansiriti*'. Similarly also in second '*Charan Paduka*' also Mahants mentioned in para 48 are mentioned. I have annexed the relevant extracts of these books with the affidavit. Above extract is list 10 and list 12. In list No. 10 all the names starts from the genealogy start from the Ramanand, who was the Mahant i.e. earlier Acharya of Nirmohi Akhara. It means that trend of Mahants of Nirmohi Akhara was starts and nor earlier. i.e. Ramanand i.e. Ramanandacharya was the first Mahant, middle Acharya of Nirmohi Akhara. It is written in para 49 of my affidavit that Ramanandji was born in the end of 13th Century, from this I mean that earlier that was non pracharya. Vol. at that time it was only tradition.

All the names written in para 49 of my affidavit are the Acharya i.e. Mahant of

Nirmohi Akhara. In para 49 Narsingh Das and Tulsidars which are in the genealogy of Madhavnand< were the sadhu of only Nirmohi Akhara and not the Mahant. In para 48 at 11th Number Mahant Tulsidasji, is not the same Tulsidas Ji, who are referred in para No.49 as disciple of Narsingh Das. I have stated in para 49 that Abubhvanand.....

I have not filed main page and title page of the above book in my list -15. It is incorrect to say that I have not read the above book. It is also incorrect to say that I have not read above book rather I have field photocopy of the three pages after reading. Vol. above book is with me and I can show. On the first page of list 15 the photocopy of the letter written by Ram Krishan Vyas addressed to me is annexed. This letter was send by him to me three-four years ago. It is incorrect to say that the three pages annexed with lists 15, were sent by Shri Ramkrishan Vyas to me, which I have filed along with the affidavit, rather truth is that he send me first page of list 15, which is in English, by making photocopy from

the Library of Baroda University and rest two page are taken from the translation of book Quran Sharif available to me i.e. one book which was send from the Baroda University, by Vyas Ji and other book was with me from the transition of Quran Sharif. I have stated in the above statement that Nand Kumar Avashthi was the publisher and translator of the list 15, but it is not fully true because first page of the list 15 is of second book which is photocopied from the Board University and send to me by Ram Krishan Vyas and second and third page is the extract of Quran Sharif, which is written and published by Nand Kumar Avasthy.

First page of the List 15 filed by me along with the affidavit, is from which book I cannot tell. But as per the contents written above it, English translation by the Mohammad Zafullah, is published in Karsan Press Britain in the year 1975. In para 60 of the affidavit this fact that such mosques , which build forcibly by demolishing, forcibly on the land of others, are not considered mosque, nor there namaz is legal, is stated by me on the basis of

the remarks made translation on the below of second page, Aayat 106 and 107. These aayats are mentioned in the Hindi language in page No. 3 of this list. My mean to say is that on page 3 of the List-15 the 106 and 107 Ayats are given in Hindi language, same meaning is given in 106 and 107. It is incorrect to say that in page 2 of the above list the facts stated referring the Aayats, has no concern for building mosque on the land of others or reading namaz in such mosque. It is correct to say that on page 2 of this list from the reference of 106 and 107 Ayats of Quran Sharif, this fact has been stated only for such mosque , where there is a conspiracy against the Islam.

(Vol. said that Masjid Jararbam means the mosque where damages is caused by keeping the foot and offering Namaz. On this ground I am saying that the land on which forcibly built mosque there Namaz cannot be offered.

The facts stated in para 61 of my affidavit has concern with the facts stated in para No.60 and the list 17 referred in para 61

of this affidavit is mentioned for the proof of above fact. In list 17 has some extracts of the book 'Muslim Vidhi' written by Professor Hafijurrahman on the Muslim law. It is correct to say that Professor Hafijurrahman was the knower of Muslim Law and not the Muslim religion, rather true fact is that he was knower of both. In the para 61 of the affidavit fact of idol worship in Saudi Arabia is written on the basis of the title of the page 2 of List 17 'Islam purv aur Arab-Pratha' the facts written in para 1 and 2.

I heard that at present there lakhs of the Hindu of Indian Origin who profess Hindu religion, in Saudi Arabia. I do not know in these Hindus, any one is idol worshiper or not. I cannot tell that out of them most of people are idol worshiper or not. In para 62 of the affidavit the reference of the book is given is "Bodhyankhyan". This book is based on the book written by Bhagwan Bodhyan. Bodhyanakhyan book is written by Shri Siyaram Wakeel, Lahriya Sarai, Darbhanga. Significance of the book written by Bodhyan is shown in the

Bodhanyakhyan i.e. in the books written by Bhatwan Bodhyan, their darshand and the method written on science are referred. Bhagwan Bodhyan was not the incarnation of anyone, rather was the Acharya of precedence 9th number from Ramanandacharya. Earlier to him out of the Acharyas of No.1 to 8 were Shri Ram Ji, Sita Ji, Hanjman Ji, Braha Ji, Prashar, Sukhdev etc.

Bhagwan Bodhyan were prior to start of Vikram Samvat, 569 years ago. Since I do not know about the era of Bhagwan Budha and therefore, I cannot say Bhagwan Bodhyan was his contemporaneous or not.

Bhagwan Bodhyan Shri Purshottamacharya referred in para 62 of my affidavit were the Mahant at 9th number. List of the further Mahants is given in the page 1 of List-12.

Question. In para 62 of your affidavit, you have mentioned the literature of Bhagwan Bodhyan, whether in any place birthplace of Shriramchander Ji is mentioned?

Answer. Yes. Shri Bodhyan Purshottamacharya has mentioned the birthplace of Ramchande Ji in the Teeka written by him on Valmiki Ramayan. I have

not read this Teeka nor seen. I only heard about it.

Shri Vasudevacharya Ji used to say on the Ramahan -Teeka of Bodhayan. In his lectures he said that Ramjanmsthan is mentioned in Teeka. I heard these lectures. In page 64-65 of List-8, in the granths mentioned below the grantha of Bhagwan Bodhyan Ramayan Teeka is not mentioned which is written by Bhagwan Bodhyan. I have not read any such book which has reference of the Ramayan-teeka written by Bodhayan. Antiquity authentic of the Teeka on written by Bodhyan the Valmikiya Ramayan referred in page 62, is written by me. It is correct that it has no clearly mention about the "Teeka" which has been written by Bodhyan. In Harvard Press, Berlin, Bodhayanvritti and some books are printed. Rest books given in List-8 are printed in other press. The book written by Bodhayan in Roman language is translated by Dr. W. Velenton in English Language, name of this book is 'Bodhyangrahsutr', as is mentioned in sr No.166 page No.65 of the List-8. I have mentioned the book Smritigranth in relation to the List No.9

in the end of para 62 of the affidavit, name of this book is "Shri Ramnand Sampraday ka Itihas". I have filed list No.9 to show the significance of the personality of Shri Purshottamcharya Ji Bodhaya.

In para 36 of my affidavit I have stated that arrangement of the worship etc. in the Ranjambhumi is being made from eternity, whereby I mean that arrangement of such worship is continuing since the time of Shriramchander Ji. But this sequence of event is found from the time of Shyamanand Das Ji. On the basis of which I have mentioned the time of Shyamanand Das Ji. I have mentioned the time of Shyamanand Ji because sabotage in the mandir was happened in his time. In para No.36 case of 1885 is also referred on the basis of this sequence of events. In the year 1885 Mahant Raghubardas had filed civil suit in relation to the disputed place and since then this event is going on. The records referred to the year 1885 mentioned by me in para 36, I do not remember the name or reference of these records. Record of List 18 is also included in the records which has been

referred by me in para 36. According to the record mutation of Mahant Raghunath Das Ji was made in the Janmbhum on 26 February 1941 and possession is also proved.

Question. I say that you are giving false statement in relation to the record of List-18, in which there is any entry of possession, whereas there is no mention?

Answer. In this regard I say that mutation was done over the possession.

Question. Did you written in the kaifiyat column f document (List-18) that according to Mosque entire entre is correct according to you?

Answer. In list 18 whatever is written in the column of *Kafiyat*, is correctly written, because name of Janmbhumi and Raghunath I is written in it.

I heard that copy of List-18 Is filed by my Advocate in a case, which number is not remembering to me.

Question. Then is the facts written in para 52 of your affidavit are false?

Answer. While giving answer, I did not remember the paper number and suit in which document is filed.

When my advocate were inspecting the suit No.4/89, then I was show paper No.65-A-2/1. Vol. file of the above case which was present in the office of my advocate, at the time of reading I was shown the above document, and was not shown in the record of court. It is incorrect to say that the shape of List-18 which is filed by me, similar document is not filed by the Sunni Central Board. The number of Khasra mentioned by me in first line of para 52 of the affidavit, this is the khasra of Nazul of 1931 or not is not remember to me. Since I do not know Urdu and hence I cannot say that the year 1931 written in List -18 is or not. I cannot tell that who has Hindu writing in List-18. I cannot read the writing written in List-18 because I do not know reading- writing in Urdu. But the contents written in Hindu are written correct as recognize by me. This List was received by me from my advocate Shri Ranjit Lal Verma. Half month ago from today and 3-4

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days prior to preparing the affidavit I got this list. The entry recorded in Lists-18, is in column No.9 to 15 i.e. is not in column No. 1 to 8 i.e. prior to 9. I cannot say paper of entry of column No. 1 to 8 is left somewhere or not.

Statement read over and affirmed

SD/-
05.11.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 08.11.2004. Witness be present.

Sd/-
(Hari Shankar Dubey)
Commissioner
05.11.2004

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**BEFORE: COMMISSIONER SHRI HARI SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW**

(COMMISSIONER APPOINTED VIDE ORDER DATED
05.11.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

08.11.2004

**D.W. 3/20 MAHANT
RAJARAM ACHARYA**

(Cross examination of DW-3/20, behalf of
Defendant No. 9 Sunni Central Board of Waqf UP,
by Shri Jafaryab Jilani Advocate, is continuing
from 05.11.2004).

Order of mutation annexed along with my
affidavit of chief examination in List 18, this
order is of which officer I cannot tell. I had
seen copy of this order. Copy of this order was
seen by me with my Advocate Shri Ranjit Lal
Verma. I cannot tell that this order was in
Urdu or in Hindi. This order which was written
in Hindi its translation in Hindi was written
below, which I read. I did not read original
order. I read this the order which was in Hindi
translation because I can read this order. I
had read Hindi translation this is written in
List 18. In List 18 below parts is written in
Hindi. Detail of this order given in the column

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of detail in List 18, which is entry is in relation to Mosque. I had read this order. I cannot tell that this order which I had seen three-years four ago, is filed in this Court or not. Vol. I believed that the cases pending here in which this document would be filed. I cannot tell that this document of list 18 is filed in this Court or not. Below list No. 18 which is written in Hindi, in which after the 'bahriye Misl Numbri 427' which word is written is not readable and thereafter 6/47 Ramganj is written, therefore decision 26 February 1946 mutation is written. Thereafter 'Nawan' or 'naveen' word is written. I believe that thereafter Raghunath Ji Dass was declare as Mahant of Janmabhumi. I cannot tell List 18 is original copy or not. I cannot tell that it is issued by any court or not. But on which Nazul Office is written. On the basis of which I treat it true copy because translation of the above things is written in this document.

Question. I say that you are deliberately giving this statement that list 18 is true copy?

Answer. List 18 bears seal of Nazul and also written 14.6.41 on the basis of which I treat it as true copy and its some part left outside.

Question. I say that in this document list 18 seal of Nazul Office Faizabad is not appears, rather is photocopy of seal?

Answer. It is correct that original seal is not put in this seal and this is the copy of original seal.

Question. You must would got true copies from the Nazul Office, Collector Office or Court and therefore you can show the certified copy that this is certified copy?

Answer. After seeing the true copy certified copy can be prepared.

A ticket has to be affixed for obtaining certified copy and this ticket is affix in the application, the document on which copy is prepared in which ticket is affix. It is correct to say that certified copy cannot be issued on the document of without ticket. On list 18 seal of the commissioner is appeared before whom my affidavit was filed. On the list 18 affidavit has the original seal of

commissioner and any original seal is not on this document. Affidavit has the seal of commissioner and signature. I have also stated in para 17 of the affidavit of my chief examination along with the application given to the City Magistrate Faizabad that its certified copy is in Suit 3/89 as paper no 39C1/26. Witness has seen a document in other original suit No.3/89, and said that in this document , document No.39 is written and after 39 some word is written in English and below which may be 26 or 29 is written. In this original paper document t No. 39C1/26 is not readable properly because it is not clear. It is correct to say that old number 44/1Gal is put on this document and new number 39C1/21 is written. In this document i.e. 39C1/21, the earlier document is filed and its number 39C1/4 to 39C1/20 and it has been mentioned in para 16 of my affidavit of chief examination. It is certified copy. I have stated in 16 of affidavit it as certified copy. In para 17 of my affidavit I have mentioned that the application given to City Magistrate Faizabad on 6.2.196. On this

document I have obtained the certified copy and is filed in this case. It is correct to say that I know very well certified copy and the procured of obtaining certified copies. In para 16 of my affidavit of chief examination the agreement dated 19.3.1949 is referred, where is this original agreement, I cannot tell. According to me document No. 39C1/4 to 39C1/20 in the other original suit No.3/89 is the original agreement.

Question. In these documents No. 39C1/4 to 39C1/20 is written by you original certified copy agreement in para 16 of the affidavit, then how can you say that these documents are the original agreement.

Answer. I consider the certified copy as representative of the original document. It is correct that original certified copy may be the representation of the original, but it cannot be the original records.

Since document No.39C1/4 to 29C1/20 are certified copies and the hence the persons whose signature are made in the original agreement, they cannot be identified through

this certified copy. Who was the writer of original agreement dated 19.3.1949, I can tell it after seeing the original agreement. At present I cannot tell who was its writer. This agreement was not written in my presence. At the time when this agreement was written at that time I was not present there. Registry of this agreement was also not made in my presence. I was not present at the time of registry and hence I cannot be the witness to this agreement.

The site plan mentioned in para 18 of my affidavit, I have not filed it. It would be filed by any attorney of Advocate of Akhara. My mean of file is file for passing the site plan. This site plan was filed before Municipality, Faizabad. The application given by me to City Magistrate on 6.2.1961 and which has been referred by me in para 17 of the affidavit, has relation with the site plan mentioned in para 18 of the affidavit. Since in the affidavit it is mentioned that it was passed therefore on the basis of I am saying that this site plan has been passed prior to 6.2.61.

Witness has seen document No.39C1/23 and 39C1/24 in the other original suit No. 3/89 and said that I am not able to read it clearly (This date is mentioned below the seal of Executive Officer Municipal Board, Faizabad). In para 20 of my affidavit of chief examination it is mentioned that site plan was passed in 1959. Above the document No. 39C1/22 of other original suit No. 3/89 date of passing is mentioned 22.7.1959 and mentioned its expiry date as 22.7.60, on this document. Vol. it was further renewed. Document No.39C1/23 of the above case in which size of tin-shed is shown 17 x 15 ft. this tin-shed was put after passing the layout. Vol. In the 11 ft north of this tin-shed place of chabutra is shown in the layout, in which Mandir of Bhagwn is written. In this layout Mandir of Janmsthan is also written. In para 21 of my affidavit of chief examination written statement of Baba Baldev Das is mentioned, which copy was not obtained by me, rather is obtained by my advocate and attorney. At the time this written statement was filed, at that time I was not present

before Court. At that time I was in Janmbhumi. This document was filed in presence of Baldev Das by his advocates. This document was filed in the year 1950 on 20th date, as remember to me. I do not remember the month of its filing. I can tell the correct after seeing the document.

The document No. 39C1/3 mentioned in para 22 of the affidavit, this document was seen be while filing before the court. Apart from this the copies of the documents received for the State, in these copies also I have seen this document. This document was filed before the Court probably in the year 1959. I do not remember its date of filing. It is possible that document No. 39C1/3 was filed in the year 1991 instead of filing in 1959 before the Court. Vol. After the files come to High Court, all management proceedings of all the cases was starts, as I believed.

Question. In this regard you are deliberately giving wrong statement, neither you were contesting the case in the year 1959 nor in the year 1991?

Answer. It is correct to say that I was not contesting the case in the year 1949 nor in 1991, because I was in Gujarat, despite that this case was filed in the year 1959, as per my knowledge.

It is correct to say that document No.39C1/3 is not filed in my presence before the Court. Vol. prior to preparation of this case and after filing the case I have seen and heard all the documents.

The document No. 39C1/3 is mentioned in para 22 of my affidavit, this document number can be 30C1/31 and it is also possible that due to typographical mistake in para 22 of the affidavit it was written 39C1/3. Who has translate this document in Hindi, is not remember to me. Vol. On behalf of the State these documents were provide in Hindi Translation and after seeing the same I came to know about the Jheenu Ka Theka.

Question. You are wrongly saying that State has provided the document No. 39C1/31 by making Hindi translation?

Answer. I got a managed file from the Advocate in which documents have been translated on the basis which I am giving above statement. Vol. Translation would be made by the State through any authorized person.

Witness has seen the document No. 39C1/31 and 39C1/32 in the other original suit No. 3/89 and said that I had seen these documents and these documents are referred by me in para 22 of my affidavit as document no. C39C1/3 and 39C1/32. Vol. the documents received to the Court, on the basis of which I clearly stating in this regard. It is incorrect to say that Court has not given me any such documents. I cannot tell that document No. 39C1/32 is the Hindi translation of document 39C1/31 or not because I did not read Urdu. Vol. I considered this is the translation of document No.39C1/31 and filed. Vol. printed copy was received from the Govt. through advocate, on the basis of which I am saying this. It is incorrect to say that I did not receive any printed copy from the Govt. through advocate. It is incorrect to say that I have made forged document No.

39C1/31 and filed. Vol. making the basis of this document Narrottam Das was given contract of drinking water in the year 1990 and taken money. Document No. 39C1/31 does not bears signature of Narotta Das, signature of one of his representative is made and his name is Witten Naga Ramrat Das. Vol. he would making the transaction on the janmbhumi on behalf of Narottam Dass. I do not know this Naga. Because it is long ago, at that time I was not there. 39C1/31 because signature of Jheenu or not I cannot tell, because this signature is made in Urdu. It is possible that on his behalf some has made signature. In case in the impression on this document almat Jheenu is written, I cannot tell anything because did not study Urdu. In this document on the impression Jhinu is written. Vol. in the title of the document thumb impression like s put which is not clear because of less space.

Document No. 39C1/31 and document No.39C1/32 has concern with Sitakoop. Vol. this document is filed in other original suit No.3/89 and hence I consider this document has

concern with the disputed premises. It is correct to say that this document is in relation to the permission for drinking the water at Sitakoo. Vol. viewers used to come at Ramjanmabhumi in large numbers and therefore Jheenu got the donation from drinking water, same was written in the stamp paper for drinking water to the viewers. According to this document contract for drinking water was given to Jheenu for one year. Apart from this also earlier contract for drinking water was given and accordingly this contract was given. I do not remember that in the year 1990 who was given the contract prior to Jheenu. It is correct to say that in this regard I do not have personal knowledge, but this is traditionally done, on the basis of which I am saying in this regard.

Witness has seen document No. 39C-1/31 in other original suit No.3/89 and said that this document is written in Urdu. I do not have knowledge of Urdu language. I am seeing signature of Gopal Kurmi and Mahant Narottam

Das in Hindi on this document. Vol this document is of 1902.

Question. Document No.39C1/33 and document No.39C1/34 is relates to which place. In this document any boundary is not given nor it is mentioned in this document that it is related for any specific place, therefore what you have to say in this regard?

Answer. This document is in relation to the Ramjanmbhumi, near the main door of Gopal Kurmi, where stone of Janmbhumi Mitya Yatra is planted, nearby for the offering the batasha by the pilgrims and where Bhog was offered to the Lord in Ramjanmabhumi and viewers used to take the same to home as offering. Vol. It is written in this document that contract was given for the shop of batasha on the Ramjanmabhumi.

In this document shop Janmabhumi was written, it means that for selling of batasha to the viewers of Janmabhumi who used take it as offering. It is incorrect to say that this document is forged and there no such shop in the disputed premises.

Witness has read para 24 of the affidavit and said that the document No 39C1/35 mentioned in this para is originally in Urdu. I do not have knowledge of Urdu language and therefore I cannot read it. Witness has read document No. 39C1/36 and said that this is translation of document No.39C1/35. Who has translated it, I cannot tell. Vol. behind the document Mata Prasad is written. This Mata Prasad Darji has taken the contract for selling the batasha to viewers in larger number at Ramjannabhumi for one year, which date is 19.10.1945.

Question. There is no any boundary is given in this document nor detail of the above place is given, in this regard alleged contract is stated to be given, in this regard what you have to say?

Answer. Mata Prasad has referring the darwaja Janmbhumi City Ayodhya, for selling the offering to the pilgrim, which was viewers took to their home after offering to the God.

This document is not for all the places out of the disputed place, this is only regarding to the said shop, which was for the

shop at outside the door of Ramjanmabhumi given for selling the offerings to viewers. It is not mentioned in the document No.39C1/36 mentioned in para 24 of the affidavit that this document is concern for which door. This is with regard to place at near East door.

Question. In the document where 'East' door is mentioned.

Answer. It is correct to say that in this document word east door is not mentioned but *darwaja janmnhumi* is written in it. Vol. in the Janmabhumi viewers used to visit in the East Door.

Question. Did you not consider the north door of alleged Ramjanmabhumi as a door?

Answer. I consider the north door of the Ramjanmabhumi as door. Vol. above door was used for exit of the crowd from fair.

It is incorrect to say that above document No.39C1/35 is forged and it does not bear signature of anyone. Vol. It bears signature of Mata Prasad. This signature is on the back portion. It is correct to say that in front of document No.39C1/35 contents is written in Urdu

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and does not bear anyone signature. Behind the stamp signature of Mata Prasad Darji is made. But I cannot tell that this signature of the stamp vendor or Mata Prasad Darji. I believed that this signature is of Mata Prasad Darji. I cannot tell that that contents written in the front part, on which despite of not having anyone signature, what is the significance of signature of Mata Prasad.

Statement read over and affirmed

SD/-

8.11.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 9.11.2004. Witness be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

8.11.2004

**BEFORE: COMMISSIONER SHRI HARI SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW**

(COMMISSIONER APPOINTED VIDE ORDER DATED
05.11.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

09.11.2004

D.W. 3/20 MAHANT
RAJARAM ACHARYA

(Cross examination of DW-3/20, behalf of
Defendant No. 9 Sunni Central Board of Waqf UP,
by Shri Jafaryab Jilani Advocate, is continuing
from 08.11.2004).

It is correct to say that in the
resolution dated 13.2.1959 referred in para 25
of my affidavit of chief examination, this
resolution was in relation to the chanting
chabutra outside the disputed building. I was
also included in this resolution and it bears
my signature. At the time passing of resolution
I was not called from Gujarat but I suddenly
come. At that time there was no permanent and
definite place of my living. I used to visit
Ayodhya. At that time I was not the Manager of
Nirmohi Akhara, rather at that time I was the
general member of Nirmohi Akhara. This meeting
was held at Ramjanmabhumi. This meeting was

held at near the Ram Chabutra. This meeting was held in the south side of Ram Chabutra.

Witness has seen the document No. 39C-1/38 In the other original suit No.3/89 and said that this bears my signature, and is written by Raja Ramchandrachayra. This bears signature of all who had attended this meeting. The agenda made in this meeting, is mentioned by me in para No.28 of my affidavit. My name was included in this agenda or not, I can tell this after seeing the same. Witness has seen document No.39C-1/39 and said that my signature is at No.47 of this document. In para 28 of my affidavit case of Nirmohi Akhara vs. Priya Dut Ram is mentioned. In para No.28 of my affidavit document No.41C-1/2 to 10 is referred, his the postal receipt and its acknowledgment. Document No.41C-1/5 is seen by the witness and said that this is notice, but who had send this notice I cannot tell, because it is in English. I have not read English. Document No. 41C-1/2 to 4 is in English. These notices were sent to the govt. officials. According to me notice document No. 41C-1/2 was sent to City

Magistrate. 41C-1/3 was sent to Collector of Commissioner. To whom notice No. 41C-1/4 was send I am not able to read. This notice was sent to State Govt. Document No.41C-1/5 notice was sent to Deputy Commissioner. I cannot say that document No. 41C-1/5 is reply by thce Deputy Commissioner instead of notice or not. Because I did not read English. Notice of document n. 41C-1/6 was send to whom, I cannot tell, because this notice is in English and Uttar Pradesh Sarkar is printed in it in Hindi. Document No. 41C-1/9 and 10 is the document of registry. This is receipt of that registry. Whose name are written in the receipts, I cannot tell, because these names are written in English. I did not heard these documents earlier by reading rather I know that notices are being sent for filing the suit. In para 28 of my affidavit I have written the fact that this document is notice and this document is receipt. This is written by me after asking from my advocate. It is possible that document 41C-1/5 was send from the office of D.M. by keeping in document No.41C-1/6 to Mahant

Raghunath Das J. It is incorrect to say that the fact written in para 28 of my affidavit is wrong that document No. 28C-1/2 to 28C-1/10 all are notice, receipt and acknowledgment documents. Because of not having English knowledge document No.41C-1/5 is the letter of Deputy Commissioner and its related envelope is document No.41C-1/6, is not mentioned in para No.28, but the facts written in this para are correct.

Question. I say that the fact written by you in para No.28, by including document No.41C-1/5 and 6, are wrong?

Answer. Whatever is written by me is correct, because these both documents also come in document No.41C-1/2 to 41-C1/10.

In para 29 of my affidavit it is mentioned that after my coming Bhaskar Das made Mahant and chela of Baldev Das. I cannot say the year definitely, in which he was made chela, but he may be made chela in 1945-46. Bhaskar Das was working as Assistant Priest. And I was doing the work of brooming, cleaning utensils and

making garland. We all were sleeps in Sant Nivas and used to serve in Temple.

In para 30 of my affidavit I have mentioned that there are several temple under Nirmohi Akhara, in which Sunitra Bhavan Mandir was in the south side of the disputed temple, which has now demolished. Sumitra Bhavan Mandir is mentioned by me in my affidavit because I had seen Sumitra Bhavan Mandir. Last time I had seen Sumitra Bhavan Mandir in the year 1965-66.

In para 31 of my affidavit of chief examination it is mentioned that idol of Hanuman Ji was made by the Devotees and saints on two poles in the east side door of the disputed building, I have seen this idol, on which Mahaviri was applied. I can identify these poles.

Witness has seen document No. 201 C-1 picture No.55 to 66 in Shyam-Swet Album document and said that in the pictures photo of Hanuman Ji is made on picture No. 57 to 60., but In these picture colour of Mahabiri is not visible. These two poles were planted outside the Hanumat Dwar. Vo. These picture in one

part, and there is difficulty in identifying the same.

Picture No. 71 to 76 of this album is seen by the witness and said that picture are shyam-swet and they are incomplete and hence I cannot say that in these pictures both the poles planted in the Hanumat Dwar are visible or not. In picture No.26 of this album the pole planted in the Hanumat Dwar is visible. Vol because of the shyam-swet it is not clear. In picture No.27 of the album second side pole of the Hanumat Dwar is visible. This picture is also not clear because of Shyam-Swet. It is incorrect to say that there was no any idol in any of the pole planted to the disputed building. It is correct that picture of idol is made on most of the poles.

witness has seen picture No.104 to 107 on colour album document no 200C-1 and said that I cannot tell that in these picture poles planted in the Hanumat Dwar are seen or not, because these picture are also not clear because they are half and hence it cannot be said. Apart

from this picture of door is also not in these picture. Therefore it is not possible to tell.

Witness has seen picture No. 118 to 127 of the colour album document No.200C-1 and said that in these pictures any of the pole of Hanumat Dwar is seen or not, I cannot tell because in these pictures any part of the building is not visible in entirety. Out of the poles seen in these pictures, two poles were planted in the Hanumat Dwar and number of rest poles were 12. They were planted in grabhgrah.

Question: Are these poles also included in these pictures which are planted in the Hanumat Dwar as stated by you?

Answer. In these pictures picture of the two poles planted in the Hanumat Dwar are included but in these poles which is of the Hanumat Dwar, I cannot tell because picture of Hanumat Dwar is not in these picture.

Witness has seen picture No. 137 to 147 of this album and said that in these picture both the poles planted in the Hanumat Dwar are seen, but in this picture which picture is of the pole planted in Hanumat Dwar , I cannot

tell because picture of Hanumat dwar is not in these pictures.

Question. In these pictures which is the picture of pole of Hanumat Dwar as told by you?

Answer. I cannot tell in this regard. Although picture o Hanumat Dwar is not in these picture.

Witness has seen picture No. 157 to 167 of this Album and said that I cannot tell which is the picture of poles planted in Hanumat Dwar in these pictures. Its reason is that there is no any picture of Hanumat Dwar in these picture. I cannot tell that the poles visible in these picture were planted in which part of the disputed building, because picture of entire disputed building is not seen in these picture.

Witness has seen picture No. 176 to 200 of this album and said that in these picture poles planted in the Hanumat Dwar and poles planted in disputed building are visible, but in these poles which pole is planted where, I cannot tell, because there is no any picture of entire building in these picture.

Witness has seen picture No. 59 to 54 of this album and said that because picture is not

complete and hence I cannot tell that poles seen in these picture are of which place. In these picture idol of Hanuman Ji is not clearly seen, but in these picture Mahabari applied is clearly seen.

Witness has seen the picture No. 40 of this album and said that in this picture fish are not seen and lion is seen. It is incorrect to say that fishes are seen in this picture. Picture no 39 is of the same place, picture of which place is seen in picture No.40. In this picture also fishes are not seen.

It is incorrect to say that north gate of the disputed building had open on the day of Jumme. Vol. since there is temple and hence question of offering namaz does not arise.

Question. Was these foot marks present there since the time of Ramchanderji, or kept thereafter.

Answer. These foot marks are being worship since the time of Ramchander Ji as a memorial since the eternity.

Worship on the Chathi puja sthal is continuing since the era of Ramchander Ji. From

where foot marks is on the chatty puja- place, I cannot tell because this place is being worshiped as he Chathi Puja Sthal since the time of Ramchanderji. Since the time of Ramchanderji, Chauka, Chulha, and belan is made at the Chathi Puja Sthal and is being worshiped as Chathi Puja sthal. There is difference between the words 'bhandr' and 'kothar' because Bhandar is the place where food is booked and cooking articles and stores are being kept in Kothar. The days I lived in Sant Nivas till that tie , Govind Das Ji, Sudershan Das Ji, Ramsakal Das Ji, Baldev Das Ji Ram Bilas Das Ji, Ram Subhag das Ji etc. lived with me. These all people were living in Sant Nivas. Bhaskar Das Ji came there at later and lived there for some years.

After reading para 35 of the affidavit of chief examination witness said that my Guruji had told me that case in relation to the Ram Chabutra was sued in the year 1885, which was filed by Raghuvar Das Ji. This case was filed for constructing of Mandir on Ram Chabtra or not, I cannot tell, but this case was filed to

put thatch on this place. My mean to thatch is shedding. Lord Ramala, Laxman, Bharat Ji, Shatrughan Ji and Hanuman Ji were seated, apart from them no one was seated there. Idol of Kaushalya Ji was below the Ram Chabutra and idol of Bharatt was also below chabutra. Idol of Kaushalya Ji was below the Chabutra in a cave. This idol was in the east side of cave. In the west cave there was stone cave of Bharat Ji. Idol of Shatrughan Ji was along with Bharat Ji. Sometimes this idol was kept in the chabutra and some time below the chabutra at near the Bharat Ji.

Witness has seen the picture No.31 of Shyam Swet Album document No.201 and said that below the chabutra there is picture of cave. But this picture is of east cave or of west cave, I cannot tell, because in this picture idol of Kaushalya Ji is not seen. In this picture idol of Hanuman Ji is seen. Number of idols of Hanuman Ji is 3. The manner in which idols are kept are seen in picture No.31, I have not seen the idols keeping in this manner

in my time. I have seen idol of Kaushalya Ji was lying there.

Witness has seen picture No.88 in colour album document No. 200 C-1 and said that it is the same picture about which I have stated in my above statement. Picture of cave below the chabutra is in this picture. This picture is a part of the chabutra, I cannot say that this is the photo of east cave or west cave. Idol of Kaushalya Ji was in east cave.

In para 34 of my affidavit of chief examination the two doors of $2 \frac{1}{4} \times 2 \frac{1}{3}$ ft referred, they were made on below the Chabutra. Vol. Out of them one door was in east side and one was in west side. The throne lying over the chabutra in which idols were lying, was in the middle. The idol of Bharatji was in the cave temple was two or $2 \frac{1}{4}$ ft height. In para No.36 of the affidavit I have stated that possession of Nirmohi Akhara is continuing from 1885, on the basis of the records, in these records mutation record, traditional constitution and other things were which I heard from guru tradition.

Question. My question was you have mentioned the records in above para 36 second line, where were these records?

Answer. On the basis of the possession of Raghubar Das Ji, application was given to built the temple and the records are in relation to mutation, in which constitution of Akhara, tradition customs and rules, Valmiki Ramayan and Skandh Puran are included. Vol. Janmbhumi is referred in it.

Question. The records which are referred by you in para 36 of the affidavit, are the same records which you disclosed above?

Answer. I have mentioned these records in para 36 of my affidavit, which reply has already been given by me in the above question.

The Shyamanand Das Ji who are referred by me in para 36 of my affidavit, he is the same Shyamnand Das Ji, who are mentioned in page 104 of the list 11. Witness has read the section 37 and 38 of affidavit, said that I have stated the below part of this peak as Grabhgrah. The part below the middle dome is also grabhgrah and entire disputed building was also

grabhgarh. In the first and second line of para 38 of the affidavit I have mentioned the above place where Ramlala was seated. In the first line of para 38 of page 7 of the affidavit it is mentioned that four-five Saligram Bhagwan are seated. Vol. in fact this number was six. In this para number for 4-5 is also correctly written, but to clarify the actual number I am telling its number 6. In this para the swinging wood throne , this was approximately five-seven ft height and 4 -4 ½ ft. wide. Length of the swing is around 4 ½ ft and this was wooden swing.

Witness has shown the picture No. 81 and 82 of the swet album document No. 201 C-1 and said the photo shown in this picture was seen by me at the disputed place. In these picture Ramlala and his throne is shown. This throne was used as a swing. In this pictures wooden throne is seen , this is not looking like a swing. In place of swing this was used as swing. Vol. this swing was used as a throne . When this throne was used as a swing at that time timber and bar was used and given it a

12300

shape of swing. Two poles were Put in between the bar and these bars were engaged in the timbers and was used as swing. The picture is shown in picture No. 81 and 82, in that form throne was not used as a swing.

Witness has shown the picture No.152 in colour album document No.201 C-1 and said same throne is shown in this picture which referred by me above. This throne was also used in the same manner as a swing, as I have stated above.

Statement read over and affirmed

SD/-
09.11.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 10.11.2004. Witness be present.

Sd/-
(Hari Shankar Dubey)
Commissioner
09.11.2004

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.10866-10867 OF 2010

IN THE MATTER OF:

MOHD. SADDIQ (D) THROUGH LRS.

...APPELLANT

VERSUS

MAHANT SURESH DAS & ORS. ETC.

...RESPONDENTS

STATEMENTS OF P.Ws & D.Ws

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KAMLENDRA MISHRA
ADVOCATE FOR THE RESPONDENT/STATE OF UTTAR PRADESH

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12301

**BEFORE: COMMISSIONER SHRI HARI SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW**

(COMMISSIONER APPOINTED VIDE ORDER DATED
5.11.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

10.11.2004

**D.W. 3/20 MAHANT
RAJARAM ACHARYA**

(Cross examination of DW-3/20, behalf of
Defendant No. 9 Sunni Central Board of Waqf UP,
by Shri Jafaryab Jilani Advocate, is continuing
from 09.11.2004).

The throne is shown in picture No. 152 of
colour album document No. 200 C-1, its heights
is around 5 ft and width was 3 ½ ft. and its
length was around four ft. The white colour
strips is seen in picture No. 154 and 155 of the
colour album, this was chowki, which was made
from wood. Over this chowki wooden throne was
kept. I have been seeing it there since it was
kept there.

Question. Do you know that when the throne
shown in picture No. 152 to 155 was kept in the
disputed premises.

Answer. The throne is seeing in this picture no
152 to 155 of the album, I have seen it since

the beginning. In this throne was placed in the middle at the time of festival and after the festal throne was kept in the three stairs throne of stone.

Question. The throne shown in picture No.152 to 155 shown in the above picture, was not kept permanently below the middle dome, rather it was only kept at the time of festival.

Answer. Yes, At the time of festival this was being kept in between the middle dome. After the festival it was being kept aside. My mean to keep aside, this throne was kept below the south dome at some distance of the wall. To protect the throne from deteriorating, sack or clothe or any sheet was put over the same.

In the fair of Shravan, this festival was run in the whole month. Sharad Purnima was run one-half day. Apart from this in the Janamasthmi and Ramnavmi and in the birth date of the other Avtars this throne was kept in the middle. This throne was being covered in the south dome for 10 months. Apart from the festival in the period of 10 moths Bhagwan was

kept in the upper part of the stairs. Throne was kept in the stairs of stone.

On 6th December 1992 this was continued. Vol. said that I went Gujarat from the year 1966 and remained there for about 35-36 years. In this period I often went to Ayodhya. I have shown this position whenever I came. Idol kept in this 4 manner in the throne was seen by me last time in December 1991 in the occasions of Sharad Purnima. In picture No. 152 one photo is shown in the wooden frame. Below the said picture something like throne is kept. Idol of Ramlala is not kept in this throne , because this is part of throne swing. In picture No.152 the throne is seen, in which idol is seen. This idol remains in the middle of throne . Idol id is kept below the photo. This idol is of metal. I cannot tell that this idol is of Ashtdhatu or not. This idol was about 5 ft. height. Same throne is seen in picture No. 153, 154 and 155, which is seen in picture No. 152. When I first time went at the disputed place in the year 1943, at that time also the manner of keeping throne there was same as stated by me above. In

picture No.156 the floor part below the dome is seen. Vol. said that this part is below the grabhgrah. The floor seen in picture No. 156, is the lime floor, on which block strips are seen. This is the coloured strips. It is incorrect to say that the manner in which floor is seen in picture No.156, it only happens in mosque. Vol such types of design is found in the floors of several temples. At present I cannot tell name of any such temple in Ayodhya, which has the floor in above manner. Vol. square strips, skewed, triangular and Hexagon designed strips are seen by me in various temples.

I have annexed a list along with my affidavit, which is the list of the articles which were found from the below part of the middle dome at the time of attachment of disputed place. This throne was made by silver. In this list throne seen in picture no 152 to 155 is not mentioned. Vol. this throne was remained lying in a corner in the open condition.

Question. I say that the throne seen in the above picture No. 152 to 155 was not kept in the disputed building till December 1949 or January 1950 and hence it has not been mentioned in the above list No.1.

(On this question Ld. counsel Shri Ranjit Lal Verma, for the Plaintiff in suit No. 3/89 has objected and argued that first part of this question is in the form of suggestion and second part is as a argument. Therefore permission to ask such question should not be granted. Asking of such mixed question is not permissible).

Answer. At that time throne was kept by opening for the repair or painting works. Therefore it is possible that because of the dust it is not mentioned in the list of articles, because till that time because this size of throne is not seen in picture because it was opened.

On 5th January 1950, on which date seizure of attachment (List-1) was written thereafter till the date of opening of lock, no new thing was kept in the below part of the three domes. It is incorrect to say that the throne seen in

the picture No. 152 to 155 was not there till the opening of the lock i.e till 1986 and this was kept there after opening the lock.

Witness has read para 39 of the affidavit and said that in this para the three Sadhus are mentioned in the first sentence, their names are Bhagwn Das, Murlidhar and Laxman Das. At that time Police inspector whose name is mentioned in the first line of para 39, his name was Ahul Barkat. Witness has said on again asking that name of this inspector was not Abul Barkat. In the first para of this sentence the case is referred, this was pending before a Magistrate, but I cannot tell the name of the said Magistrate Court. Vol. this charge was framed on 24 February 1949. In this case accused were acquitted probably in the year 1950. I have not seen decision of this case, but heard in this regard. I heard decision of this case from Laxman Das, Bhagwat das etc. These used to come for darshan. At that time i.e. in 1949 Muslim people had more pressure and influence on the govt. officials.

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In third line of the para 39 of the affidavit, my mean to Muslman Ahalkar police is from the Muslim employee of the police department. Apart from this Itar officers were also there under. My mean from these officers is from the govt. officers of both the class of Hindu and Muslim. Muslim Ahalkar of this time and officials were Diwan Abul Barkat. At present I do not remember name of any other.

In para 39 of the affidavit the pressure of Zahur Ahmad, Achhan Miyan, Haji Feku in the govt. officers in which Hindu and Muslim both were, is written. Because of this pressure report of 23 December 1949 is lodged. This report was forged. On the basis of this report disputed building of three domes was attached. This order was passed by the City Magistrate, Faizabad. This attachment order was passed under the political pressure and pressure of Muslims. In this para the City Magistrate is written, this is used for the same Addl. City Magistrate, who has passed the order of attachment under the pressure of political leaders. I cannot tell the names of these

political leaders. In this para I have written that on the basis of the false report of 23 December 1949 attachment was done.

Question. The facts written in relation to the attachment in para 39 of the affidavit was remember to you on 27 October, but you expressed in your statement at page No. 68 that on 1 November you cannot tell the above thing. Are your forgets one thing in four-five days,

Answer. When report was written on 23 December 1949 at that time I was not at police station, when I got exact information in this regard then I have mentioned in this regard in the affidavit. I have mentioned that attachment was made on the basis of false report of 23 December 1949.

I have written the fact in para 39 of the affidavit that above attachment is conducted by the administration. Above attachment was conducted on 29 December 1949 by the Addl. City Magistrate, Markandey, in whose order counter claim was invited, is correct. In the statement given on 1.11.2004 at page No.62 part "attachment proceeding was conducted on 5th

January 1950. It is also correct that in this regard it is written in para 39 of the affidavit that this fact is also correct that attachment was conducted on 29th December 1949 and this attachment was handed over to the receiver on 5 January 1950.

Question. I say that since you were not present in the disputed place at the time attachment and hence you are making false statement in your statement and affidavit? In this regard what you have to say?

(On this question Ld. counsel Shri R.L. Verma in other original suit No.3/89 has objected that in first part of this question it has already been admitted that witness was not present at the time of attachment and hence permission to ask question in relation to such mixed fact should not be granted in asking as a suggestion).

Answer. It is incorrect to say that I was not present at the time of attachment and it is also incorrect that I am making false statement with regard to the attachment.

Witness said that in para 39 of my affidavit of chief examination it is said that I have not filed the file of written statement. Copy of the written statement was shown to me by the Sadhus of my place and I read it at there. In para No.39 of my affidavit of chief examination it is written that "Hindu people who used to come to Ayodhya for darshan" is correct. This fact was read by me in the copy of the order. This was the same order which was issued by the Markandey Singh. This order was issued by him after the attachment. I cannot tell its date. This order was relating to attachment. I cannot tell that this order was of 29th December 1949 or not. Again said this order was related to 28th December 1949. It is incorrect to say that I am making false statement in this regard that after 29th December 1949 any such order was passed in which it was written that "Hindu who were resident of Ayodhya.... used to make darshan". In para 39 of affidavit I have mentioned above the ownership possession proceeding in the file of 145 Cr.P.C. My mean to it is ownership and

possession both. In the proceeding under section 145 Baldev Das has filed his claim in relation to the ownership and Bhuramdas has filed his claim as a viewer. Any other Hindu has not filed any claim regarding ownership and possession. On behalf of the Muslims any person has filed the claim of the ownership and possession is not known to me.

In para No. 41 of my affidavit of chief examination I have stated that after the attachment people were viewing the Lord Ramlala from the railing wall i.e. east door. There was a wall in the Railing wall in west and one door in south side. This view was in the south side of door which was just in front of the Hanumat Dwar. After the attachment I have viewed from railing wall and constable were always standing there. These constable were posted outside and inside. Pilgrims who came for darshan they used to offer their liquid, sweet, fruit and flower. I used to offer tulsi and garland. This flower garland I give to the priest lives in the railing wall. I give my hands from the railing wall and give garland and tulsi etc. to priest

and priest who sit inside the raining receives the same. Other viewers also adopt the same procedure for giving liquid, sweets and fruits etc. It is not true that liquid put there and was gathered there, because priest used to live there for this provision. This priest were helps in worship and view.

I have written in para 42 of my affidavit of chief examination that there was mound of the Parikarma below the Ramjanmabhumi and Sumitra Bhavan was in its east-south corner> In this para in the sixth line I have mentioned document No.63, in which all the things are not written which are written by me in first line to fifth line of this para, rather in which details pertaining to the Sumitra Bhavan is written. Apart from this facts regarding possession to Ramnandiya Nirmohi Baba Ram Das Chela Avadh Biahri Das resident of Ramkot Ayodhya is written. This document would be filed by Ram Das or his advocates in the case of Sunni Central Waqf Board.

Question. Was Ram Das was party in other original suit No.4/89?

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Answer. I cannot say that he was party or not.

At present he has died.

Statement read over and affirmed

SD/-

10.11.2004

Typed on my dictation by the typist in
open Court. In order to same put up for further
cross examination for 17.11.2004. Witness be
present.

Sd/-

(Hari Shankar Dubey)

Commissioner

10.11.2004

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12314

**BEFORE: COMMISSIONER SHRI HARI SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW**

(COMMISSIONER APPOINTED VIDE ORDER DATED
5.11.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

17.11.2004

**D.W. 3/20 MAHANT
RAJARAM ACHARYA**

(Cross examination of DW-3/20, behalf of
Defendant No. 9 Sunni Central Board of Waqf UP,
by Shri Jafaryab Jilani Advocate, is continuing
from 09.11.2004).

In last para 42 of my affidavit of chief
examination, I have written that janmsthan
means Ramjanmabhumi. My mean to this Ram
Janmabhumi is for entire disputed premises, in
which part of Ram Chabutra and disputed
building is also included. I have written in
par 43 of my affidavit that I am party in the
case of Gopal Singh Visharad being the panch of
Nirmohi Akhara. In this case my name is
mentioned in the name of parties. Witness is
shown the original suit file of original suit
No. 1/89, after seeing the same witness said
that my name is not seen looking in the column
of parties, despite that I am party in this

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case. It is correct that in this case name of Nirmohi Akhara is not mentioned anywhere in the suit. I was made party in this case later. I have also filed written statement in this case. When I had filed written statement in this case, I will tell after asking from my advocate. In this case my advocate is Ranjit Lal Verma. This case is in relation that being the viewers I have been deprived from viewing. Therefore to get relief in this regard this case was filed. I had supported some parts of this case and also opposed some part, while mentioning my rights.

Relation of Devki Nandan Aggarwal with the idols kept in the disputed place was only as a viewer and Devki Nandan Aggarwal has no concern with its management. I never seen him while making darshan. After the death of Shri Devki Nandan Aggarwal Shri T.P. Verma was substituted in this case, but I never saw Shri Verma while doing darshan in the disputed premises. Vvol. I do not know Shri T.P. Verma by face because I lives in Gujarat. Shri T.P. Vera has no concern with the management of the

idols kept in the disputed premises. He can only be a visitor. In the west side of the disputed building musalman was living in mohalla dorohi Kuan etc, after the year 1934 I have not seen the Muslims residing in the collage of Darohi Kuan etc. behind the disputed building while going to market, but I heard that they used to market via the way of katra Mohalla. I am telling this thins from 1943 to 1951. Bhaskardas Ji made the disciple of Baldev Das Ji in the year 1945-46. After making the pupil Bhaskar Das Ji was living permanently in the Sant Nivas. Vol. in that period he was worship the Ramjanmbumi premises. After the attachment of 1949 Bhaskar Das Ji starts living in outer part of the disputed premises. Vol. when required they used to go to the inside part being a priest. With the permission of receiver Bhaskar Das Ji, used to go inside the disputed premises for worship-service etc. I cannot tell that Bhaskar Das Ji was appointed as priest by Receiver or not. After the attachment 4-5 persons were appointed as priest by the receiver. I was not with the priests

appointed by the receiver. Bhaskar Das ji was appointed as priest by the Receiver or not I cannot tell. It is incorrect to say that Bhaskardas Ji was not appointed as priest by the receiver. Vol. it is incorrect that Bhasakr Das Ji was not appointed as priest by the receiver (Vol. in which year he was appointed as priest I cannot say).

Question. I say that in this regard you are deliberately giving false statement because just a while back you said that you cannot tell that receiver has appointed the priest or not and now you are saying that Bhaskar Das Ji was appointed by the receiver as a priest, in this regard what you have to say?

Answer. In the year 1949-51 Bhaskar Das Ji was appointed as Priest by the Receiver. Thereafter for some years receiver has appointed him priest and he was priest there for the long time. Vol. said in the year 1949 to 1951 Bhaskar Das Ji was appointed as priest by the receiver or not I cannot tell.

Question. I say that Bhaskar Ji was never appointed priest by the receiver, in this regard what you have to say?

Answer. Receiver had appointed Bhaskar Ji as a priest and for long time he was worshipping as a priest.

In para 14 of the affidavit of chief examination I have said that account of the income-expenditure and expenses of the disputed premises was being kept in the almirah and boxes and sometimes it was kept back and forward. Number of boxes was 2-3. This was made by wooden, its Length was 3 ft and wideht was 2 ½ ft. and height was around 3 ft. This boxes were of wooden. Witness has further said that number of the boxes were three. In the year 1982 outside was attached, at that I was called from Gujarat by giving letter. After my coming attachment was already done or not. In my affidavit I have not attached list of that articles, which was made at the time of attachment. I have list a list of ornaments, which is list No.16. This list No.16 was made in which year I cannot tell, but when Golki Ram

Lakhan Das has handover the charge go Siya Raghav Saran, then this list was made, which bears signature of both the persons. After the year 1955-56.

Question. The articles mentioned in the above list 16, w as these articles was kept on Ram Chabutra or was kept at any other place.

Answer. These entire articles were kept on Ram Chabutra.

In the title of the list the 'Pujari Shri Ram Janmabhumi Nirmohi Ahara' is written, my mean by that with Ram Chabutra. When priests were changed, then such type of list was being made for giving charge. In this regard I only received one list. The list made for giving charge to other priests, I do not have any knowledge nor is concerned list with me. Vol. in the year 1968 when I came to Ayodhya then same was made available to me. Vol. this was given to me by Siya Raghav Saran, since then this list is lying with my documents. I have not filed this list during the court proceeding, because I did not appear during the court proceeding. When I appeared for giving

statement then I had filed this list. (After para 10 of the affidavit , para 12 is mentioned and after para 12 two times para 13 is mentioned . In place of para 12 para 11 should be mentioned, and first para 13 should be read as para 1). After reading para 13 of page 3 witness said that list No.16 was filed by my counsel Shri Ranjit Lal Verma in other original suit No.5/89. Siya Raghav Saraj Nirmohi Akhara had appointed priest of the Ram Chabutra. Ram Lakhan Das did only chanting. Vol. Siya Ram Lakhan Das Golaki was. In the year 1966 after the dispute between Premdas and Ram Lakhan Das Golaki, outer part of the disputed building was attached. I have not filed any document in relation to this attachment. Vol. in this regard which documents were filed is not remember to me. I para 49 of my affidavit of chief examination it is stated that Jagadguru Shiv Ramacharya has expressed anger against the activities of Vishwa Hindu Parishad. In these activities allegations of financial irregularities and in relation to trust was leveled. Vishwa Hindu /Parshad has committed

financial irregularities, in this regard objection was raised and Shv Ramacharya JI had expressed his anger. The case are mentioned in para 53 of the affidavit of Chief examination , these cases were in relation to the land and the small temples made by the Sadhus of Nirmohi Akhara on these land. To not cause any damage to these small temples and hence suit were filed. These suits are still pending. About three or four suits were filed in this regard. These suits were filed by the Saints and Panchas of Nirmohi Akhara. These suits were filed against Ashok Singhal and Vishwa Hindu Parishad. Disputed land of these cases were the same which is located near the disputed place. In para 53 of the affdait the document No. 108A1/18 and report of commissioner 108C-1/30 is mentioned its related case was filed by my counsel. In this para document No. 108 A-1/18 should be 108C1/18 or not I can tell after seeing original document. Witness has seen the document No. 108C-1/18 of the other original suit No. 5/89 and said that it is the same document which is referred by me in para 53

fifth line of my affidavit of chief examination. In this document the fact is written on behalf of Nirmohi Akhara, are corrects. I believed that this case which suit is document No. 108C-1/18, is still pending. On this document decision of this case was written 4.12.91, I do not have its knowledge. This suit was filed at that time when foundation proceeding was starts. In this case relief was sought to stop the foundation. In para 54 of my affidavit of chief examination I have mentioned about written statement filed by Abhiram Das, the facts written in this written statement are correct. Earlier also I read this written statement when it was filing before the Court. I cannot tell that Abhiram Das was the mahant of Nirwani Akhara because now he has died. This suit was filed in the said case in which disputed building was attached. I have mentioned in para 55 of my affidavit that Mahant' Raghuvar Das had filed the suit personally for making the roof in the year 1885 in which the word "personally" is written In this regard I had only heard. I heard about the

documents of the case of 1885. I had not seen it, because of the lapse of more time I do not remember about the documents. In para 57 of the affidavit 'Anand Bhasya Darshan' book is referred. I read this book. This book is originally in Sanskrit which I read. In this book vishishtadwait darshan is discussed. In this Book there is no any mention about the birthplace of Ramchander Ji. Vol in this book his darshan is mentioned. In para 56 of the affidavit customs and rules of the tradition of Pancha Ramanandiya Nirwani Akhara are mentioned. When this regulation was printed I cannot tel. This regulation would be printed prior to 1950. I have not read this regulation and only heard about it. Vol. the customs mentioned in it, same were told to me by the saints of Nirmohi Akhara and also told by my advocate. Nirmohi Akhara is not mentioned in the book named Anand Bhasya. In this book name of any other Akhara is also not mentioned.

Question. The book you stated to be recognized by the public in above 8th line of para no 57, was the same book is known as

'Anand Bhasya Darshan' as written in first line of the above para, or the book mentioned in this para has concern with any other book.

Answer. The book 'Anand Bhasya Darshan' and the book 'Smriti Granth' are mentioned by me in this line.

These both books have concern in the 9th and 10 line of this para.

Question. Is it understood that above both the books have put light in the structure of the Nirmohi Akhar and other akharas?

Answer. In Smriti Granth, structure of Akhara and its brief details are written and in Anand Bhasya Darshan is the granth articulate of Vidhsthant principle. Smrti Granth is written by Swami Hariprasadacharya. Its name is included in the Editor Board. Swami Hariprasadacharya is still alive. Smriti Granth Book is written about 50 year ago or 30 years ago, I cannot tell. But upon publication of this book I again read it. Book named Smriti Granth is filed in this Court. Document number of this boo or in which case it is filed, I cannot tell. I have not seen the book filed in

this court. No chapter is given in this book rather page number are mentioned. In which pages of this book structure of the Akhara is mentioned I can tell after seeing. In the past line of para 57 page 12 of the affidavit the Dinesh Chandra Shukla is mentioned, he is different from the writer Dinesh Chander shukl of the book filed In list No.10. Witness has Vol. said that In para 57 page 12 last line the Dinesh Chander Gupta is written, it should be actually Dnesh Chander Shukl. Extract of this book is filed by list No.10. In appendix 'Ka' of document filed by list No.10 it is not mentioned that Balanand Ji has established the Akhara. Only this page of the book is filed by me, which has concern in this case. Therefore I have not filed other pages of this book, which I did think necessary to file, have filed.

Some of the extracts of book 'Sriramvangaman Sthal' mentioned in para 58 of the affidavit is filed by me with my affidavit as List-4. Along with the list -4Ka I have not filed main page of the above book. Vol. main page of the above book is not filed in any

case. I cannot tell the book number of the said book in the above book. This book is filed in the original suit No.2/89. In which case this book was filed and when I cannot tell, my advocate can tell. This book was written within 10 or 20 years or is hundred of fifty years old, I cannot tell. Vol. it is the completion of historical incidents and it does mentioned the places of going of Rama from Ayodhya to Lanka. This is written by Dr. Ram Avtar. Dr. Ram Avtar is Historian. Vol. did hiking. Dr. Ram Avtar is the higher officer in the Income Tax Department, in Delhi. He is Income Tax Officer or Income Tax Commissioner, I cannot tell. He has an independent room in the Income Tax Department. On the basis of which I believed him special officer of the Department. He is M.A. in history or Ph.D., I do not have its knowledge. I only knows that he is historian of 'Ramvangaman' I did not read his any other book nor know. He is still alive. Extract of this book is filed as document No.16/14 to 16/24. List No.5 filed by me is also part of this book. Extract of this book

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starting from document No. 16/14 is filed by me. I have not the earlier pages of his book. Vol. earlier 13 pages were in this book which are not filed. In this only places out of Ayodhya is mentioned. It is written in this book that present name of the Tamsa river is Mandah or Mandahar, which is correctly written. Whatever the extract of document No.16/14 to 16/24 of this book are filed by me, the entries mentioned in it, is they are correct in the historic view. Present name of Tamsa river is Gaura Ghat, which is at the distance of 20 kilometer from Ayodhya. In document No.16/14 Sita Rasoi is mentioned at Sr. No.19. This place is under which District or what is the distance of this place from Ayodhya, I cannot tell. I believe that Sitaji had made kitchen at this place, therefore its name is Sita Rasoi. This Sita Rasoi is at ahead the Parayag where Ram Chander Ji has taken rest. This place is within Allahabad or not, I do not have any knowledge. In document No.16/15 Sita Rasoi is mentioned at Sr. No.21. This Sita Rasoi is in which District I cannot tell. The detail is in

this book, it appears that at this place also Sita Ji had made kitchen. I cannot tell that this place is within Prayag District or Not. This place is ahead from Prayag, I have its knowledge. This place is ahead from the Prayag. This place is at what distance from Ayodhya, I cannot tell, because I did not visit there. In document No.16/16 at Sr No.2 also, one Sita Rasoi is mentioned. This place is in which district I cannot tell. How many places have Sita Rasoi in India, I cannot tell its number. Vol. the places where Sita Ji had made the Rasoi during the exile, these places would referred to it which are mentioned by the writer.

In the layout of document No.322C-1/22 of other original suit No.5/89, the Sita Rasoi is shown within the Kannauj District, it is possible that Sita Rasoi would be at that place. Vol. the person who had built this temple, in the same name he would declare it. Document No.16/20 filed along with the affidavit, at Sr. No.118, Sita Sarovar Nasik is mentioned. This is the same Nasik which is

situated in Maharashtra. At Sr No.188 of document No. 16/23 the Ekant Rammandir is mentioned, this is some place around Rameshwarm. At Sr No.194 of this document Sitakund Bakapur is mentioned, which is in Faizabad. In document No.16/24 places comes while going to forest by Rama is mentioned. Vol. said this mentioned serial wise. In this layout Jammu-Kashmir and Tibbat is also mentioned, but Ramchander Ji not went there. In this layout Nepal is also mentioned but there does not fund mention that Ramchanderji went there. In this layout Bangladesh is also mentioned, the places shown in the site plan under Bangladesh which was under Madhya Pradesh. It is possible that Ramchander had gone to the place shown in the layout. In layout Jharkhand and Meghalaya are shown Ramchander not went at these places, because the details received for his vangaman, in which these places are not mentioned. In the same Srilanka Ramchander Ji went during his vangaman or not I cannot tell. In this regard writer can tell. It is possible that the Lanka in which

Ramchander Ji went, it was any Island. In this regard I do not have any knowledge that the Lanka where Ramchander Ji went, where it is located. Vol. I did not go to that place. I heard several disputed facts about Lanka, therefore I cannot tell that in the layout the Lanka shown in document No.16/24, Ramchander Ji went there or went any other place in the same name. In List 5, vangaman way of Ramchander Ji is marked. It is marked along with the serial number. In this layout serial number is written in fine letters, therefore I cannot tell the serial number. Vol. from the serial number given in this book, information of serial number can be gathered. From document No. 16/14 to 16/23 information with regard to this serial number can be relieved specifically. The places which are detailed in document No.16/14 to 16/23, these all places are shown in layout document No.16/24. It is correct to say that the places mentioned in document No.16/14 to 16/23 of the vangaman of Ramchander Ji, all these places are not mentioned in document No. 16/24. The place he went upto Lanka is

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mentioned in this layout, but which were the places in his return, are not mentioned in this layout.

Statement read over and affirmed

SD/-

17.11.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 18.11.2004. Witness be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

17.11.2004

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**BEFORE: COMMISSIONER SHRI HARI SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW**

(COMMISSIONER APPOINTED VIDE ORDER DATED
5.11.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

18.11.2004

**D.W. 3/20 MAHANT
RAJARAM ACHARYA**

(Cross examination of DW-3/20, behalf of
Defendant No. 9 Sunni Central Board of Waqf UP,
by Shri Jafaryab Jilani Advocate, is continuing
from 17.11.2004).

The extracts of the book filed by me as
document No.16/14 to 16/24, extract of the said
book is also filed as document No.16/25, below
which Sita Rasoi is written at 19th number. At
present Prayagraj is called Allahabad.
Thereafter after leaving one entry Sita rasoi
is written in this document, which is shown
Janua, Prayagraj, which is correct. Janwa is
also in Allahabad at present. Thereafter at
42th number Sita Rasoi is shown at Rakselva
Village Dist Stana. This entry is also correct.
Satna is in Madhya Pradesh. I did not go to
these three places. I do not know Sita Rasoi is
there or not, but there is a place named Sita

Rasoi. At No.112 of this document Sita Nahani is mentioned, which is situated in District jalana. This is the place of bath of Sita ji on any occasion of festival. Jalan is may be situated in Maharahstra State and ahead it there is entry at No. 118 of Sita- Sarovar which is stated to be in Nasik. At this place Sita Ji would lived specially and bath etc.. Sarovar has meant with pond. In this document at No. 164 Sita Kund is shown to situated at Bikapur District Faizabad. I have not seen the place Sita Kund. In this regard I heard, but I did not visit. At that time Sita Kund would be a small pond.

I have mentioned in para 50 of my affidavit about the Granth named 'Rudramal'. I have not read this book. The above books printed in reference to this book, I heard about the same. I have read part of the granth named 'Rudramal', and book 'Ayodhya Darpan' edited by Bhagirath Brahmchari. This part is concerning to the historic pilgrims of Ayodhya. I have casually read the book named Ayodhya Darpan. In document No. 43C-1/4 of this Book,

Janmabhumi is mentioned at No. 141 in the title of 'Niya Yatra'. The verse given at Sr. No.131, their Hindu translation is given there under, which is correct.

Question. In these verse , whose reference is given by you just now, and which are written at page No.131 of this book, in which words of Janmabhumi and Janmsthan are used, but these position of these places in Ayodhya is not mentioned in these verse , what you have to day?

Answer. It is incorrect to say that in the above verse janmbhui and birth place is not mentioned.

At page 36 of the book, Janmabhumi and Janmsthan is mentioned. At this page Janmbhumi and birth place and east and west boundary is shown. The verse given at page 36 of this book, their translation is given at page No.36 and 37, which are correct. The boundary is given in which birthplace is shown prior to Vighneshwar. It is not written in it that birthplace is situated at which distance from Vighneswhar. It is also not written that birthplace is at what

distance from Lomash. Similarly distance from Vashisht Kund to Ramjanmabhui is not written in it. What is the distance from Vivhnear Lomash and Vashisht Kund to birthplace, in this regard I did not read, but heard that what is the distance from pilgrims of Ayodhya at the measure of Dhanush. In which book this is mentioned I cannot tell. I do not remember what feet or meter or yards in dhanush.

Question. In Ayodhya Darpan document No. 43C-1/4 it does not find mention that in this book any extract of the book named Rudryamal is given? Whereas you gave statement in this book you have read the part of the book named Rudrhyamal. In this regard what you have to say?

Answer. In the contents of the book named Ayodhya Darpan it is written that for the authenticity while studying the Ayodhya Mahatmya mentioned in the granths Rudramal and other granths, in this book its Hindi translation is also given.

Question. It s not clear from the above sentence told by you in this book at which

place reference of Skandh Puran is given and at which place reference of Rudryamal or Veda is given?

Answer. Earlier the questions were asked in relation to the Rudryamal in this regard the answer given by me are of Rudyamal.

According to my believe the extracts mentioned by me, are of Rudryamal. In the book named Ayodhya Darpan extracts of Skandhuran, Rudryamal, Ramcharitmanas, Veda and properly Valmiki Ramayana are given.

At page No. 141, page 36 and page 37 of this book, part of Rudryamal is quoted. Apart from this at page No. 143, 144 and 196 of this book also extracts of Rudyamal Granth are given.

Question. At page 36 of the above book the verse s are written under the title of Ramjanmabhui and which you stated as part of the book named Rudryamal, in this regard I say that these verse s are given in the part of Shri Ayodhya Mahatmaya of Skandh Puran. In this regard what you have to say?

Answer. It is incorrect that above steanza are in Ayodhya Mahatmya of the Skandh Puran, rather truth is that this verse is of the book named Rudryamal. Ayodhya Mahatmya is the part of Skandh Puran. One part of the Skandh Puran is written under the title of Ayodhya Mahatmya. The book named Ayodhya Mahatmya is part of Skandh Puran.

Question. Is the book named Ayodhya Mahatmya is part of Rudyamal.

I cannot tell that there is any book famous in the name of Ayodhya Mahatmya nor not, but in Ayodhya several books in the name of Ayodhya Mahatmya were published. I have not red Skandh Puran.

Witness has seen the book 'Ayodhya Mahatmya filed in the other original suit No. 3/89 misc. application No. 35 (O)/2004 and said that I have not read this book. Over this book Rudrayamaliya Shiv Parvati Samvad is written, therefore this book should be a part of Rudryamal. The extracts of the above book named Ayodhya Mahatmya, filed along with application

36 (O)/2004, they are part of Rudryamal and not the part of Skandh Puran.

In the last sentence of para 50 of my affidavit of chief examination it is mentioned that I have read and heard various historic literature granth. The granths and books mentioned by me in my statement, apart from them I have read historic and literature granth ' prasann raghav and Hanuman Natak. Apart from them I d not remember name of any other book. Who is the writer of the book 'Prasann Raghav' and when this book was printed, I cannot say this book is in around 150 pages. This books is originally in Sansrit and its Hindi translation is made. I cannot tell that this boo was printed about 10-20 years ago or 100-50 years ago. In this book some reference regarding life of Ramchander Ji is subjectively mentioned. I have summarily studied this book in the year 1956. Thereafter I have not read this book. In this book verse and poetry both are given. I have not given any reference of this Book in my affidavit.

Vol. it includes in the literature texts. I did not think it necessary to specifically mention this book.

I have mentioned *Pran-pratishtha* of various idols in para No.51 of my affidavit. For the worship of the idols their *pran-pratishtha* is necessary. This *pran-pratishtha* is done through vedic mantras. Three days time is taken in the organization of *pran-pratishtha*. Minimum three days time is taken for *pran-pratishtha*. This *pran-pratishtha* is conducted by the knower of Vedas and mantras are being studied on this occasion. The idol which *pran-pratishtha* is being conducted, all the proceedings for its *pratishtha* is being conducted. On the occasion of *pran-pratishtha* there can be two Pandits and their number can be 5. It is necessary to have Vedic Brahman for the *pran-pratishtha*. The mantras are studied at the time of *pran-pratishtha*, I know about them. The idols kept below the building of three domes and the idols were in Ram Chabutra, when their *pran-pratishtha* was done, I cannot tell. When *pran-pratishtha* of the idols kept

in Outer part i.e. Shankar Chabutra, I cannot tell. The foot marks were at the chatti puja Sthal, when their *pran- pratishtha* was done I cannot tell. Idols at the below part of the building of three domes, at Ram Chabutra, Shankar Chabutra and Chatti puja sthal, and *pran- pratishtha* of Charan Chinha was happened after the Dashratha. This *pran- pratishtha* was done after the period of Ramchander Ji. Vol. the idols were at Shankar Chabutra, their *pran- pratishtha* had been done in the era of Ramchander Ji. Rest three places which are referred by me above, idols and Charan Cinha were not worshiped in the era of Ramchander Ji, this worship starts after his era. After the era of Ramchander Ji, era of his sons Love and Kush came. *pran- pratishtha* of the idols and Charan Cinha at the above three places were starts in the era of Love- Kush. I am telling this fact on the basis of hearing from my Gurujis. Vol. said in this regard there is prayer verse, which has been mentioned in my statement. This verse "*Sitanath Samarambha Ramanandacharya Madhyam, Smadacharya Pariyatam,*

Vande Guru Paramparyan' in the book Ramanand Smriti Granth. Ramanand Smriti Granth is the same which has been mentioned by me in third line of para 57 of my affidavit. This book is filed before this court. I do not remember this book number. I do not remember this verse is in which chapter and page of this book. Meaning of this verse is we start this worship tradition from Ramchander Ji and Ramnandacharya is in the middle of tradition and from then this tradition and method and custom is continue till my Guruji, according to which view, worship and custom is continue till my guruji and accordingly we are continue viewing, worshipping.

Question. In above shloka told by you, *pran-prashitha* said in the era of Love and Kush is not mentioned, in this regard what you have to say?

Answer. I have not read any granth relating to love kush and therefore I cannot tell anything in this regard.

Question. As you have stated in above statement that *pran pratishta* of the idol kept

in the Shankar Chabutra was held in the era of Ram Chander Ji, then in which book this thing has been mentioned?

Answer. In this regard I have given statement on the basis of hearing from tradition. In this regard I have not studied anywhere.

In the statement given in page No. 94 of my statement dated 3.11.2004, Chatti Pujan sthal.... continue its worship" is correct. Worship of the Chatti Pujan Sthal was start without any *Pran Pratishtha*. Vol. said that at the Chatti Pujan Sthel there is Charan Padukayen of the four brothers, and hence Chatti Puja was held there in the era of Ramchander Ji, rather the four brothers were present there personally, therefore charan-chinh of the four brothers were worshiped. Chatti Pujan of the four brothers were held at this place, again said that since the era of Ram Chander Ji Charean-Cinha worshiped. Vol. said *pran pratishtha* of the charan cinha was conducted later, but when pran pratistha was conducted, I cannot tell. The statement given by me today at page No.178 that 'pran pratistha

of the rest three places was held in the era of Love Kush, is correct.

Question. Your statement on the above page 94 and 178 are contradictory, because at page 94 you said that recognition of the Chatti Pujan Sthal is since the time of Dashrath, and its worship is being continued, whereas at page No. 178 you said that worship of Charan Cinha at the Chatti Pujan Stehal was not happened in the time of Ramchander Ji, rather starts after his era, in this regard what you have to say?

Answer. At page No.94 the thing of Chatti Pujan in the time of Raja Dashrath, is correct. Because at the time of Dashrath, Ramchandre J himself was present. The statement given by me at page No.178, that "after Ramchanderji , after the pran-pratishtha of Charan Chinh, this place was being worshiped", is also correct. My both the above statement are not contradictory.

The Chulha, chauka, belan was at the Chatti Pujan Sthal, its pran pratishtha was also held as their parts. This pran pratishtha was held as a Parshad. Pran pratishtha of the Chulha, chauka and Belan was held in the era of

Love Kush. Chabutra of the chatti puja sthal is also worshipable. Pran pratishtha was never happened, but pran pratishtha of the charan-chinha, chulha, chauka and belan kept in the above chabutra was held.

Question. According to your above statement pran pratisteha the charan cinha, chulha, Chauka and belan kept on the Chatti Puja Sthal, was held in the era of Love - Kush, and the Chabutra in which they were kept its Pran pratishtha was never held, then chabutra of the above Chatti Puja Sthal was worshipable since the beginning?

Answer. Yes. It is correct that the pran pratishtha of the charan cinha, chulha, chauka and Belan, kept on the Chatthi Puja Sthal was held in the era of Love Kush and the chabutra in which they were kept, its pran pratishtha was never happened.

Question. Then puja archan of any place can be held without doing pran pratishtha of the aforesaid place?

Answer. Such place can be considered holy, but without the pran pratistha puja-archna o above place cannot be happened.

According to my faith, believe and recognition of the disputed building of three domes was renovated at the time of Vikrmaditya. Who built it first time, I cannot tell. Again said this building is exists since the time of Lord Rama. The throne of the three stairs of the said building, this was also traditionally continued since the time of Lord Rama. In these three stairs idol of Ramlala and Lakhan Lal etc. was kept and after Ram Chander, his puja-archna was held there as a memorial.

The throne seen in picture No. 152 to 155 of the colour album document No.200 C-1, this is continuing since the time of Love Kush or not, I also cannot say. Since when this throne is continuing there, I cannot tell. But since the year 1947, since when I was coming to Ayodhya, I was looking it from outside. The chabutra 17 x 21 ft. in the outer courtyard of the disputed building was continuing, this was made in the time of Love kush or not, I cannot

tell. But I heard from my masters, according to which idols of Rama, Laxman, Bharat, Shatrughan and Paduka of Lord was also there. Vol. their worship is continued traditionally.

Question. In case you do not know that above Ramchabutra was exists since the time of Love Kush or not, then how you gave statement that pran pratishtha f of the idol kept in the above chabutra was held in the era of Love Kush?

Answer. Whatever is heard by me from my Masters on the basis of tradition, on the basis of which I have given my above statement.

Question. Did you hear anything in this regard from your Masters that when above Ram Chabutra was built and by whom?

Answer. I cannot say who had built the Ram Chabutra and in which year, but it was constructed by any Saint of the Nirmohi Akhara, but I cannot tell his name.

Question. Then any Saint of Nimohi Ajhara or Nirmohi Akhara itself was present in the era of Love Kush.

Answer. Saint of Nirmohi Akhara was also exists in the time of Love Kush.

Question. Please tell the names of Saint or Mahant of Nirmohi Akhara, in the time of Love Kush?

Answer. I cannot tell who were the saint or Mahant of Nirmohi Akhara at the time of Love Kush.

There were idols of Shivji, Parvati, Ganesh, Kartikey and Nandi Ji on Shankar Chabutra. Apart from them idols of anyone else was present or not, cannot tell.

Witness has seen the picture No.61 of colour album document No. 200 C-1 and said that the idol shown in it, apart from them there was no any idol on the Shankar Chabutra. In these idols five idols were of marble and one of Shankar Ji is of Pashan Vighrah. Pashan Vighrah is also the reputed idol of Shankar Ji.

Question. According to your today's statement, pran pratishtha of the idol shown in picture No.61 was done in the era of Ram Chander Ji, then this chabutra in which these idols was

shown kept, is continuing since the time of Ram Chander Ji.

Answer. Yes, I heard from the tradition, according to which worship at this place is doing since eternity.

This chabutra is always the part of the disputed building. In picture No. 59 and 60 of this Album, one tin shed is seen in this chabutra. This tin shed was not in this chabutra from always. For the safety from rain someone has installed there. When this tin shed was planted, I cannot tell. When I came to Ayodhya in the year 1943, at that time the tin-shed showing in picture No. 59 and 60, such tin shed was present at that time or not, I cannot tell, but at that time also tin shed was attached.

Question. In 11th line of the para 11 of the affidavit of chief examination, it you stated that pran pratishtha of only deities were held then according to you charan chinha, chulha, chauka and belan were also deity?

Answer. Whatever the sources used in the puja, they were considered as offering and they

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are first worshiped and through which puja archana of the deity are also done. Being the part of such type of puja, their puja is also done similar to the deities.

Statement read over and affirmed

SD/-

18.11.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 19.11.2004. Witness be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

18.11.2004

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BEFORE: COMMISSIONER SHRI HARI SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW

(COMMISSIONER APPOINTED VIDE ORDER DATED
5.11.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

19.11.2004

D.W. 3/20 MAHANT
RAJARAM ACHARYA

(Cross examination of DW-3/20, behalf of
Defendant No. 9 Sunni Central Board of Waqf UP,
by Shri Jafaryab Jilani Advocate, is continuing
from 18.11.2004).

In para 58 of my affidavit of chief
examination the book mentioned in first to
third line, extract of the said book is filed
by me along with the affidavit as List-4. In
sixth line of para 34 to 40 of the affidavit of
chief examination is mentioned, is written due
to typographical mistake, instead it should be
at page No. 14 to 33. The letter stated to be
filed by me in para 59 of the affidavit as list
7, this original letter is secured in the
office of Akhara Board (All India Shaddarshan
Akhara Parishad). This letter bears signature
of Parmanand Saraswati and Ramakrishan Giri.
Out of both the persons one is living in Kashi

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and one lived in Allahabad. Copy of this letter was received by me in the year 1989 at Prayag Kumbh. Original letter of this letter is not summoned by me. I never worked with Parmanand Saraswati and Ramkrishan Giri, but I had relation with him. I met to those people at Allahabad in the Kumbh of 1989.

In para No. 66 of my affidavit of chief examination have mentioned the news published in Hindustan Newspaper. I mentioned this because the manner in which three domes were in the disputed building, similar domes were also in the temple of Ganesh Bagh, but the domes of Ganesh Bagh were angular. Ganesh Bagh is situated in the Banda District. This news paper is dated 20.02.2004. I have only filed extract of the news paper. I have not filed original news paper. In this newspaper disputed building of Ayodhya is not referred. It is not written in this newspaper that the domes of Ganesh Bagh were similar to the domes of disputed building situated at Ayodhya. In the extracts of the copy of News paper filed by list 13 it is

written that King Vinayakrao Peshwa has to provide pleasurable comforts to his queen construct the 'Mini Khujrao' Ganesh Bagh in the style of 'Khurao'. It is also written in this newspaper that in the year 1824 Shri Vinayak Rao has constructed Ganesh bagh. I have seen the temple of Ganesh Bagh. There is several building. I have not taken photo of these buildings. On publishing on paper I went to see it. I did not take the photo of domes, because there is a desert colony. Sometimes any viewer came there. in para No. 69 of my affidavit, agreement dated 24.6.1988 filed in case No.4/89 is mentioned, this is related to the registry of Nirmohi Ahara. Copy of this agreement was seen by me with my advocate Ranjit Lal Verma, at the time of preparing of affidavit. While preparing the affidavit I have not read this paper, rather my advocate has explained. After the old agreement of 1949, this second agreement was made in 1988 after increasing the number of pancha. Thereafter on 11th August 1988 second agreement was executed. This agreement was of the same type as of

agreement dated 23.6.1988. Agreement of 11 August 1988 is not read by me while preparing the affidavit, rather in this regard I understood from my Advocate. In the agreement only customs of Akhara are mentioned, apart from this after including the new panchas, list of the panchas is also remains with the agreement. Prior to 1949 no such agreement is filed by me nor has seen. The agreement of 1949 referred by me in para 16 of the affidavit, the reason of its writing and registry was that from the constitution of Nirmohi Akhara, its panchs and the panchs being made in future, should be familiar to the people. It is incorrect to say that in case 4/89 the original agreement dated 11.8.1988 is not filed. It is incorrect to say that there is no any agreement of 11.8.1988. It is also incorrect to say that the agreement document No. 766/1g filed on behalf of the Nirmohi "Akhara in the above case, this is neither executed on behalf of Nirmohi Akhara nor is verified on this date. In para 69 of the affidavit document No.767/1ga is mentioned, but date of this agreement is not

mentioned in para 69 of the affidavit I cannot tell the date of this agreement. In this regard my advocate can tell. Agreement document No.767/1ga was executed prior to 23 June 1988 and prior to 23 June it was attested by the Notary. It is incorrect to say that I am giving false statement in this regard that document No.767/1ga was executed prior to 23 June 1988 and got attested. It is incorrect to say that the day when agreement of document no 767/1ga was executed and attested, on that day I was not in Ayodhya. This agreement bears signature of Mani Ram Das as a writer and witness. Ram Kewal Das has made his signature in this agreement only being a Mahant. This agreement was written in the temple of Nirmohi Akhara and also made signature there. In this agreement Mani Ram Das and one more saint whose name is not remember to me, have signed as a witness. It is incorrect to say that on the agreement filed as document No. 767/1ga signature of Mani Ram Das is not as a witness. In this agreement who had identified to Ram Kewal Dass I cannot tell. Which notary has attested this agreement,

I cannot tell. Notary has attested at the Nirmohi Akhara or Court, I also cannot tell. Agreement dated 11.8.1988 filed as document as document no 766/1ga is executed and attested in a Court at Faizabad. Who were the witness to this agreement, I cannot tell. The panchs who had executed this agreement, also were the witness of same. The time when this agreement was executed and attested and signature was made on it, at that time I was not there. At that time I was the panch of Nirmohi Akhara. In the first line of para 69 of the affidavit it is mentioned that documents were filed from list 274 ga. By this list documents were filed by the advocate, but I cannot tell that these documents were filed in Faizabad, or Lucknow High Court.

It is incorrect to say that by document No.274ga, document No. 764ga are not filed. Document No.764ga is list of document it itself is a document in this regard my advocate can tell. I cannot tell myself. Document No.765ga bears my signature, but my advocate can tell

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specifically in this regard. It is incorrect to say that document No.765ga does not bear my signature.

Document No.765ga filed in other original suit No.4/89 is seen by the witness and said that this document does not bear my signature. Vol. it appears that the document in which my signature was made, is not filed. It is correct to say that while preparing the affidavit the documents mentioned in the affidavit were not seen by me in original. The document referred by me in the affidavit, these documents are explained by me from my advocate and then written. It is incorrect to say that only at the instance of advocate I have referred these documents in my affidavit.

Document No. 108C-1/23 mentioned in sixth line of para 71 of my affidavit of my chief examination, was seen by me while preparing the affidavit. This document is the report of Commissioner. Apart from document No.108/1/23 I have seen layout.

Question. I say that report of the Malviya Commissioner is not mentioned in document No. 108C-1/23, rather number of the document of report is different?

Answer. Report of Malviya is correct, but the number put in the report, they are put by the Court, I do not have knowledge in this regard.

Report of commissioner document No. 108C-1 filed in the other original suit No.5/89 is seen by the witness and said that there why any layout is not filed along with the report, I cannot tell. Vol. there was a layout along with the report. It is incorrect to say that along with report of the commissioner any layout is not filed.

While preparing the affidavit of chief examination I had seen the layout along with the report. But in this regard first I heard and understood. I have mentioned the written statement in para 72 of my affidavit, this is filed in the case of under section 145 Cr.P.C. This case was filed in the year around 1950-52.

Question. Is the written statement of Abhirajdas is in one page and this page is filed before the Court as document No. 108C-1/36.

Answer. Written statement of Abhiram Das is in two pages. Court number is 108C-1/36 in this regard I cannot tell. What number is put by the court in the written statement of Abhiramdas, I cannot tell.

In para no 73 of the affidavit of my chief examination, I read over and understood the book of Justice Shri K.N> Mishra namely 'Ramjanamabhumi Babri Masjid Vivad Aur Dhawastikaran Ghatna'. Vol. said this book is with me. This book is in English and I readover it and understand its part. Name of the book of Shri K. N. Mishr, written by me in my affidavit, this is the translation of the name of the book. This book which is before me at present and which is brought by me today is written by Shri K.N Mishr, what is its name in English, I cannot tell. In the main page of this book title of the book is written in

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English 'Ramjanmbhumi Babri Masjid Dispute and demolition' I can read. Apart from this I cannot read anything in this book. According to me as per the above book of Shri K.N.Mishr, after the riots of 1934 any of the Muslim was not able to go toward the disputed premises. It is incorrect to say that it is not written in this book that after the riots of 1934 any Muslim was not able to go towards the disputed premises.

Witness has seen the page No. 13 and 14 of the list filed along with the affidavit for 5 minutes and said that in this page Inspector Moh. Ibrahim has given information about the details to the Secretary of Sunni Central Board, on 10 December 1949.

Statement read over and affirmed
SD/-
19.11.2004

Typed on my dictation by the typist in open Court. In order to same put up for further cross examination for 20.11.2004. Witness be present.

Sd/-
(Hari Shankar Dubey)
Commissioner
19.11.2004

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**BEFORE: COMMISSIONER SHRI HARI SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW**

(COMMISSIONER APPOINTED VIDE ORDER DATED
5.11.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

20.11.2004

**D.W. 3/20 MAHANT
RAJARAM ACHARYA**

(Cross examination of DW-3/20, behalf of
Defendant No. 9 Sunni Central Board of Waqf UP,
by Shri Jafaryab Jilani Advocate, is continuing
from 20.11.2004).

I have read over and explained
specifically page 13 and 14 of the list 20
filed along with the affidavit, but the page
No. 12 and 15 filed from the list, is generally
heard by me and also understood. In this list
the facts written at page No. 13 and 14, I
agree with them. At page No.33 of my affidavit
the District Indore is referred, this is under
Madhya Pradesh. My statement of 28.10.2004 that
' I am living in Ranchod Rai District Indore,
from the 35-36 years, is wrongly written in
District Indore, because temple of Ranchor Rai
is in Gujarat State. This temple is situated in

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Dakor, District Kheda. I visit Indore several times. My birthplace is of Indore.

Question. Your statement of page No.17 and today's statement in which you have stated your birth at indore and also visit Indore later, considering the same, your above statement that you never visit Madhya Pradesh, is appears to be false, in this regard what you have to say?

Answer. I have stated the thing about Indore, is correct. But I was no need to go any other area of Madhya Pradesh, because Indore is my birthplace.

Witness has seen picture No.8 of document No. 201C-1 of shyam-swet album and said that in this picture entire wall of the disputed premises is seen. In this picture No.11 of this album south side wall of the disputed premises is appears. In this album north wall of the picture No.9, idol of Varah Bhagwan is seen. This idol is found made in the outer wall. One part of the wall was just out of the wall. There were domes in this wall and also stones. This idol was also made from dome and stone.

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According to me this wall was too old, ,similar old is the idol of Varah Bhagwan. At present this wall is fall. Idol is fall or not I cannot tell, because could not go at that place.

After 6 December 1992, I went to the excavation place for inspection, but not went for darshan. When I went there for inspection, at that me I had not seen idol of Varaah Bhagwan. The manner in which idol is seen in the above picture No.9, in this manner have not seen any idol in Ayodhya. Statement given in para 23 of my statement and my today's statement the idol of Varah is mentioned, such idol is not seen by me anywhere. In Ayodhya there is any temple of varah bhagwan or not I do not remember. But there is idol of varah bhagwan or not, in this regard I have not heard, because I never go there. In the entire India I have not seen idol of vara Bhagwan in the disputed premises or any other place. where is the birthplace of Varah bhagwan, I do not have idea.

Question. Can you tell that Varah Bhagwan, as referred by you in page 23 of today's statement, in which his birthplace is situated.

Ld. Counsel Shri Ranjit Lal Verma for the Plaintiff of the other original suit No.3/89, has objected that witness has mentioned birthplace of varah Bhagwan in any place, This is neither mentioned by the witness in this chief examination nor made in cross examination. Therefore in this regard direct question that where is the birthplace of barah bhagwan, cannot be asked).

Answer. I do not know about the birthplace of Varah Bhagwan.

Witness has seen the document No.118C-1/152 filed in the other original suit No.5/89 and said that in this picture column of the temple is seen. Where this column is installed in the temple, I cannot tell, because I have not seen it. It is correct that in this picture entire column is seen, but entire building is not seen in this picture, in which this column

is planted. In this column mahaviri is seen in the place, there something like idol is visible, but whose idol, is not clearing. In picture document No.118C-1/151 of this suit, idol is seen; this idol is in damaged condition. I have not seen this idol attached with any wall or pole, but seen it lying aside. This idol was seen by me at which place, I cannot tell because much time has been lapsed to see it.

Question. I say that this picture (document No.118C-1/151) is not of the disputed place, rather is the picture of dwarpal installed in the janmsthan mandir situated across the north road of the suit premises?

(On this question Ld counsel Shri Ranjit Lal Verma for the plaintiff in other original suit No.3/89, has objected that what is the meant of dwarpal, is not established in India, therefore permission for asking the question on the basis of presumption cannot be given).

Answer. I have seen the idol lying in the disputed premises. Who brought this idol in the

birthplace temple, I cannot tell because after the year 1966 I had gone to Gujarat.

Witness has seen picture No.118C-1/148 in suit No. 5/89 and said that in this picture fragmented idol is seen, but whose idol is this, I cannot tell. Such type of idol is never seen by me in the disputed premises. Vol. said in case this idol was laying out of the disputed premises, then I cannot tell in this regard. In this suit document No. 118C-1/146 is seen by the witness and said that in this picture one fragmented idol carrying trident is seen, whose idol is this I cannot say. I have never seen such type of idol in the disputed premises.

I never heard name of Lala Sita ram who wrote any book in relation to Ayodhya. I have never observe any book written by him 'Ayodhya ka Itiyas'. The book written by Dr. Radhey Shyam Shukl 'Shri Ramjanmbhumi' is also perused by me.

It is incorrect to say that the disputed premises of three domes was the babri Masjid

made at the time of Babar. It is absolutely false to say that five times namaz and namaz of Jumme etc. was being offered in the disputed building from the time of Babar till 22 December 1949. It is incorrect to say that disputed place was never was the birthplace of Ramchander Ji. It is incorrect to say that in the dispute premises mosque was not built by demolishing the temple. It is incorrect to say that being the panch of Nirmoh Akhara, and at the instance of Bhaskar Das Ji and my counsel Shri Ranjit Lal Verma, I am giving false statement.

(Cross examination on behalf of Defendant No.9 Sunni Central Board of Waqf, Uttar Pradesh, by Shri Jafaryab Jilani, Advocate, is closed).

(Cross examination by Shri Mushtaq Ahmad Siddiqui, Advocate, for Plaintiff No.7 in other suit No.4/89 and Defendant No.5 Mohd Hashim in the other suit No. 5/89, starts)

X X X X X

In Ayodhya at various places, stones was planted by 'Ayodhya Edward Teerth Vivechni Sabha'. These stones were planted in the number of 148. Vol. I do not remember the number of stones. Ayodhya which is a pilgrims, stones were planted at these places. According to me Gurudwara, Jain Mandir and Masjid were not include in the pilgrims places. Motive of the Sabha was to plant stones in these places were or not, I do not have its knowledge.

Question. In which manner above committee was constituted?

(On the above question Id. counsel Shri Ranjit Lal Verma, Advocate for the Plaintiff in other suit No.3/89 has objected that this question is totally irrelevant and permission to ask such question should not be granted).

Answer. I would not tell in this regard.

I have read 'year 1902' written on a stone and therefore all the stones would be planted in this year. The stone in which year 1902 is written, this stone is planted in a big

place. At present also this stone is available there. Above things is carved in the aforesaid stone. I read in Hindi written on this stone. "year 1902 is written in figure. Words are in Hindi or English I cannot tell. Out of these 148 stones I have seen plated 7-8 stones. This stone is also planted in the disputed building or disputed place, in which 'nitya yatra janmabhumi' is written. On this stone 'Janmsthan Ramchanderji' is also written. Year is not written in this stone. In this stone 'One' number is written. 'One' is written in figure, which according to my reading is written in Hindi. 'Nitya Yatra' is also written in Hindi. The writing over this stone as stated by me, is written in the above stone.

Question. Writing in all the above stones is similar and equally readable or not. in this regard what you have to say?

(On this question Ld. counsel Shri Ranjit Lal Verma, in suit No.3/89 is objected that above question has been asked from the witness three-four times, therefore because this

question has been asked several times and hence he has objection in its again and it is also has wasting the time.

Answer. 'Janmabhumi Nitya Yatra' is written in thick letters and 'Ramchanderji ka Janmasthan' is written in thin letters. Vol said because both the words have similar meaning. The writing told by me in the above stone, apart from this nothing is written./

Question. Is Sita Rasoi is also written in this stone?

(On this question Ld. Counsel Shri Ranjit Lal Verma in suit No. 3/89, has objected that what is written in the stone, has been disclosed by the witness. Apart from this nothing is written in the stone. Therefore there is no significance of asking such question).

Answer. No.

I have given statement at page No.80 of my statement dated 2.11.2004 that 'a stone is planted in the main door of the above temple,

in which Jamsthan (Sita Rasoi) is written. My statement is correct and this is in relation to the Janmsthan mandir, crossing the road in south of the disputed place. stone number would be put in this stone, but I do not remember. Entire writing in this stone is engraved. All the stones planted are written in engraved writing. How many stones are planted, all are engraved and written. Outside the stone of the birthplace is planted in the east side across the road. This sabha which name was 'Ayodhya Edward Teerth Vivechni Sabha', after the discussion it has planted the stones. Therefore vivechni words came in its name. This deliberation was made by which sources by the Sabha, in this regard people concerning the said sabha can tell. In this regard I have not got any information. The stone planted in the 'Kanak Bhavan', I have seen it, but in it Kanak Bhavn would be written. Apart from the above stones I have seen the stone planted in 'Ratn Sinhasan Mandir', Ram Gulela Madir (Lomesh Ashram, Sita Koopo, Sumita Bhavan, Kaikai Bhavan. 'Sita koop' is written in the stone of

Sita Koop. These stones are available at their place. On this stone in Hindi and English is written. Stones of Sumitra Bhavan and Kaikai Bhavan would also be at their place. In the stone at Sita Koop, number is marked or not, I do not remember, but number would be put in it. I believed that on all the 148 stones number would be mentioned. According to me the place where stones were planted by the Samiti, there in these places, in this regard there was no any dispute, there these stones were correctly planted, but the places where there is dispute in this regard I cannot tell that these places are correct or not.

Question. In your knowledge out of the 148 places, apart from the dispute places, there is any dispute of other place or not?

(Ld. counsel Shri Ranjit Lal Verma in suit No. 3/89 has objected that these 148 places are not mentioned anywhere, therefore in this regard asking the question is only wasting of time and this question is not relevant).

Answer. Apart from the dispute place, dispute is for which places, I cannot tell.

According to Rudryama or Ramcharitmans, Vivechni sabha has tried or not to mark he places, in this regard I cannot tell.

Question. What was the motive of Vivechni Sabha to plant stone at these places.

(Ld. counsel Shri Ranjit Lal Verma in suit No. 3/89 has objected in this question that in that event when witness has already told that he has no information about the constitution of sabha, then in that event asking of this question is not relevant. Therefore permission to ask the question should not be granted).

Answer In this regard Vivechni sabha can tell.

Who had authorized to Vivechni Sabha for planting the stone, I cannot tell.

Witness has read the para 26 of the affidavit of the chief examination and said that in which below my signature, signature of Mahant Raghubar Prasad of big place is

mentioned. Raghur Prasad were the mahant of Big place. At present he is not alive. In which time Raghubar Prasad were the Mahant, I cannot tell. Raghubar Prasad had concern with Nirmohi Akhara. This relation was sect. Raghubar Prasad was not the panch, Mahant or priest of Nirmohi Akhara. He was the well wisher of Nirmohi Akhara. Vol. said being the Ramnandiya Sect he was considering Nirmohi Akhara as his own. All the saint of Ramnandiya Akhara in Ayodhya, they consider the Nirmohi Akhara as their own. In Ayodhya there is number of temples of Ramnandiya Sect is in hundreds.

In my statement Ramkot word is come. I mean to it with Ram Durg. Durg is also called fort. In Ayodhya, at the time of Dashrath ji, there was Ram Durg or quila. Ram Durg was named after Dashrath Ji. I am not remembering at present that I have read about Ram Durg in any book or not. I cannot tell the length-width of Ram Durg, but can tell its boundary. Matgajendr place was in the north side. Sugiv Tila and Kuber tila was in south side. Hanumangarhi in

east side and Brahmkund was in west side. In the boundary the telas are mentioned, out of them Sugriv Tila and Kuber Tila they were two tila and there was any other tile in the boundary of Ram Durg or not, I do not remember. The places I mentioned in the boundary, in these places also stones would planted. Vol. I have not seen these stones. At present Kuber Tila is appears to be tile, because this is at the height of lad. This place is not flat. In the boundary of Ram Durg, the tila mentioned by me, apart from this there is Matjender Tila, which is at height from the land surface. Apart from these tila Hanuman garhi is also at height. Because Hanuangularhi is at height and hence it can also be said Tila. Although at present its name is Hanumangularhi. There was any other tila in the boundary of Hanuman Garhi or not, I did not read in this regard. Apart from the above tila with the boundary of Ramdurg I did to heard about any other tila. Angad tila is in the south side of Ramdurg. Kuber Tila is also situated in south corner. Boundaries of Ram Durg is covered with these three tilas.

In para 50 of my affidavit of chief examination in the first line the fact written that 'old name of the disputed temple was Ramjanmsthan' is prevalent in this name since the beginning, is correct. Disputed temple was famous in the name of Ramjanmsthan in Ayodhya. Vol. this trend was in the view of the people came in Ayodhya.

Question. The era in which old name of the disputed mandir was assumed as Ramjanm Sthan in Ayodhya, in that era disputed temple was trended in which name in Faizabad?

Answer. Generally in entire word disputed mandir was known and knowing in the name of Ramjanmbhumi.

Question. According to you disputed mandir is only known by the name of Janmsthan in Ayodhya and in rest word it is known by the name of Janmbhumi?

(Ld. counsel Shri Ranjit Lal Verma in suit No. 3/89 has objected in this question that this question is amazing, because earlier

when question was asked in this regard, then only Ram word was used along with the Janmsthan but now in this question only Janmbhui word is used, which is different from earlier question. Therefore permission to ask such question should not be granted.

Answer. Janmstham and Janmbhumi is one and its means janmabhumi of Rama and birthplace of rama.

Question. In para 50 of your affidavit of chief examination, famous in the name of Ramjanmasthan and Ramjanmabhumi is mentioned, this is unnecessary.

(Ld. counsel Shri Ranjit Lal Verma in suit No. 3/89 has objected in this question that this question is totally misleading and in both the words i.e. Ramjansthan and Ramjanmbhumi, the middle word clarify the gist. Therefore this misleading question is asked).

Answer. It was necessary, so that there would not be any illusion to the people, Ramjanmbhumi and Ramjanmsthan is used for similar place and

land. This is one place where Lord Rama was born.

Question. In para 50 of your affidavit of chief examination , according to first line, old name of the disputed mandir was Ramjanmsthan. Is this name has changed?

(Ld. counsel Shri Ranjit Lal Verma in suit No. 3/89 has objected in this question that in the event when witness is giving statement that both the name are used for the same place, in that event question of name change does not arise).

Answer. There the stone is planted 'Janmbhumi' is the indicative of Ramjanmasthan. 'sthan' and 'Bhum' has no special difference, both has word differences. In the economic Bhumi and Sthan words are used for the Rama.

(Witness has told after some time that my mean to arthi word is that both words have similar meaning).

Question. I say that you did not give answer to the above question, in this regard what you have to say?

Answer. The answer of the question understand by me is relied by me.

Question. Is while showing any place when it is said that old name of the such place was so, meant to saying so is that its new name has been changed?

(Ld. counsel Shri Ranjit Lal Verma in suit No. 3/89 has objected in this question that it is imaginary question and it has no concern with any of the issue in the suit pending here).

Answer. This place was called Ramjanmabhumi and also Ramjanmsthan. Both have only language difference and has no meaning difference. Earlier this place is called Janmsthan and Janmbhumi and at that time also it was called so. The temple is in the north side of the disputed building, it is known as Sita Rasoi. Although Janmsthan is written there.

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Statement read over and affirmed

SD/-

20.11.2004

Typed on my dictation by the typist in
open Court. In order to same put up for further
cross examination for 30.11.2004. Witness be
present.

Sd/-

(Hari Shankar Dubey)

Commissioner

20.11.2004

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BEFORE: COMMISSIONER SHRI HARI SHANKAR DUBEY,
ADDL. DISTRICT JUDGE/SPECIAL EXECUTIVE OFFICER,
HIGH COURT, LUCKNOW BENCH, LUCKNOW

(COMMISSIONER APPOINTED VIDE ORDER DATED
5.11.2004 OF THE HON'BLE FULL BENCH
LUCKNOW)

20.11.2004

D.W. 3/20 MAHANT
RAJARAM ACHARYA

(Cross examination of DW-3/20, behalf of
Plaintiff No. in original suit No. 4/89 and
Defendant No. 4 in other original suit No. 5/89
Mohd Hashim by Shri Mushtaq Ahmad Siddiqui
Advocate, is continuing from 20.11.2004).

In para 50 of my affidavit the word
prachin means, old long time. I would not tell
the definite time period but prachini means
old. In this para the word 'shuru' is mean that
since the disputed mandir was constructed.,
since then it was known by the said name.
disputed mandir was known as Ramjanm Sthan since
the beginning, but some people also called it
Ramjanmabhumi. Initially when people called it
Ramjanmabhumi. In entire word disputed mandir
is famous in the name of Ramjanabhumi. This
place was known by both names i.e.
Ramjanmasthan and Ramjanabhumi together. I came

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in the dispute place in the year 1943 and then I had seen Govind Ds Ji as priest there. Till he was alive h remained priest there. He died around the year 1950. Shri Baldev Das Ji who was the assistant priest at that time, after his death, he starts working as big priest. When Baldev Das Ji went outside for any work, then assistant priest used to work of big priest. Baldev Das Ji now passed away. After the death of Baldev Das Ji, Sudreshan Das Ji has taken the possession big priest. Baldev Das Ji died around in the year 1965-66. Apart from the big priest Baldev Das J was the panch of Nirmohi Akhara. Vol said he was manant of Naka Hanuman Garhi. Baldev Das Ji was never the mahant of disputed place rather was main big priest.

I know siya Raghav Saran ji. He was the priest of Nirmohi Akhara. There are several temple of Nirmohi Akhara in Ayodhya. Siya Raghav Sarna Ji was the priest in Ramjanmabhumi Manir. Siya Rahav Saran Ji was a lso the main priest of Ramjanmabhumi Mandir. Now he went

from there, where he goes I do not know. Siya Raghav Saran Ji was the priest of Ram Chabutra till 1982. After the attachment Siya Raghav Saran Ji was the priest of Ram Chabutra.

At this stage Ld arguing counsel has drawn the attention of witness towards Exhibit E-1, other original suit No.5/89, and asked that its Plaintiff No. 2 is the same Siya Raghav Saran, who is referred by you in the above statement. Witness has seen the document and replied that he is the same Siya Raghav Sarean who were the priest of Nirmohi Akhara and who is referred by me above. In this exhibit Plaintiff No.1 is Shri Ramlala. In the end of this Exhibit E-1, the Mandir nijai is detailed according to me it is wrong and this deteaill is in relation to the Ram Chabutra. Vol said Shri Siya Raghav Saran has no right to file such type of suit. In the end of para 10 of my affidavit the boundary of the property is given this is the list of property attached on 5.1.1950, the boundary given in nit is correct and does not have any error.

Ramcharan Das Ji was also the mahant of Nirmohi Akhara. He was mahant prior to my coming to Ayodhya. I heard that he lost his eyesight and I had seen him in blind condition. Ramcharna Das Ji was living in the naka Muzaffar Haunumangarhi. He used to come in the temple of Ramghat of Nirmohi Akhara., but he was not living there. I do not have any information that he had filed any suit in relation to the property of Nirmohi Akhara or not.

At this point Id. Arguing counsel has drawn the attention towards paper No. 45 C1 (OS No.3/89) and asked in this compromise the names of parties given, in which name of Mahant Ramchanran Das is in the complainant, he is the same Shri Mahant Ram Charan Das? Witness has seen and replied that he is the same Ramcharan Das, who was seen by me as a blind. In this compromise I know the Respondents Raghunath Das Chela Dhareamdas he was my master. In this compromise I heard the name of Respondent Haridas Chela Govind Das, but I did to see him.

Similarly at No.3 Raghunath Das Chela Mangal das, is seen by me and nor heard. In it the shown at No.4 Mahant Baldev Das Chela Mahant Mohan Das is seen by me. He was the guru Bhai of Ramcharan Das. I have stated by me in my above statement that he was the priest of Ramhanmabhumi. I have not seen Sukhra Das and Naga Ramcharan Das Chela Jagdev shown at number No. 5 and 6, but I heard their names. I saw Ram Lakhan Das shown at No.7. He was the treasurer and he had given charge of Ramjanmabhumi to Siya Raghav Saran Das as a priest. I heard name of Baba Narayan Das Ji shown at No.8, but I did not saw him. At this paper No. 45C-1, all the people shown as Plaintiff and Respondent were the mahant and Panch of Nirmohi Akhara. According to my faith and believe they all were the worshiper of Shri Ramchander Ji and not the opponent.

Ld. arguing counsel has drawn the attention of witness towards paper No. 45 C-1, which are seen and witness replied that most of words of this compromise are of Urdu and is

beyond my understand. But it appears from the reading of it that they people have mutually comprised. I do not know any more. It is correct that this is in connection with the dispute, right i.e. maintenance of the property of Nirmohi Akhara. Witness has seen the layout given at the end of the suit No.3/89 and said that the Ramchabutra shown in this layout is the same which details is given in para 10 of my affidavit and in which Ram Chabutra mandir is shown in east side. In the above suit, sita rasoi shown in the said layout is the same place which is shown in the name of Chatthi Pujan in north-hall at para No.10 of my affidavit. Sita Rasoi/ Hall Chatti Puajn sthan is not measured by me. Its length-width would be around 7-8 ft.

On the list 16 document along with my affidavit bears handwriting and signature of priest Siya Raghav Saran and vol. said that it also bears signature of Golai Shri Ram Lakhan Das. No date is shown in this paper. This paper was written in my presence. Vol. I had seen

while making both the signatures. This document was written in around 1965. Siya Raghav Saran who has signed this document is the same who is referred by me above and who had filed the case. The articles written in this paper was given in charge to Raghav Saran. This charge was of Ramjanmabhumi Chabutra. Ram Chabutra situated in Ramjanmabhumi Mandir Parisar was around 17 x 21 ft, it is called Ramjanmabhumi Chabutra. Charge of articles of this Ramjanmabhumi Chabutra Mandir was entrusted to Siya Raghav Saran. Shri Ram Lakhan Das Golki who had accounts of the above Ramjanmabhumi Chabutra Mandir, had given the charge to Siya Raghav Saran. After taking the charge also Siya Raaghav Sarna was not became Golki but remained Priest. When priests are changed then charge is being given in the same manner. Original of the above document of List 16 was given by me by Siya Raghav Das Ji in after the dacoity of 1982, when I came here. I had seen such other documents of giving charge, but all were destroyed in the dacoity. I got knowledge of

this document at that the same time when this document was written in the year 1965.

Dacoity was occurred on 16.2.82. In this regard the letter was sent to me to Gujarat, in which it was written that this dacoity was committed by the people of Hanumangarhi. I am not the eyewitness of Dacoity. Persons of Hanumangarhi have concern with Nirmohi Akhara. Ramnandiya Ajhara is also come in the Nirwani Akhara.

I cannot tell that in the year 1966 and 1982 the attachment of Ramchabutra was held in this regard any document i.e. seizure of article was prepared or not. In this regard I did not try to get any information.

There is Ramjanmabhumi and Ram Chabutra in the disputed premises and also is Shankar Darbar, Chatthi puja and form of varah Bhagwan. i.e. all these things Ramjanmabhumi mandir is in the above premises. According to me all the above have similar religious value and I have faith in all these. Wherever such places are exists they have religious value.

Where there is Sita Rasoi, it also has religious significance.

After the north road of disputed premises there is a temple in which Sitta Pak i.e. Sita Rasoi is written. It is not called by the name Ramjanmabhumi sthan.

The temple situated in the south side of the road is known as Sita Rasoi Mandir. A stone is planted there. On stone number five is written, 'sita pak' is written and 'Jansthan' is shown written within the bracket. Sita pak means with Sita Rasoi. I never went in the temple of north side and only viewed from outside, therefore I cannot say charan-cinha are its inside.

Ram Chabutra mandir mentioned in para 33 and 34 of the affidavit are the same which is shown by me in the east side of the place mentioned in para 10 of my affidavit. There are about 6-7 temples of Nirmohi Akhara in Ayodhya and their arrangement is being made by the Nirmohi Akhara. Panchas are elected and arrangement of the temples are made in writing.

Accounts of income and expenditure is generally kept according to Sadhu-sahi custom.

It is correctly written in para 4 of my affidavit that Panch Ram Pyare das of the Nirmohi Akhara were living there and Golki Ram Das was living in the temple of Ramghat Akhara, and in day and evening time they used to come in the Ramjanmabhumi Mandir, temple situated at Ramkot Mohalla, Ramghat Ayodhya, Nirmohi Akhara Mandir, and did accounts of the expenses. Similarly other Golki were also maintaining the accounts. Each of the temple has separate accounts. In para 15 of the affidavit in the 5th line from above, Ram Lakhan Saran Bhagat is the different person who was different from Golki Ram Lakhan Das.

In the records mentioned in para 36 of my affidavit, there are documents of Akhara constitution rules and mutation documents. Akhara constitution and rules is a document which is in the form of book. I have seen this document but not read. Document given in para 18 of my affidavit is related to the mutation.

Mutation document is in the name of my Guruji. This is one of the records mentioned in para 36.

(Witness has seen document No.855/ga in other original suit No.4/89 and said) this is in relation to Prakatya Mahotsava. According to which this is issued on behalf of the Ramjanmabhumi Sewa Samiti. In which in the name of officials name of Ram Asre yadav is written. I cannot tell that this is the same Ram Asre Yadav who has given evidence on behalf of the Nirmohi Akhara. I do know that in this case Ram Asre Yadav is examined on behalf of Nirmohi Akhra, but I do not that he is the same whose name is written in this document. When his statement was recording in the Commission, at that time I was present there. But was not inside where statement was being recorded. Since I went Gujarat in the year 1966 and hence I do not knw that in Ayodhya Parakatya Divas is celebrating in each 22-23 December. I do not know in between 1950 to 1966 when I remained in Ayodhya any such type of festival was

celebrated or not. After the year 1966 also I used to visit Ayodhya. After the year 1983-84 I did not get any information for celebrating Prakatya Divas in Ayodhya. According to my information no prakateya Mahotsav or Prakatya Mahtsava of Ramchander Ji is celebrating in Ayodhya.

The facts written in para 40 page 7 of the affidavit, they are that prior to attachment, chanting was held there and thereafter is also continuing so. It does not mean that prior to the attachment chanting was held some times and after the attachment it was start on regularly. This chanting was being done by Mahant Baba Baldev Das and was done on his behalf. Vol said that Sahdus of the Ayodhya were also included in the said Kirtan. Baba Baldev Das was holding the chanting on behalf of the Akhara.

Idols of Mahaviri Hanuman Ji, Ganesh Ji and Durga Ji is being placed. Other idols are not placed. In view of the Mahaviri Puja they are placed and not for the identification of

idols. Baldev Das Ji was never the mahant of any of the temple of disputed premises. Contents of the document No.39C-1/39 (OOS 3/89) is written by my hand. Its next document No. 39C01/40 is not in my specific knowledge. But I have seen this document and heard in this regard. Document No. 40C-1/3 is in English language, therefore I have no knowledge about it. I only have knowledge that this document this document is filed by the Nirmohi Akhara in its case No. 3/89.

Witness has seen the document No. 100C-1/3 in suit on.5/89 and said that this suit is not filed on behalf of Nirmohi Akhara rather truth is that this suit is filed by Siya Raghav Saran in his personal manner. He has no right to file this suit.

Question. I say that suit No.57/78 which copy of the suit is shown to you as document No. 109-C, this suit was in respect to the disputed building, in this regard what you have to say?

Answer. Witness has seen the suit and said that I do not have any knowledge about the subject of this suit.

From the boundary given in this suit it appears that this is filed in relation to the disputed Building, but I do not have its knowledge. The statement given by e today that it is in relation to the Ram chabutra, is correct, because as per my knowledge this suit was filed in relation to the Ram chabutra.

Proceeding of section 145 Cr.P.C. which was starts in the year 1949, under this proceeding one notice was issued, under which Hindu and Muslim public of the Ayodhya was asked to file suit. In view of the above notice I have not field any suit. It is incorrect to say that the temple situated in the north of the road across the disputed premises, is always known in the name of Ramjanmstehan Mandir. It is incorrect to say that disputed building was constructed as a temple in the year 1528. It is incorrect to say that entire disputed premises is the premises of mosque. It

is totally incorrect that till 22 December 1949 five times namaz and Azan was being offered in the disputed premises. It is incorrect to say that till 22 December 1949 Jumme Ki Namaz was being offered in the disputed building. It is incorrect to say that in the days of Ramzan , Tarawih Ki namaz was offered in the disputed building and after the nama people gives laddu to the Namazes.

(cross examination on behalf of the Plaintiff No.7 in original suit No. 4/89 and Defendant No. 5 in other original sut No.5/89 Mohd Hashim, by Shri Mushtaq Ahmad Siddui, Advocate, is closed).

(On behalf of Defendant noo.6/1 in original suit No.3/89, Shri Irfan Ahmad Advocate and Defendant No.6/2 in original suit No.5/89, Shri Fazle Alam Advocate and on behalf of Defendant No.26 of the original suit No.5/89, Shri C.M. Shukla, have adopted the cross examination conducted by Shri Abdudl Mannan, Shri Jafaryab Jilani, Advocate, and Shri Mostaq Ahmad Siddiqui, Advocate.

12395

Cross examination for all the defendants
is closed. Witness is released.

Statement is read over and affirmed

Sd/-

30.11.2003

Typed on my dictation by the clerk in the
open court.

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