

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

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

Nirmohi Akhara and others. ...Plaintiffs.

VERSUS

Baboo Priya Dutt Ram and others ...Defendants.

**STATEMENT OF D.W. 3/4
MAHANT SHIV SARAN DAS**

www.vadaprativada.in

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

OTHER ORIGINAL SUIT NO. 03/1989

PANCH RAMANANDIYA

NIRMOHI AAKHARA

...PLAINTIFFS

VERSUS

PRIYA DUTT RAM AND

OTHERS

...DEFENDANTS

EXAMINATION IN CHIEF OF WITNESS D.W.3/4 UNDER
ORDER 18 RULE 4 CODE OF CIVIL PROCEDURE

I, Mahant Shiv Saran Das, aged about 83 years, a
disciple of Nirmal Das Jhariya Nirmohi Balkeshwar
Hanuman Mandir, Mohalla Nirala Nagar, City & Distt.
Lucknow, solemnly affirm on oath as under:

1. I was born in the year 1920.
2. I became a disciple of Shri Shri 108 Mahant Kaushal K Das of 'Barhi Chhavani, Ayodhya' after the 'Yaggyopavit' rituals in Ramanandiya Bairagi Sampradaya, at the age of 11 years.
3. Barhi Chhavani Ayodhya is a famous temple. It is a temple of Vaishnav Ramanandiya Sampradaya.
4. When I became a disciple at Barhi Chhavani, I had come to my senses and begun to understand fully well.
5. I am originally a resident of Mohalla Aliganj, Lucknow. I am a Brahmin and my parents were religious

'Vaishnavs'. I have their 'Sanskaras' in me. My father lived like a Sadhu.

6. While staying at Barhi Chhavni, Ayodhya, I used to visit the temples of Hanumangarhi, Kanak Bhawan, Ramjanart Bhoomi etc. for darshans. Initially I used to go alongwith my 'gurubhai' (a fellow disciple) Ram Manohar Das and later on I used to go on my own. I used to bath in Saryu regularly.
7. Saryu is to the north of Ayodhya.
8. I had been going for 'darshans' to Shri Ram Janam Bhoomi since 1933. Right from the very beginning, I have been seeing Shri Ram Janam Bhoomi temple site in two -par The first part is the interior 'Garbha Graha'. There are three pillars over it. Next i.e. to the east, there is a wall of bars. In that wall there was an iron gate to the east in front of the main 'Garbha Graha; There was another iron bar gate in the same wall about 18 or 20 feet away to the north of this gate. That is, there were two iron-bar gates in that wall of bars.
9. I have 'Darshans' of Bhagwan Ramlala inside the Garbha Graha. There is one eight-metal idol of Ramlala, which is one 'bitta high'. There is another eight- metal idol of Lakhanlal. There is an idol of Hanumanji made of stone. This idol is one and a quarter feet or one & a half feet high. There are 4,6 idols of Saligram Bhagwan. These idols have always been there when I used to have darshans there.
10. There is a silver throne about one and a quarter feet and a half feet high. Bhagwan Ramlala, Lakhanpal

Bhagwan were enthroned over it. Hanumanji has outside the throne.

11. In the same main 'Garbha Graha', there is a swing throne where Bhagwan Ramlala comes & goes. tradition because of his 'Bal roop' (child incarnation).
12. Whenever I had gone for 'darshan' of Bhagwan Ramlala in Garbha Graha, I had always seen pujaris & sadhus of Nirmohi Akhara Ramghat performing the duties of a 'Pujari'. I had also seen the Sadhus of Nirmohi Akhara performing puja & arti at Ramchabutra Mandir, Chhathi Poojan Sthal, Shiv Darbar etc. I have seen them taking Prasad from the devotees and offering 'Prasad & 'Charnamrit' to the devotees. I have been having 'darshan' of Bhagwan Ramlala inside the inner Garbha Graha until the attachment in December 1949. After the attachment, I had been having 'darshans' through the grill-door. I had been having darshan of the rest of the religious places, such as Ram Chabutra mandir, on the outside, as usual.
13. In 1945, I became a 'Naga' at Ujjain Sinhashta Kumbha Nirmohi Akhara and became a 'Naga disciple' of Shri Shri 108 Swami Nirmal Das Maharaj Nirmohi. My precious Guru Nirmal Dasji was Shri Mahant Ani at that time. There are 09 villages under Nirmohi Anil. Jhariya Nirmohi is one of those villages. I am the Mahant of this village. I am conversant with the customs of Nirmohi.
14. Nirmohi Akhara is a religious trust having a number of temples under it. In the Ramghat Baithak of Nirmohi Akhara) Ayodhya Ramjanam Bhoomi Mandir,

Ram Ghat Vijay Raghav Mandir are the famous temples. There are some other temples like Sumitra Bhawan, Ratna Sinhasan, Luv-Kush mandir & Ram Gulela Mandir etc.

15. Ram Janam Bhoomi is situated in Nirmohi Akhara where installation of Bhagwan Ramlala & the 'Pran-pratishtha' must have been done by some earlier Mahant of Nirmohi Akhara in the previous era. This tradition is being followed by the Nirmohi Akhara for past six hundred years. The Nirmohi Akhara has always been of Bhagwan Ramlala & Shri Ram Janam Bhoomi mandir has always been managed by the Nirmohi Akhara.
16. Nirmohi Akhara is a 'Panchayati Math' and has a 'Panchayati system'. The decision of the 'Panchs' is supreme. The Mahant, without the permission of the 'Panchs' of Nirmohi Akhara, can neither sell, nor mortgage or donate any property.
17. After becoming a 'Naga' in Nirmohi Akhara in 1945, I became conversant with the customs of Nirmohi Akhara. The customs of Nirwani Akhara, under which Hanuman Garhi falls, are also the same. These customs are applicable to all Akharas.
18. As a matter of custom, a panch, the treasurer, a pujari and sadhu of Nirmohi Akhara had been staying at Ram-Janam-Bhoomi Mandir. While staying at Sant Niwas and Bhandar Graha, they had been performing 'Puja path', Rag 13 hog, Utsav Sammaiya regularly, there. This system was being followed by Nirmohi Akhara in the Garbha Graha until attachment in December 1949. After the attachment, I had been

witnessing this system being followed at Ram Chabutra Mandir, 'Chhathi Pujan Sthal' & Bhandar Graha, Sant Niwas and Shiv Darbar till February 1982 when this outer portion was also attached due to internal strife and the puja path began to be performed under the supervision of the receiver.

19. In December 1992, the entire temple i.e. the entire structure was demolished. But, Bhagwan Ramlala continued to exist there and the devotees are having 'Darshans' and, as before.
20. Even after 1945, I had been going regularly to the Ram Janam Bhoomi Temple for 'darshans'. I had been going there 4-6 times during a year. At times, I have even stayed there for a month or so. I mostly stayed at 'Pathar Mandir Ghat, Ayodhya. I have always seen Nirmohi Akhara having possession of Ram Janam Bhoomi site. I have also been seeing the devotees having 'darshans' of Bhagwan Ram and performing puja there.
21. I have also been going to Nirmohi Akhara, Ramghat, Vijay Raghav Mandir for performing puja of the 'Charan Paduka'.
22. In 1945, Jatapal Mahant Raghunath Das was the Mahant of Nirmohi Akhara. He was a Naga disciple of Dharam Das. In 1945, Baba Baldev Das was the Pujari from Nirmohi Akhara and Ram Lakhan Das was the treasurer at Shri Ram Janam Bhoomi. There lived about 20-25 sadhus at Sri Ram Janam Bhoomi. The other Panchs of Nirmohi Akhara such as Ram Das Nirmohi, Mahant of Sumitra Bhawan and Gobind

Dasji of Sita kup mandir, etc. also lived in a temple constructed in front of Ram Janam Bhoomi Mandir.

23. One year after my becoming a Naga, I have also been seeing Mahant Bhaskar Das present in the Court who is a disciple of Baba Baldev Das, working as a pujari at Shri Ram Janam Bhoomi.
24. In 1960, I got constructed a temple of (Balkeshwar) Hanumanji at Nirala Nagar, Lucknow. Since then, I have been the Mahant of this temple. Prior to this, I have been on pilgrimage throughout the country but, I have always been coming to Ayodhya.
25. I became the Mahant of Jharia Nirmohi about 45 years ago.
26. I went for 'darshans' of Bhagwan Ramlala at Ram Janam Bhoomi in Ayodhya the last time in August 2003. Ever since I have been going for 'darshans' of the pious Janamsthal (the birth place) situated in the disputed site of Ram Janam Bhoomi Mandir and the religious Chhathi Pooja Sthal, Bhagwan Ramlala Mandir Ramchabutra, Shiv Darbar etc, I have never seen any Muslis offering Namaz there. The disputed site has always been a temple.

Deponent

Sd/-

Mahant Shiv Saran Das

VERIFICATION

I, the above named deponent Mahant Shiv Saran Das, do solemnly affirm that the statement made by me in my affidavit paras No. 1 to 26, are true and correct to the best

of my knowledge. Nothing is false or nothing has been concealed. May God help me.

Verified today on dated 14.11.2003 at the premise of High Court, Lucknow bench Lucknow.

DEPONENT

Sd/-

Mahant Shiv Saran Das

I, R.L. Verma, Advocate, know the deponent, Mahant Shiv Saran Das, who has appended his signature on this affidavit in my presence.

Sd/-

R.L. Verma

Advocate

14.11.2003

Lucknow

www.vadaprativada.in

Before : The Commissioner, Shri Narendra Prasad,
Additional District Judge/Officer on Special Duty, Hon'ble
High Court of Judicature, Lucknow Bench, Lucknow

(Appointed as Commissioner vide order dated 7.11.2003
of the Hon'ble Full Bench of Lucknow Bench)

Other Original Suit No. 3/1989

Regular Suit No. 26/1959

Nirmohi Akhara & others ...Plaintiffs

Versus

Baboo Priya Dutt Ram & others ...Defendants

Dated 14.11.2003

D.W. 3/4 Mahant Shiv Saran Das

The affidavit, page Nos. 1 to 7, of the examination in
chief of Mahant Shiv Saran Das, aged about 83 years, a
disciple of Nirmal Das Jhariya, Nirmohi Balkeshwar
Hanuman Mandir, Mohalla Nirala Nagar, City & District,
Lucknow was submitted and taken on record.

(Cross examination on oath of D.W. 3/4 Mahant Shiv
Saran Das in other original suit No. 4/89 by Shri Vireshwar
Dwivedi, Advocate on behalf of Defendant No. 17 Shri
Ramesh Chandra Tripathi & Defendant No. 22 Sun Umesh
Chandra Pandey, Commences).

xxx xxx xxx xxx

I filed my affidavit today in this court. The learned
Advocate cross-examining the witness showed him the
extract as a matter of custom, a panch
of Nirmohi Akhara regularly there" paragraph 18 of his
affidavit. Seeing this, the witness replied that all that has

been mentioned in this extract is correct. The Nirmohi Akhara has been in existence for the last 6-7 hundred years. I have said this on the basis of whatever customs I have seen being followed by the Akhara. I have not read this information in any book nor, according to my knowledge, is any book available which might give this information about these customs. The people of Nirmohi Akhara used to perform puja etc. of Ramlalaji present in the disputed building that is the pujaris performing the puja there belong to Nirmohi Akhara only. The temples belong to the deities and not to any individual or a group of individuals. The witness was shown paragraph 8 of his affidavit. Seeing this, the witness replied that as mentioned in this paragraph, he had been visiting the Ram Janam Bhoomi since 1933 for darshans and this is correct. It was a temple then and it is a temple even today. The idol of Bhagwan Ramlala is consecrated in the Garha Graha of the temple.

Question :How many temples have you seen till today in which the idol of Bhagwan Ramlala is accompanied by that of his wife,Mahant Sitaji?

(At this, Shri Ranjit Lal Verma, learned Advocate for the plaintiffs raised an objection saying that the question was misconceived and contrary to the beliefs of Sanatan Dharma and that the 'Balswarup Rama' cannot have a wife. Further, asking whose 'mata' in the same question, shows ill-intentions towards the religion. Therefore, such questions should not be allowed).

Answer : All the temples I have visited in India, I have found Janak Lali alongwith Bhagwan Ramji, except in Ram Janam Bhoomi.

We are the Nagas belonging to Nirmohi Akhara.

Question : Are you a Mahant of any Nirmohi Akhara?

Answer : I am the Mahant of a temple, but Nirmohi Akhara is the property of the punches collectively. So I cannot be a Mahant of Akhara.

The temple, of which I am the Mahant, belongs to the Nirmohi Akhara. The 'Panchs' of Nirmohi Akhara had selected me as the Mahant of the temple about 40 years ago. At that time Shri Shri 108 Mahant Nirmal Dasji Maharaj was the Sarpanch of Nirmohi Ani Ankhara. Ani means a spear-like thing at the top Hanumani's flag (which we call 'Nishan').

I have had 'darshans' of the disputed building and also of the other temples, a number of times. The temple doors (gates) are studded with some architectural paintings. Where there are stones, the painting is on the stones and where there are gates, the painting is on the gates or on the door frames. The disputed building had stone-gates. The learned Advocate cross-examining the witness showed him the photo paper No. 118 C 1/152 filed in other original suit No. 5/89. Seeing this, the witness replied that the stone-pillar appearing in this photo had been fixed up in the disputed building and it stands there now also. These pillars have the paintings also carved on them. The lower half portions of these stone-pillars at the gate of the temple have carvings which depicts the pictures of the gate keepers/gatemen. The learned Advocate showed the witness a photo paper No. 118C-1/151 filed in other original suit No. 5/89)seeing which the witness told that he cannot tell whether the photo in this paper belongs to some gateman or some deity. I have seen the mosques from outside only and have not ever entered any mosque, so I cannot tell how they are made.

The witness was shown another photo paper No. 154/13 filed in other original suit No. 1/89. Seeing this, the witness said when he used to go to the disputed building, he used to perform Puja & 'Arti' and 'Rajbhog' on the site appearing Garbha Garha in this photo. An idol placed on this site is visible in the photo. I have never seen any 'Takha' etc. or any book kept in the disputed site. There is no difference between a 'math', and 'akhara'. 'Math' is bigger sized 'Akhara' is included in it. Akhara has so many sites in it. Vijay Raghav Mandir is close to the disputed building. Sumitra Bhawan was also near the disputed building and it is still there. The Luv-Kush Mandir, Ram Gulela Mandir etc. are also near the disputed building. Ever since I have gone to Ayodhya, I have not seen any 'Idgah' or 'Masjid' near the disputed building. I cannot tell whether any case under section 145 Cr.P.C. was going on with regard to the disputed building or not. I also cannot tell whether the disputed site had been attached by the orders of any court or not. I have heard that four cases have been going on in this court with regard to this disputed building. I have come here as a witness in one of those cases. Ram Dulare Dasji is the Mahant of Nirmohi Akhara at present. I do not know Mahant Bhaskar Dasji. I was about 11-12 years of age when I became a 'Naga' disciple of Shri Shri 108 Shri Mahant Nirmal Dasji. Before this, I was a disciple of Shri Shri 108 Shri Swami Shri Kaushal Kishore Dasji of Barhi Chhavni. Shri Shri Kaushal Kishore Dasji did not belong to Nirmohi Akhara. At present, Mahant Shri Jagdish Dasji is the Mahant of Barhi Chhavni.

When I became a disciple of Shri Shri 108 Shri Kaushal Kishore Dasji, I was about 9-10 years of age. My natural father's name was Shri Baba Bhagwat Dasji Vaidya. His place of residence was in Aliganj, Lucknow. My temple is at a distance of 2 Km. from Aliganj.

There was a 'Chabutra' (a platform) outside the Garbha Garha of the disputed building and inside the disputed site. This 'Chabutra' was named 'Shri Ram Chabutra', but it was commonly called 'Ram Chabutra', Bhajan-Kirtan was performed at Ram Chabutra, and when sadhus arrived in large numbers, queues were formed. There is 'Sakshi Gopal Mandir' near the disputed building. Why the work 'Sakshi Gopal Mandir', I do not know. It would be true to say that whenever a big temple is constructed, a small temple of some deity is also constructed near that big temple. This small temple is called the 'Sakshi' of the bigger temple. I started living in Ayodhya when I was 10 years of age and had lived there till 1942. I was born in 1920. I was ten years of age in 1930. I lived in Ayodhya from 1930 to 1942 continuously for about 12 years. I do not know whether any temple exists to the north of the disputed building because there exists a temple in each & every street in Ayodhya. There exists t Bhawan Mandir' at about a distance of 2 furlongs from the disputed building. I have not seen any mosque Idgah in between the disputed building and Kanak Bhawan Mandir. There stands Hanumangarhi Mandir at some distance from Kanak Bhawan. As per my knowledge, there exists no mosque or in between Kanak Bhawan and Hanumangarhi. There also exists no mosque or Idgah in the area of the disputed building, Ram Gulela Mandir, & Sakshi Gopal Mandir. I have not seen any pit with fields in its, the west of the disputed building. There is no mosque or Idgah around the disputed building I do not know Mohd. Hashim Saheb of Ayodhya. It is wrong to say that the disputed building was a mosque and Muslim brothers used to offer Namaz there. It would be wrong to say that Nirmohi Akhara has not been the proprietor or all-in-all of the disputed building.

I am not able to tell as to when did Nirmohi Akhara came in existence. But I can say that Swami Balanandji and Shiv Swami Anubhavanandji established Nirmohi, Nirwani and Digamber Akharas some 700-800 years ago. All these are Vaishnav Akharas and are known as 'Ramanandiyas'. I do not know if there are any more Akharas other Than these three.

I have read the biography of Swami Ramanandji, but I do not remember as to when was he born. I also do not know when did Ramanandji founded the 'Ramanand Sampradaya' (Ramananda cult). I only know that Ramanandji was the 'Acharya' of Vaishnav Sampadaya, but I do not know which place he belonged to. But he was residing in Banaras.

(Cross-examination in other original suit No. 4/89 on behalf of Defendant No. 17 Shri Ramesh Chandra Tripathi and Defendant No. 22 Shri Umesh Chandra Pandey, by Shri Vireshwar Dwivedi, Advocate concludes).

(Shri Puttu Lal Mishra was offered an opportunity to cross- examine on behalf of the plaintiffs in other original suit No. 1/89, but he said that he does not want to cross-examine the witness).

Verified the statement after hearing.

Sd/-
Shiv Saran Das
14.11.2003

The Stenographer typed in the Open Court as I dictated. In this order for further cross examination the case be presented on 17.11.2003. Witnesses be present.

Sd/-
Narendra Prasad
14.11.2003

Dated - 17.12.2003

D.W. 3/4 Mahant Shiv Saran Das

Before The Commissioner, Shri Narendra Prasad,
Additional Distt. Judge/Officer on Special Duty. Hon'ble
High Court of Judicature Lucknow Bench, Lucknow

(Appointed as Commissioner vide order dated
5.12.2003 passed by the Hon'ble Full Bench in other
original suit No. 3/89 (Original Suit No. 26/59) Nirmohi
Akhara & others versus Baboo Priya Dutt Ram & others)

(Cross-examination on oath of D.W. 3/4 Mahant Shiv
Saran Das, in continuation of 14.11.2003, on behalf of the
plaintiffs in other original suit No. 5/89, by Shri Ajay
Kumar Pandey, Advocate, begins).

'Nirmohi' means one who has no attachment with
anyone i.e. absence of attachment or affection for anyone.
Nirmohi Akhara has nine villages under it. Jharia Nirmohi
is one of them. Jharia is a class. I am a Mahant of Jharia
Nirmohi and a Naga too. There is no past of Jharia
Nirmohi. Jharia Nirmohi is of all India character i.e. it
exists in the whole of India. In Ujjain Kumbh the Nirmohi
Akhara leads the way. The Mahants of our Akhara always
walk ahead of all. Each village of Nirmohi Akhara has one
Mahant. Thus there are a total of Nine Mahants of all the
nine villages of Nirmohi Akhara. In the Prayag Kumbh, the
Digamber Akhara leads the way in the procession for the
first bath. The Nirwani and Nirmohi Akharas follow the
procession. In the processing for second bath in Prayag
Kumbh, the Nirmohi Akhara walks in the middle Digamber
Akhara leads the way and the Nirwani Akhara walks in the
end. In the procession of Haridwar Kumbh, Nirmohi
Akhara leads the way, Digamber Akhara remains in the

middle and Nirwani Akhara is the last of all. In Nasik Kumbh, Digamber Akhara leads the way in the first bath, Nirwani Akhara leads the way in the second bath and Nirmohi Akhara in are four royal baths (Shahi Asnan) in each Kumbh and during four royal baths, sometimes Digambar Akhara leads the procession, some other times Nirwani Akhara and yet some ther times Nirmohi Akhara leads the procession. Ever since I have become a sadhu in 'Ramanandiya Sampradaya', I have been participating in almost every bath.

I have been educated upto IV class in a primary school at Aliganj in Lucknow. At that time no religious teaching was provided to me at school i.e. there was no teaching about any particular religion. But Hindi, Maths and History were taught at the school. Sanskrit was not taught then. The other language taught was Urdu. English words were also used occasionally. I had gone to Ayodhya only after completing my studies upto IV class. After going to Ayodhya, I studied Hindu Religion and, and also Sanskrit through 'Laghu Siddhanta Kaumudi'. I did not study this in a school but our Guruji Shri Mahant Kaushal Kishore Dasji taught me. Apart from this, I used to go to listen to 'Katha'. Through these Kathas, I gained knowledge about 'Shri Ramcharita Manas' and all other religious stories. I have also studied Shri Ram Charit Manas. I also remember some of the contents of Shri Ram Charit Manas, I have heard "Balmiki Ramayan" too but have not studied it. On hearing 'Katha' and studying 'Shri Ramcharit Manas', I came to know that Lord Ramchandra was born in Ayodhya on the 'Naomi of Chaitra Shukal Paksha'. I also came to know that Bhagwan Shri Ram Chandra was born in 'Treta Yug'. There was a throne at the three-domed disputed building. Shri Ram, Laxman, Maharani Janaki were seated on the

throne and besides them Laddu Gopaiji & Saligramji were also seated there. The puja-path and bhog raag were performed there. Hindus sadhus & sant believe that Bhawan Ram Chandraji was born there only, being the birth place of Shri Ram Chandraji, this place is worth worship. According to my knowledge, since I have been to Ayodhya people call that place Janambhoomi (birth place) and puja continues to be performed there ever since. Some sadhu-sants also stay in that disputed site and I have seen them residing there. Kirtan also used to be held there. I used to join the kirtan everyday. Wherever I went away somewhere, that day I did not join the Kirtan. The sadhu-sants also lived outside the disputed site. I have of never seen any Muslim inside the disputed site. I have not even seen any Muslim offering Namaz there. As far I know, I have not ever heard any Muslims offering Namaz in the disputed site.

My Guruji Mahant Shri Swami Baba Kaushal Kishore Dasji belonged to Barhi Chhavni. This Chhavni is attached to Digamber

Akhara. The sadhus of Digamber Akhara used to join Nirmohi Akhara and vice-versa. The joining of one Akhara after leaving the other is a continuous process. For leaving one Akhara to join the other, one has to keep some rice, supari, janeu (the sacred thread traditionally worn by caste Hindus) and saligramji in one's hand and take a pledge. The process is thus complete. When I joined Digambaj Akhara, my Guruji gave me 'Ram Mantra' and a Kanthi for the neck and he applied a tilak on my forehead, which is still there even today. When I joined Nirmohi Akhara, I was administered an oath in the manner stated above. Anyone can change his Akhara at one's will, although the Gurumantra, the Kanthi and the tilak applied by Guruji does not changed, instead on changing Akhara

i.e. on becoming a Naga, a pledge is taken in the manner stated above. We have Digamber, Nirmohi & Nirwani Akhara and any Sadhu wishing to become the Naga of any of these Akhara has to take a pledge in aforesaid manner. He is then garlanded in the presence of the Parich on this occasion. When a person joins any Akhara, he becomes 'Huzuria' and does not remains a 'Chhora'. The 'Huzuria' has to sweep, wash clothes, clean utensils and serve his Guruji Maharaj so that he is accustomed to the customs and the way of living of Akhara. The job of 'Hurhdanga' is to obey Mahant. When Shri Mahant asks him to go and call the Mukhiyas (Chieftains) of 7-8 villages, he obeys him and goes to call them.

The Naga has a symbol of Hanumanji and with this symbol he roams from village-to-village and meet the Mukhiyas (Chieftains) and accept donation Charity 'Vaishnav Dharma' is preached in all the Akharas of 'Ramanandiya Sampradaya'. Arms training is also given in these Akharas. This training is imparted to protect Hindu Dharma from those elements who have no regard for the religion or who are anti-religion. I do not know as to when was Nirmohi Akhara founded. The 'Sarvarahakar' ensures compliance of all the rules of the Akhara. The Mahant job is to supervise the work of all.

The learned Advocate cross –examining the witness showed the witness the portion of paragraph 20 of his affidavit “mostly stayed at Pathar Mandir, Vasudev Ghat, Ayodhya”. Seeing this, the witness said that it was true. An idol of Shri Ramchandraj and Laxmanji has been installed in the Pathar Mandir. I do not know as to who got this temple constructed. A major portion of this Pathar Mandir is built of stone. Therefore, it must have been named Pather Mandir by the person who got it constructed.

This Pathar Mandir falls within the jurisdiction of Digambar Akhara. Bhagwan Shri Ramchandr is the household deity of all the Akharas of Ramnandiya Sampradaya'. I myself is an 'ateet' (the past). My disciples include 'Grihasthas' (house-holders) as well as 'Viraktas' (the detached). The householders live with their families in their homes. Amongst the detached, there are persons to cook, to perform pooja and do sweeping and other duties.

Question : Whether all the Hindus had the liberty to have 'darshans' in Ram Janam Bhoomi Mandir?

(At this Shri Abdul Mannan, the learned Advocate for the Defendant No. 11 raised an objection saying it is a mosque).

Answer Yes, please.

There is a 'Sitakup about two to two hundred fifty yards to the south-east of the disputed site. The water of Sitakup was considered to be very holy. It is considered so even today. People from Kanak Bhawan etc. also draw water from here. The water drawn from Sitakup is used for Kitchen, for pooja etc. and for drinking purposes. The Sitakup water is used for pacification of the 'Moot' of the children born in 'Mool'. All Sadhus of Ramanandiya Sampradaya are Vaishnavs. The sadhus of Akhara wear robes and those who are tyagis or mahatyagis they wear only a langoti (a strip of loin cloth) made of cloth or of banana leaves. Such type of Sadhus do not wear clothes to protect themselves from cold but warm themselves with fire. There are many saints who smoke 'chilama' while there are others who do not even touch it. The saints do not smoke 'huqqa'. There are yet many others who meditate in God. There are many such saints in Sitamarhi

and Janakpur who possess big lands and they smoke flat huqqa. Flat huqqa is a type of huqqa, which has a long pipe.

(Cross-examination on behalf of the plaintiffs in other original suit no. 5/89, by Shri Ajay Kumar Pandev. Advocate, concludes)

(Cross examination on behalf of Defendant No.20 in other original suit no.4/98 by Kumari Ranjana Agnihotri, Advocate, begins)

xxx xxx xxx xxx

I have seen the huqqa smoker Mahatamas who come to Ayodhya from outside for darshans. These who smoke huqqa also come to Ram Janam Bhoomi to have darshans with reverence. Vaishnav Sampradaya has two sects. The head of one sect of the Ramanandiya Sampradaya is Jagadguru Swami Ramanandji Maharaj whose household deity is Rama. The head of the other sect is Ramanujacharya whose household deity is Radhakrishnan. The duty of the Mahant is to look after his place, ensuring timely performance of Pooja-arti and providing due service to the sants and mahatmas. The daily routine of the Vaishnavs 'includes worshipping their household deity Shri Ramji, Radhakrishnanji or Bhagwan Shankarji and doing their darshans. There is a practice of applying tilaks of various kinds in Ramanandiya sampradaya. One of the tilaks is 'Shuklashri' which is applied on my forehead just now. The second type of tilak is lalshri and the third is 'Bendi'. Kanthi is worn round the neck. It is made of Tulsi which falls on the ground and collected by the sants. This is called Rama Tulsi. Rama Tulsi is white in colour. It is worshipped in homes. The Kanthi hangs till the heart and does not necessarily remain restricted to the neck. It is not necessary that those who wear kanthi their household deity has to be Bhagwan Shri Ram only. Shri Radhakrishnanji also can be their household deity. There is

a practice of 'yugam mantra (yugal mantra) in Ramanandiva Sampradaya. My household deity is Bhagwan Shri Rarnji. For this reason, I have been living in Ayodhya. I still keep going there and have 'darshan'. Our Gurudwara is also in Ayodhya. I have done Panchkosi & Chaudakausi Parikrama there. Enroute to Panchkausi Parkrama the sants have made certain places along Shri Ayodhyaji & Ram Gulela where they perform pooja of Shri Bhagwanji' Guptarghat comes enroute the Chaudahkousi Parikrama. Apart from this, a number of other piaces like Ramghat come enroute the Chaudahkausi Parikrama but I do not remember the names of other places which fall in Awadh area itself A sufficiently large part of Faizabad city falls in Chaudahkosi Parikrama area. The special importance of both the Panchkosi Parikrama & Chaudahkosi Parikrama is on Akshay Navmi. Apart from Akshay Navmi, both these parikramas are done in Kartik also. Akshay Navmi comes in the month of Kartik itself. Both these parikramas are performed on the occasion of Ram Navmi and 'Sawan Jhoola' also. In addition, if someone comes from outside and is willing to do parikarama, he can perform both Chaudahkosi and Panchkausi Parikramas.

The statement was read out to me & verified.

Sd/-
Shiv Saran Das
17. 12.2003

The stenographer typed in the open court as dictation by me . In this order for further cross-examination on 18.12.2003 in this case. Witness be present

Sd/-
Narendra Prasad
Commissioner
17. 12.2003

Dated: 18.12.2003

D.W. - 3/4 Mahant Shiv Saran Das

Before: The Commissioner, Shri Narendra Prasad,
Additional District Judge/ Officer on Special Duty. Hon'ble
High Court of Judicature, Lucknow Bench, Lucknow

(Appointed as Commissioner vide order dated
5.12.2003 of the Hon'ble Full Bench in other original suit
No. 3/89 (original suit No. 26/59) Nirmohi Akhara & others
versus Baboo Priva Dutt Ram and others).

(Cross-examination on oath in continuation of
17.12.2003, of D.W. No. 3/4 Mahant Shiv Saran Das, by
Kumari Ranjna Agnihotri, Advocate on behalf of defendant
no.20 in other original suit No. 4/89 continues.)

Thousands of people from the entire nation and
abroad come here at the time of Parikrama. These people
come for darshan of Ram Lala and for performing
parikrama. First of all they take bath in Saryuji, have
darshan of Ram Janam Bhoomi and then do parikrama. At
the time of Parikrama, the atmosphere in whole of
Ayodhya, in the villages in the neighbourhood and in the
city of Faizabad all becomes 'Rammaya' Jagadguru
Ramanandacharya ji is the head of Ramanandi sect. He is
also an Acharya of Vaishnav Sampradaya. He, therefore,
enjoys great honour & respect. It is mandatory for all the
disciples of Ramanandacharya to follow the customs of
Ramanandacharya. The Chatuh Sampraday in Ramanandi
Sampradaya, adorns an acharya with the degree of
'Jagadguru Ramanandacharya', when it considers
someone worthy of such adornment. Thus, the Jagadguru
Ramanandacharya, so adorned commands the respect of

all the Vaishnavites. Bhagwan Shri Ramlala was born in 'Treta yug' at the place which is known as Ram Janam Bhoomi. This place i.e. the Ram Janam Bhoomi is in Ayodhya. I have been living in Ayodhya since I was 12 years of age. I was a pujari at t Ram Janam Bhoomi and used to do Pooja & arti. Ayodhya is called 'a provider worthy of worship. It is my faith & belief and also a custom that Ayodhya city is a 'provider of Salvation'.

(Cross-examination in other original suit No. 4/89 by Kumari Rajni Agnihotri, Advocate on behalf of the Defendant No. 20 concludes.)

(None appeared, other than the learned Advocate on behalf of the other defendants in other original suit No. 4/89, and the learned Advocate on behalf of the defendants Nos. 4,5,6 & 26 in other original suit No. 5/89, to cross-examine. Therefore, cross-examination by Shri Abdul Mannan, Advocate on behalf of the Defendants No. 11 in this case, Shri Mohd. Farooq Ahmed, begins.)

xxx

xxx

xxx

xxx

I have not heard anything about Babri Masjid. All three domed temples are located at various places.

Question: Whether Babri Masjid was constructed in 1528?

(Shri Ranjeet Lal Verma, the learned Advocate for the plaintiffs objected to this question saying that the witness does not know anything about Babri Masjid. Therefore, the question about the construction of Babri Masjid does not arise. Hence no question can be asked about Babri Masjid.)

Answer : I have not heard anything about it.

There are a number of mosques but I have not heard the name of any such mosque in Ayodhya. I have been to Ayodhya hundreds of times, I have even lived there, but I have no knowledge about the number of mosques there. I have not seen anything like a mosque in Ayodhya. There are a number of mosques in Lucknow, outside Ayodhya. May be, there are mosques in Banaras but I have not seen any. There is a mosque Aliganj just opposite our house. That mosque must be like all mosques. My 'yaggyopavit' was held at the age of 11 and I left home after that. When I came back home, I has became a pujari & sadhu. So I did not, care to see as to how the mosque just opposite my house in Aliganj looks like. I have seen this mosque from outside only. Besides the Aliganj mosque, I have also seen some other mosques in Lucknow. I cannot tell how many mosques I have seen in Lucknow. I have seen 'Laxman Tila' in Lucknow. I cannot tell whether the building constructed over it is a temple or mosque. I have seen the road leading across the Gomti behind the Lucknow Medical College. I have traveled on that road. There is a bridge on that road which is called 'pucca pul'. There exists some construction to the right side before that bridge, but I do not know what that construction is. I have traveled throughout the country and visited hundreds of cities. Hindus & Muslims live together everywhere and there are temples and mosque everywhere. How should I tell you mosques what mosques are at what places? I did not notice whether, there are any mosques in Faizabad or not. I have been to Faizabad but I did not go round the city.

Question Have you not seen any mosque in Faizabad?

(Shri Ranjit Lal Verma, learned Advocate for the plaintiffs objected to this question saying that it has already been answered. Therefore, it should not be asked again).

Answer I am totally unaware of the location of mosques in Faizabad.

In my view, there are no mosques in Faizabad. Whatever I have seen with n eyes, those were all idols. I had gone to Ayodhya at the age of 12 and since then I had seen idols only. I do not remember the year when I was twelve years of age. I cannot even guess the year.

The learned Advocate cross-examining the witness showed him the F.I.R. No. A-193 included in the File related to section 145 Cr.P.C. and asked him whether that report had been lodged on 23rd December, 1949.

(Shri Ranjit Lal Verma, learned Advocate for the plaintiffs objected to this saying that this paper cannot be shown to the witness as it has no relevance to him and that the name of the witness is not included in it. The same question arose earlier also before the Honourable Full Bench during the witness of Raghun Pandey on 18.11.2003. The Hon'ble Full Bench had decided that this paper cannot be shown to the witness and no question can be asked about it.

(In Answer to this objection, the learned Advocate stated that no sitting of the Hon'ble Full Bench was held on 18.11.2003. The evidence was held before the Hon'ble Commissioner.)

(In response to this, the learned Advocate for the plaintiffs stated that it was possible that the date mentioned above by him might be wrong. But it has happened on some date.)

In view of the above, the witness stated as under:

Answer: When the report was written, I was not there. Then said, I was not in Ayodhya.

Question : Whether it is written in the paper that “the mosque was desecrated by entering in it forcefully and installing an idol”?

(Shri Ranjit Lal Verma, learned Advocate for the plaintiffs and Shri Ajay Kumar Pandey, learned Advocate for the plaintiffs in other original suit No. 5/89 objected to this question saying that the witness has already denied having knowledge of the F.I.R. and that no question can be asked about the contents of a document of which he is not the author or which is of no relevance to him. The Evidence Act prohibits asking such a question. Therefore, no such question can be asked.)

In view of the above, the witness replied,

Answer : Yes, it is written so in this paper. I do not know as to who had lodged this report.

The learned advocate cross-examining the witness showed him the FIR No. A- 193 and asked ‘who got this report lodged?’

(At this question also the learned Advocate for the plaintiffs, Shri Ranjit Lal Verma and the learned Advocate

for the plaintiffs in other original suit No. 5/89, Shri Ajay Kumar Pandey objected saying that this paper cannot be shown to the witness when once he has denied having any knowledge any report having been lodged. Therefore, the question, has got this report lodged, does not arise. Apart from this, no question which can be asked about the contents of the document also.)

Answer : In view of the above, the witness replied that he is unable to understand this report. So he cannot say as to who has got it lodged.

Ever since I have gone to Ayodhya, I have never seen mosque. I cannot say whether the fact mentioned in the F.I.R. that the mosque had been desecrated, is true or false because I had never seen a mosque there.

Question I am the mosque was there. It has, therefore been written in the above said F.I.R. that the mosque had been desecrated. What have you to say in this regard?

(At this Shri Ranjit Lal Verma, learned Advocate for the plaintiffs objected saying that questions have been asked about the mosque time and again, and denial has already been made. Thus, the question has been answered and it cannot be asked again by linking it to the fact of F.I.R.)

Answer I have only this to say that no mosque existed there at anytime and it does not exist even today.

I do not know whether the mosque was demolished on the night of December 22/23, 1949. I was in Ayodhya

only and I never saw any mosque there. So I cannot say whether any idol was installed in the mosque or not. I was in Ayodhya on the night of December 22/23, 1949. I do not know whether any crowd had gathered on the night of December 22/23.

Question Whether there was any justification for demolishing the minarets or the dome at the place where the mosque had been constructed in 1528.

(At this, the learned Advocate, Shri Ranjit Lal Verma objected saying that the questions being put are all hypothetical without any description of any place or mention the name of the place and that the questions are not relevant to the case also. Therefore, the question, the first part of which is being asked repeatedly, and which has been denied by the witness, cannot be asked.)

Answer I have been saying repeatedly that I have never seen any mosque there. So what should I tell?

There are many temples in Lucknow. The Aliganj temple is one of them. Apart from this, I also have my own temple of Hanumanji, Ram Janaki and Radhakrishan. This temple is in Nirala Nagar. It was constructed after 1960. In addition to this, there is a 'Sanchi Kuan' temple in Lucknow, a Hanuman temple in Aminabad, a Ram Janaki temple in Rakabganj, a Ram temple in Yahiyaganj and a Shankar ji temple at Jail Road. I do not the details as to when all these temples were constructed but construction of the one belonging to me started in 1965 and it was completed in 1972. The Old Hanuman temple in Aliganj is hundreds of years old. The new Hanuman temple in

Aliganj is also hundreds of ears old. I do not know when all the other temples mentioned above were constructed.

I have not seen Faizabad (proper) specially, so I cannot tell the number of temples in Faizabad (proper). There is one temple in Faizabad (proper), which I have been visiting regularly. Baba Bhaskar Dasji is the Mahant of that temple and that temple is very old also. I cannot say how old that temple would be. I have known Mahant Baba Bhaskar Dasji for the last 20 years. He comes over to us and we go over to him often. I have been frequently meeting Mahant Bhaskar Dasji during these 20 years. Mahant Bhaskar Dasji lives in that very temple. Whenever there is some programme in my temple, I invite Mahant Bhaskar Dasji and vice-versa. Ayodhya is about four to four and a half miles away from Faizabad. I cannot tell the number of temples in Ayodhya. I go to Ayodhya on the occasion of Ram Navmi, Janamashtmi and Jhoola. According to my guess, there are thousands of temples in Ayodhya, whether at homes or outside. Anyone who goes to Ayodhya visits all these temples. For this reason, I cannot tell which particular temple is visited by how many people. I have seen people visiting these temples. Barhi Chhavni belongs to Shri Swami Baba Raghunathji and Chhoti Chhavni belongs to Mani Ram Das ji. There are other places also which I do visit. In addition to this, I also go to Nirmohi Akhara Digamber Akhara and Nirvani Akhara. Nirmohi Akhara is situated at Ramghat. Digamber Akhara is also in Ramghat Mohalla. Nirvani Akhara is well known, its name is Hanumangarhi. Apart from the temples mentioned above, I know the names of some of the important temples of Ayodhya. The names are 'Baba Tapsi ji ki chhavni', 'Khak Chaok and Maha Tyagi Khalsa' etc. I do not remember the names of other temples, at present. There are about 100 temples in Ayodhya which are visited

by the people. I also visit these temples. I am a disciple of Shri Shri 108 Shri Swami Kaushal Kishore Das ji Maharaj for the last 40 years. He has since expired. I now reside in Lucknow and have a place of my own. I was born in Lucknow itself. My parents, grandfather, great grandfather all lived in Lucknow. I started living in Ayodhya from the time when I became a disciple of Maharaj ji in 1945. Thereafter, I remained in service of Maharaj ji for 5-6 years in Barhi Chhavni. Then I accompanied my 'gurubhai' Ram Manohar Das ji to Ahmedabad where I lived for about 8 years. I have a place of my own in Ahmedabad where I used to "place" means a place to live, a place to serve the cows, to serve the Sants and Mahatmas as also the public visiting us. If someone is hungry, he is served food. Similarly When I go to somebody else's place, I am well served. Similarly if someone comes to my place, he is also well served. The name of the place where I lived in Ahmedabad is Jamalpur Darwaja. I do not know when this temple was constructed in Ahmedabad. After staying for eight years in Ahmedabad, I went to Harihar Kshetra Mela alongwith Shri Shri 108 Shri Swami Nirmal Das ji Maharaj and purchased an elephant. There were other sants also with me who bought elephants. Thereafter we returned to Ahmedabad on foot via Ayodhya. The elephants we bought were also taken to Ahmedabad. Harihar area is in Sonpur. I do not remember in which year I purchased the elephant from Sonpur mela in (Harihar area). I do not remember, how many days it took to reach Ayodhya from Sonpur and Ahmedabad from Ayodhya. I do not remember at what price I had purchased the elephant. The elephant was not donated to me by anybody but our Maharaj ji had purchased it. I did not come to know at what price did he pay for the elephant. I do not know how far is Sonpur from Ayodhya i.e. what is the distance in kilometers or miles. Approximately, it must

have taken me 15-20 days in reaching Ayodhya from Sonpur. I cannot even guess how many days I must have taken to reach Ayodhya from Ahmedabad. Shri Swami Baba Jagmohan Das ji Mahant of Maladhari Akhara, Shri Swami Baba Mathura Das ji Maharaj, Mahant of Ramanandi Nirmohi Akhar and Shri Swami Baba Hari Dasji Maharaj, Mahant of Mahanirvani Akhara etc. were with us. These people accompanied me from Ayodhya to Ahmedabad. When I reached Ayodhya from Sonpur alongwith the elephants, we stayed there for 5-6 days and then left for, Ahmedabad from Ayodhya. The elephants were with us when we travelled in a group. 'Jamaat' means moving in a group including a Mahant, 10-20-50 sadhus and doing 'Ramat' at places which all in between enroute to Ahmedabad. 'Ramat' means that everybody including elephant, horses, camels and bullock carts move together, took food for the people at the places where we stay and then leave. Our Kitchens are there where our living places are. We cook our food ourselves. We offer Bhog to our Bhagwan ji, to Hanumanji and then take food ourselves. When I was in Jagannath temple in Ayodhya, I used to get my food from the temple itself. Apart from me, there were scores of other Mahants staying in that temple. No one can stay in the temple without permission & nor should one stay like this. Our Guru Maharaj ji was with us and he had the permission to stay in Jagannath temple in Ahmedabad. The elephant that we had purchased from Sonpur was kept with us at the place where we stayed in Ahmedabad. We did not sell the elephants we had only bought. We lived in Ahmedabad for eight years. We took our 'Jamat' in Ahmedabad only. I took 'Jamat' in Gujarat and Kathiawar too. I have been to Kathiawar a dozens of times. I have travelled Madhya Pradesh also but took out no 'Jamat' there.

The statement was read out to me and verified.

Sd/-

Shiv Saran Das

18. 12.2003

Typed by the stenographer on dictation by me in the open court. For further cross-examination on 5.1.2004 in continuation to this. Witness be present.

Sd/-

(Narendra Prasad)

Commissioner

18.12.2003.

www.vadaprativada.in

Dated - 22.1.2004

D.W. - 3/4 Mahant Shiv Saran Das

(Cross-examination in continuation of 18.12.2003, before the Full Bench of Hon'ble High Court of Judicature, Lucknow Bench, Lucknow, by Shri Abdul Mannan, Advocate on behalf of Defendant No. 11, Shri Mohd. Farooq Ahmed, begins.)

I had gone to Gujarat at the age of 11. I lived there for about 13 years. I had been to Kathiawar a number of times. I stayed at Kathiawar sometimes for 5 days and sometimes for 4 days and sometimes for many days. I have not gone to Kathiawar in the last 50 years. Before that, I had gone there around 10-15 times. Kathiawar was in the state of Rajkot. I have no knowledge as to what was the difference between the indigenous ruled state and that ruled by Britishers during the British Rule. I have travelled in the region of Kathiawar. Besides, Kathiawar, Gujarat, I have traveled to Saurashtra, Maharashtra and Madhya Pradesh as well. I had been to Bhutan and Tibet also. I have visited Nagpur, Wardha, Pulgaon, Bhusawal and many other places in Maharashtra. I have been to Bombay also. I have also been to Bombay a number of times. I used to travelled Madhya Pradesh with my Baba ji alongwith a Jamat'. I have gone to so many places in Madhya Pradesh such as Amravati, Pulgaon, Wardha etc. I do not remember in which year I had gone to Madhya Pradesh. I must have lived in Madhya Pradesh for about a year or six months.

Our Shri Mahant, Shri Thakur ji and all our sants used to move alongwith us in our 'Jamat'. Our 'Jamat' used to move in Madhya Pradesh I have gone to Bhopal also. I have been to Ayodhya, Faizabad, Etawah and many

other places in Uttar Pradesh. Every time the 'Jamat' moved with us. There used to be about 100 sadhus in a 'Jamat'. Sometimes, their number dwindled to 50 and some other times the number reduced to 40. The participants in the 'Jamat' used to walk on foot. I have gone to Bombay, Surat, Bharoch, Miyan-Gaon, Karzan and many other places in Maharashtra. When our 'Jamat' reached these places, we used to offer the Mahant of that place a 'Katori (a bowl)', 'Kanthi', Tilak, Prasad and some 'Dakshina (which our Shri Mahant told me to give) and tell him that our Maharaj Shri has arrived there and he should receive him and have his 'darshans'. Whenever 'Jamat' used to arrive at a place our Maharaj Shri stayed at a particular place in a tent. All the sadhus also stayed near him. I also used to stay, used to obey our Shri Maharaj. Shri Shri 108 Shri Maharaj Shri Mahant Nirmal Das Ji was the Mahant of our 'Jamat'. He has since left for his heavenly abode. He was our Shri Mahant for as long as he lived. He was our Mahant during the period I lived in Madhya Pradesh. Whenever, we moved in our 'Jamat' to some villages, the patels (headmen) of four villages used to get together at One place and arranged 'Rasoi' (kitchen) for us for 4 days whenever there was no arrangement, we used to move ahead. By 'Rasoi' I mean food arrangements.

Uttar Pradesh is my birth-place, I have gone there thousands of times.

I went to Bhutan in 1958-59. Bhutan is not linked with railway. Only buses go to Bhutan. I had taken the bus from Tanakpur. I went to Narayan Ashram in Bhutan. I also went to Dharchula, Pangu, Sursa and Sirkha. I again went to Bhutan but through a different route. I went therein 1959 for the second time. The second time I took

the route from haridwar to Joshimath, Joshimath to Palpa, Timbersain, from Timbersain to Niti Ghati, which is also called Holi border. It takes about 24 days from there to reach Mansarover on foot. 12 miles to 16 miles distances could be covered in a day. The way to Mansarovar is via Bhutan. It is not correct to say the Mansarovar is to the west of Tibet and Bhutan to the east. But it is true that both are to the north of Dharchula. It is wrong to say that the above statement of mine is not correct. It is wrong to say that Mansarovar is to the west of Uttar Pradesh. It is wrong to say that Bhutan is to the east of Lucknow. But it is true to say that Bhutan is to the north of Lucknow. It is wrong to say that Bhutan is to the east of Lucknow and Mansarovar to the west.

Shri Shri 108 Mahant Shri Swami Kaushal Kishore Das ji of Barati Chaavni was my 'Maharaj'. He lived in Ayodhya for 80 years. He also remained enthroned during that period. I remained with Mahant ji in Ayodhya for about 10 years. I stayed in the same place where Shri Mahant ji used to live. I remained with him from the year 1946 to 1956. I went to Dwarka ji along with my Gurubhai. There are three Dwarikas in Shri Dwarikaji. I have gone to all those three Dwarikas. I got the Vaishnav imprinted on me at the main Dwarka. Dwarka is in Kanthiawar. After visiting all the three Dwarikas, I stayed in Jagannath temple in Ahmedabad. There were thousands of sadhus and cows in that temple. Shri Shri 108 Shri Swami Kaushal Kishore Das ji was my Guru Maharaj. He had given me a 'Mantra', langoti, 'Kanthi' and 'Adban'. In the Ujjain Kumbh of 1945-46, Shri Shri 108 Swami Nirmal Das ji Maharaj made me a Naga. At that time, I used to live in Ahmedabad only. At our place, the Nagas get a symbol of Hanuman ji. We travel throughout the country carrying this symbol along with us. The Nagas of other type are Nagas

belonging to Dasnami Akhara. They live naked. Dasnami Akhara is also an institution established by Gurus amongst Sanyasis. When this Akhara was established, I cannot tell. Dusnami Akhara is not in Ayodhya. I do not know whether Dasnami Akhara was founded in Jaipur. I am not a Shivite, but I am a Vaishnav. It would be wrong to say that there are a total of 13 Hindu Akharas in whole of the country. According to me, there are about 25-30 Hindu Akharas in the entire country. Arms training is also provided in these Akharas. It would not be true to say that this training is being since 1915. Nirmohi Akhara was established in Ujjain Kumbh but I do not know in which year. I cannot tell for how many years, I lived in Ayodhya as I do not know counting. My 'Yaggyopavit' was held at the age of 11 years. I left for Ayodhya two months after that and became a sadhu there. 'Yaggyopavit' is held at the age of 11 years and two months after that, I went to Ayodhya. Brahmins are invited at Yaggyopavit. After reaching Ayodhya, I became a disciple of Shri Shri 108 Shri Swami Kaushal Kishore Das ji in Barhi Chhavni I first met Mahant ji there at Barhi Chhavni becoming his disciple. I met Mahant ji for the first time at barhi Chhavni and I stayed there for 10 years after becoming his disciple. Nirmohi Akhara is in Ayodhya. I cannot tell the number of members of Nirmohi Akhara. Nirmohi Akhara is in existence not for 300-400 years but long before that. Arms training is also provided in Nirmohi Akhara. This training is provided by our Gurus of Akhara. Nirmohi Akhara is also at many places other than Ayodhya. The arms training is provided at all places. By arms I mean weapons.

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

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

xxx xxx xxx xxx

I have been visiting the three domed disputed building since 1936. When I went there for the first time in 1936, I went upto the middle dome. The time must have been 7-8 a.m. At that time, there were 10-20 devotees besides the pujari under the middle dome. At that time, Mahatma Keshav Das Nirmohi was the pujari there. He has since left for his heavenly abode. I met Keshav Das ji Pujari for the first time in the disputed building and also at Ram Chabutra. He also met me in Shiv Darbar and Chhathi Poojan Sthal. When I first went inside the disputed site, I stayed there for about one and one & a half hour. I entered the disputed site for the first time through the eastern gate and came out through the same gate.

There was no place by the name Shiv Darbar in the disputed site. I had mentioned Ram Chabutra in my affidavit, and not Shiv Darbar. I have not heard of any such place in the disputed site which was known as Shiv Darbar. Only I have signed the affidavit which has been filed by me in the court. I had read that cursorily and signed. I did not go through the affidavit completely. (The witness was shown his affidavit dated 14.1.2003 and he said) it was the same affidavit signed by him. When I first time came to court as a witness, this affidavit was read out to me and I had signed it there and then. On that day I had reached the court at 10.30 a.m. I had done the signature in the court itself. I had halted for a short while at some place before reaching the court. This affidavit was typed by our Advocate, Shri R.L. Verma and he himself had come to get it signed by me in the court. I can read & write Hindi very well. Before signing the affidavit, I had

gone through it cursorily, but did not read it thoroughly. The words 'Shiv Darbar' in line 5 of paragraph 12 of my affidavit have been erroneously. By this I meant Ram Darbar at Ram Chabutra. The idols of Ram Darbar have been installed at Ram Chabutra itself. When I had darshan of the disputed site for the first time in 1936, the idols of Ramlala and other idols were kept at Ram Chabutra and by the same I meant Ram Darbar. There was no wall of iron-bars in the disputed site. This statement of mine made today there was no wall of iron bars in the disputed site is correct. The wall of iron-bars as mentioned in paragraph-8 of my affidavit has mentioned erroneously. HeVolunteer, there were five gates in a wall and there were bars on those doors, I cannot tell whether all those five gates were of the same size or different sizes. I will not be able to tell as to what would have been the length and breadth of all these gates. I cannot tell as to what must be the length and breadth of the Hanumat Dwar situated in the outer wall of the disputed site. Similarly, I do not know the length & breadth of the Singhdwar erected in the northern wall. I entered the disputed site through the Hanumat Dwar hundreds of times. Then said, I used to go there every time on the occasion of Ram Navmi. When I went to the disputed site on the occasion of Ram Navmi, I stayed there for 15 days to two month's time. I did not stay there for less than 15 days on the occasion of Ram Navmi.

The Statement was read out to me and verified.

Sd/-

Shiv Saran Das

22.01.2004

Typed by the stenographer on dictation by me in the open court. For further cross-examination on 23.01.2004 .
Witness be present.

Sd/-

22.1.2004

Dated - 23.01.2004

D.W. - 3/4 Mahant Shiv Saran Das

(Cross-examination in continuation of 22.1.2004 before the Full Bench of the Hon'ble High Court of Judicature, Lucknow Bench, Lucknow, by Shri Zafaryab Jilani, Advocate on behalf of Defendant No. 9, Sunni Central Waqf Board, Uttar Pradesh, continues.)

Since it has been long time, I do not remember whether the five gates (which I have mentioned above) including the Hanumat Dwar, were in the inside wall or not. The disputed building which had three domes was enclosed by the walls on three sides and had three doors in the front. One of the three doors was fitted with bars. It will not be able to tell whether this door of bars was in the middle door, northern door or southern door. It has been 25 years when I last went to the disputed building. I never went there after that. When I last went to the disputed building, I did not go to dome-portion (of the building.) I just returned back from outside Hanumat Dwar as there was much crowd. When I used to go to Ayodhya on the occasion of Ram Navmi, I generally used to go to Kanak Bhawan, Hanuman Garhi and Janam Sthan Mandir. After having darshan from outside, I used to meet my sadhus and Mahatmas and then used to go back. For the last time, I went upto the lower portion of the middle dome of the disputed building about forty years ago.

The learned Advocate cross-examining the witness drew his attention towards photo No. 84 on page No.200C-1 of the coloured photo album. Seeing this, the witness replied that he cannot tell whether the door appearing in this photo belongs to inside or outside of the disputed building. Seeing photo Nos. 85 and 86 of the same album,

the witness replied that I am not able to tell whether the two doors appearing in these photos belong to inner or the outer wall of the disputed building. By outer-wall I mean the wall in which Hanumat Dwar has been constructed, through which I used to enter and exit the building. On seeing photo No. 99 of the same album, the witness replied that he would not be able to tell whether the door appearing in the photo was in the disputed building or in the outer wall. Seeing photo No. 100 of the same album, the witness said the door appearing in the photo belongs to lower portion of the middle dome of the disputed building. A dome can also be seen towards the top in this photo. But I will not be able to tell whether this dome belongs to middle of the building or to the north or south. Seeing photo No. 98 of this coloured album, the witness said that the dome appearing in the photo is either the middle dome or the northern or southern one. Seeing photo No. 97 of the same coloured album, the witness said that this belongs to some portion of the disputed building but will not be able to say to which portion it belongs to. I will also not be able to tell that it belongs to which portion of the domed wall in the building. I will not be able to tell whether it belongs to any portion of the domed wall or to any portion of the outer wall. Seeing photo No. 102, the witness said that this belongs to some portion of the disputed building but he will not be able to tell which portion. The wall of bars can be seen in this photo. A door is also seen in this photo. A 'Shiv Linga' is also seen in the wall, having a door. Seeing photo No. 201 of the same album, the witness said that it also belonged to some portion of the disputed building but he was not able to tell which portion. This photo shows bar in the wall. But I cannot tell the bar windows that are appearing in this photo are in the wall itself or elsewhere. A door can also be seen in this photo and a person seems to making his

exit through the door but I cannot tell this door belongs to which portion of the disputed building. I do not remember at the moment whether I had entered or exited through this door any time. I also do not remember as to which side of the disputed building was the door fixed i.e. to the east, west, north or south. I always used 'Singhdwar' to enter or exit the disputed building. I would not be able to tell whether the door appearing in photo No. 201 is 'Singhdwar' or not.

Seeing photo No. 203 of the same coloured album, the witness said that Bhaskar Dasji, who is present in the court, is appearing in this photo. This Bhaskar Das ji lives in Naka Hanumangarhi temple in Faizabad and is pleading the case also. Seeing photo No. 201 of the same coloured album, the witness told that it belongs to Singhdwar of the disputed site. Since, this is the main gate of the disputed site, it is called the Singhdwar. Seeing photo No. 37 of the same album, the witness said that a door can be seen in this photo, which was the Singhdwar of the disputed site. Seeing photo No 38 of the same coloured album, the witness said that it was the photo of the Singhdwar of the disputed site. But so far I remember there was no door in the Singhdwar. Something appears attached to 'Singhdwar' in this but I was not able to distinguish whether it is a door or not. Seeing photo No. 45 & 46, the witness said that both the photos belong to Singhdwar of the disputed site; I always used the Singhdwar to enter or exist the site. 'Singhdwar' was studded with stones but I do not remember of what colour were they, whether they were of black colour or not. Seeing photo No. 77 of the same coloured album, the witness said that the photo belongs to the door for entry into the disputed building. This door is made up of bars & has bar-windows on both sides. Both the door and windows are fitted in the wall.

This wall also appears in photo Nos. 75 & 76 of this album. I will not be able to tell that the wall appearing in all the three photos i.e. photo Nos. 75, 76 and 77, is situated on which side and at what distance from the domed door. Seeing photo No. 68 of the same album, the witness said that the photo depicts a wall and a tree as well. But I will not be able to tell which part of the disputed building it belongs to. There are bars on this wall but I will not be able to tell whether this wall is called the wall of bars or not. Seeing photo Nos. 63, 64 and 65 of the same album, the witness said that the wall, which is visible in these photos, belongs to some portion of the disputed site but I cannot say it belongs to which portion. Four windows appear in photo No. 63 of the same album. These windows are fitted with bars. Three, out of four windows are on one side of the wall and the fourth one of the other side of the wall, but this wall is situated on which side of the building i.e. to the north, east or west, this I will not be able to tell. Seeing photo No. 66 of the same album, the witness pointed out that a thatched roof is visible in the photo. But I do not remember which portion of the disputed site it belongs to.

The Statement was read by me and verified.

Sd/-

Shiv Saran Das

23.01.2004

Typed by the stenographer on dictation by me in the open court. The case be presented before the Commissioner on 27.01.2004 for further cross-examination. Witness be present

Sd/-

23.01.2004

Dated - 27.1.2004

D.W. No. - 3/4 Shri Shiv Saran Das

Before : The Commissioner, Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court of Judicature, Lucknow Bench, Lucknow.

(Appointed as Commissioner vide order dated 23.1.2004 of the Hon'ble Full Bench in other original suit No. 3/89 (original suit - 26/59) Nirmohi Akhara and others versus Baboo Priya Dutt Ram & others).

(Cross-examination of D.W. 3/4 Shri Shiv Saran Das, in continuation of 23.01.2004, by Shri Zaffaryab Jilani, Advocate on behalf of the Defendant No. 9 - Sunni Central Board of Waqf, Uttar Pradesh, continues).

The learned Advocate cross-examining the witness showed him photo No. 62 at page 200 C-1 of the coloured album. Seeing this, the witness stated that it was a photo of some portion of the disputed site. Since it is long back, he would not be able to tell which portion of the building it belongs to. Seeing photo No. 69 of the same coloured album, the witness said it belongs to the entry point from the main gate of the disputed site. By main gate I mean the Hanumat Dwar. I see a tin-shed in this photo. cannot tell what is there below this tin-shed because the photo is not clear. The tin-shed visible in this photo neither belongs to the Bhandargraha (store-house) nor Ram Chabutra. Possibly this tin-shed could have been left there when Ramlala ji was being removed from there. This tin-shed might have been put up there in 1992 or thereafter. Seeing photo No. 67 of the same coloured album, the witness said that it appeared to be that of 'Sitakup'. Seeing photo No. 3 of the same coloured album, the

witness said this pertains to some inside portion of the disputed building. It shows a dome of the disputed building. In the photo, the trees that are visible before the dome stand inside the disputed site. This photo seems to have been taken from the north side of the disputed building. Seeing photo No. 6 of the same coloured album the witness replied that it belongs to inside of the disputed building but I am not able to tell it has been taken from which side. Seeing photo No. 8 of the coloured album, the witness said that the domes of the disputed building are visible in this photo. I would not be able to tell correctly whether this photo has been taken from the back of the disputed building or from its side. Seeing photo No. 10 of the same coloured album, the witness said that it belongs to some part of the Hanumat Dwar of the disputed site. Seeing photo No.11 of the same album, the witness said, I am able to see a wall and some people in this photograph. I am unable to tell the wall seen in the photo belongs to which side of the disputed building. Seeing photo No. 12 of the same coloured album, the witness said that the wall appearing in this photograph falls to the right hand side while entering the Hanumat Dwar. I will not be able to tell what direction will be to the right hand side while entering the Hanumat Dwar. The learned Advocate showed the witness photo No 9 of the same coloured album. Seeing this, the witness said that he is able to see the Hanumat Dwar and one inside gate. The inside gate appearing in the photo could be the inside gate of the three- domed disputed building as there is no other gate in between. The inside gate appearing in the photo is the inside gate of the middle dome of the disputed site. Seeing photo No. 13 of the same coloured album, the witness said that he is able to see a wall with something made on it. Further, a board can be seen in this photo. Seeing photo No. 17 of the same album, the witness said that he is able to see a

wall. Also, some Mahatmas are seen sitting in the photograph. I am not able to tell the wall appearing in this photo No. 17 belongs to which side of disputed site. Seeing photo No.18 of this album, the witness said he sees a wall in this photo also but I cannot tell which side this wall belongs to. Seeing, photo No. 19 of the same coloured album, the witness said that it was the photo of the disputed site. But, he cannot tell which side of the disputed, site it belongs to. Seeing photo No. 29 & 30, the witness said he does not have his spectacles with him at this moment. He would be able to tell about these photos once he has his spectacles. Seeing photo No. 36, the witness said, I can clearly see this photo, this belongs to parikrama portion of the disputed site but I will not be able to tell which portion of parikrama it belongs to. I will also not be able to tell whether it belongs western side, northern side, eastern side or southern side of the parikrama route. Seeing photo No. 43 of this album, the witness said, he is able to see this photo clearly. It belongs to some portion of the disputed site. A tin also appears in the photo, I cannot tell whether this photo belongs to inner northern portion or southern portion of the Hanumat Dwar. It is also possible that the portion which is visible in photo No. 43 may be of some outside portion of the disputed site. I am not able to understand whether this photo belongs to outer eastern or western portion of the disputed site or of northern or southern portion. When I returned from Kailash in 1958, I saw the portion visible in this photo No. 43 for the first time. I had not seen this portion before that. I had not seen this portion between 1930 to 1950. I did not stay in Ayodhya between 1938 to 1950 but I did go to Ayodhya. Whenever I came to Ayodhya during this period, I did not go to the disputed site and even if I did go I paid my obeisance from outside.

I lived in Ayodhya till 1938. After that I travelled to Ahmedabad, Madhya Pradesh, Kathiawar, Bombay etc. from 1938 to 1957. I went for pilgrimage to Kailash Parvat and Mansarover in 1958. After the Pilgrimage to Kailash and Mansarovar in 1958, I came to Lucknow and then proceeded to Balia. In Balia I stayed at Takasun for 5, 7, 10 days. From there, I went to Nepal. In 1959, I came back to Lucknow. Volunteer, I fought with the Govt. while staying at Nirala Nagar Mohalla, Lucknow in 1960. As a sequel to this, Shri Brijpal Singh Seth and Shri D.C. Kand Saheb, Chief Engineer told me that they were leaving a plot for the temple and would also make amends in the site-plan. Then, they got the site-plan amended and we got the temple constructed there. That temple of mine got completed in 1995 and then 'pran-pratishtha' (life infusion) ceremony was held. Shri Hanumanji was already there in the temple. Pran-pratishtha of Shri Ram Chandraji and Jagdamba Mata ji was done. Pran-pratishtha of Shri Radha Krishnaji was also done. The Pran-pratishtha of Shri Hanumanji in that temple was not done before me, I found that idol there} I found Hanumanji's idol there in 1960 Hanumanji's idol was installed there in 1958 and a small temple was constructed. Volunteer, a 'sthan' (place) for Shankarji had also been constructed there but his idol was not there. Later on I got an idol of Shankarji installed at the place. The Nirala Nagar temple of mine is known as Balkeshwar Hanumanji Mandir (Baba Saran Das Mandir). I do not know who had got the 'pran-pratishtha' of Hanumanji idol done in this temple but 'pran-pratishtha' of rest of the idols was done by me. It takes about 15 day to do 'pran-pratishtha' of a idol. In this temple, the pran pratishtha of Shri Ram Chandraji's idol was done in 1966 on the occasion of Basant Panchmi. A big ceremony was held for this purpose. The ceremony was attended by at

least 400-600 sants and Mahatmas and Brahmins & Acharyas. The pran-pratishtha was done in a proper manner by them and the idol installed. All the above people stayed there i.e. in our same temple for 15 days. The act of 'pran-pratishtha' is done outside and the idol is installed at its place on the day set for its installation. All this programme was carried out at a place outside where the idol has been installed. Tents had been pitched there in which sadhus lived. All the expenses connected with the 'pran pratishtha' of Shri Ram Chandraji's idol in my temple were born by the public. The expense must have run into lakhs of rupees. The 'pran pratishtha' of Ram Chandraji, Sitaji, Laxmanji and Hanumanji was done together at the same time as these idols used to be there in the entire 'darbar'. There are two idols of Hanumanji in that temple of mine. One is the old one and the other had been installed with that of Ram Chandraji's. I had got all these four idols and one that of the Radha Krishan made from Jaipur. The pran-pratishtha of Radha Krishan's idol was done in 1998. It took the same number of days i.e. 15 days in doing pran-pratishtha. Some 400-600 Sant-Mahatma had attended the ceremony. Lakhs of Rupees had been spent on that occasion also. There has been no 'pran-pratishtha' of any idol in that temple after 1998. Only the installation of Jagdambaji's idol had already in 1964. Jagdambaji is also called "Durgaji". There is a 'Garbh Grih' in my above said Nirala Nagar Temple is one only, but sinhasans (Thrones) of all are different. The Garbh Grih of my temple must be about 25ft. X 30 ft. The construction of 'Garbha Grih' of my temple was completed in 1974. At the time when there were no idols in "Garbha Grih", people did not go for darshans there. They only had darshans of Hanumanji and Shivji. I got installed Shivji's idol in 1965 by Shri B.R. Mohan. There is a separate temple for that idol of Shivji or Shankarji i.e. it has a

separate 'Garbha Grih'. It took 8 days time in installing one idol of Shivji. Not many people had come at the time of installation of Shankarji's idol. Sants were also few in numbers. That temple of Shankarji is of royal times and made of Lakhori bricks. I had got temple renovated. The inside site of Shankarji's temple must be 5 ft. x 5 ft. The old Hanuman Mandir inside my temple is away from this temple of Shankarji. The inside area of that Hanuman Mandir must be 5ft. x 5ft. but its 'baradari' is quite large. This baradari must be at least 40 ft. x 40 ft, but I do not exactly remember. The area of Jagdamba Deviji temple must be 12 ft X 12 ft. and out side it there is her Chabutra (platform). In addition to the above temple, in my Nirala nagar temple, there is one store where Bhagwanji's belongings are kept, one Bhandargriha where 'prasad' is prepared, and one thatch below which I have been living for the last 45 years. After 1960, I have been living under this thatch only. The thatch is made of straw which needs to be replaced every 2-3 years but I have not been able to change it even after five years now as I have not been able to arrange for its change. I did not think it necessary to change the thatch so it continues to be unchanged.

The learned Advocate cross examining the witness showed photo Nos. 56 and 57 at page 200C-1 of the same coloured album. Seeing this, the witness said that the type of thatch appearing in these photos is the one which is also in my Nirala Nagar residence. The straw thatch which appears in these photos, is found at my residence also. I have got my spectacles and I can see the photos clearly now.

Seeing photo Nos. 29 & 30 of the same coloured album, the witness said that both these photos belong to the disputed site, but I will not be able to tell which side of

the disputed site they belong to. Both these photos belong to inside portion of the disputed site. Seeing photo No. 36 of the same coloured album the witness said that this belong to outside portion of the disputed site. This photo belongs to northern portion of the disputed site from where people make an exit. Seeing photo No. 50 of the same coloured album, the witness said that it also belong to some portion of the disputed site. I am able to see a pillar in this photo. I cannot say whether this pillar was erected inside the three-domed disputed building or outside it. In 1930, black stone pillars were erected in the disputed site but I do not know their number. I also do not remember which places the said the pillars were erected in the disputed site. But I do remember that two such pillars had been erected at Hanumat Dwar. The upper portions of both these pillars had been coated with 'Mahaviri' which is of Sinduduria (vermilion) colour. The colour that can be seen in photo No.50, is sinduria colour. 'Mahaviri' is made of indigenous vermilion. There is another type of vermilion which is red in colour but that is not indigenous and not used here. I do not know where that vermilion is prepared or from where it is procured. This Mahaviri i.e. the vermilion colour, had been coated only on the pillars erected on the outer gate. It was not there on the Pillars erected inside the disputed building. Seeing photo Nos. 104, 105 and 108 of the same coloured album, the witness said that the pillars in these photos are coated with 'Mahaviri' but it is not pure Mahaviri. The Mahaviri seen on them is of red colour. This Mahaviri seems to be of the other type. Photo Nos. 104 and 105 are of the same pillar. I cannot say whether the pillars visible in these photos had been fixed at the outer gate or inside the domed building. Seeing photo Nos. 109, 110 and 114 of the same coloured album, the witness said the pillars visible in these photos are coloured in red colour and we will call it

red colour only and not mahaviri. I will also not be able to say whether these pillars stood in the outer gate or inside the three-domed disputed building. Seeing photo Nos. 115 and 120 of the same coloured album, the witness said, only red colour is visible on the pillar appearing in photo No. 115 while in photo No. 120, some mahaviri seems to have been painted. I will not be able to tell whether the pillars appearing in photo No. 115 and 120 were erected in the outer gate or inside the three-domed disputed building. Seeing photo Nos. 121 and 126, the witness said, both these pillars do not have Mahaviri coating on them, but vermilion of different kind has been applied on them. Seeing photo Nos. 136 and 137 of the same coloured album, the witness said both these pillars have been coated with mahaviri. I will not be able to tell whether the pillars appearing in these photos have been erected in the outer portion of the disputed building or inside it. Seeing photo Nos. 140 and 143, the witness said the pillars seen in these photos seems to be covered with mahaviri, but I would not be able to tell whether these pillars had been erected in the outer portion or inside the three-domed disputed building. Seeing photo Nos. 146 and 147 of the same coloured album, the witness said that it is certain that mahaviri had been applied on these pillars but I will not be able to tell whether the pillars appearing in these photos were erected in the outer gate or inside the three-domed disputed building. Seeing photo No. 158 of the same coloured album, the witness said that Mahaviri seems to have been applied on these pillars but I will not be able to tell whether the pillars appearing in this photo were erected on the outer gate or inside the three-domed disputed building. Seeing photo Nos. 163, 165 and 167 of the same coloured album the witness said that the pillars appearing in photo Nos. 163, 165, 166 and 168 have been coated with Mahaviri. But in regard to photo No. 165, I

cannot tell whether it has been coated with Mahaviri or not because I am not able to clearly decipher this photo. I will also not be able to tell whether the above-said four pillars were erected on the outer gate or inside the three-domed disputed building. Seeing photo Nos. 176, 177 and 180, the witness said that these pillars have been coated with Mahaviri but I will not be able to tell whether these pillars had been erected in the outer gate or inside the three-domed disputed building. Seeing photo Nos. 181, 182, 183, 185 and 186 of the same coloured album, the witness said that the pillars appearing in photo Nos. 181 and 183 are coated with Mahaviri but the pillars appearing in photo Nos. 182, 185 and 186 are coated with different type of vermilion Mahaviri. I will not be able to tell whether the pillars appearing in the above said photos had been erected on the outer gate or some inside portion of the three-domed disputed building. Seeing photo No. 187 to 190, the witness said that all these four pillars have been coated with Mahaviri but I will not be able to tell whether these pillars had been erected on the main gate or some inside portion of the three-domed disputed site. Seeing photo Nos. 193 to 196 of the same coloured album, the witness said these pillars have been coated with Mahaviri but I will not be able to tell whether the pillars appearing in the above said photos have been erected on the main gate of the disputed site or inside portion of the three-domed disputed building.

Verified the statement after reading.

Sd/- Shiv Saran Das

27.1.2004

Typed by the stenographer on dictation from me in the open court. For further cross examination on 28.1.2004 in the case. Witness be present.

Sd/-

Narendra Prasad

Commissioner

27.01.2004

Dated - 28.01.2004

D.W. - 3/4 Mahant Shiv Saran Das

Before: The Commissioner, Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Honourable High Court of Judicature, Lucknow Bench, Lucknow.

(Appointed as Commissioner vide order dated 23.1.2004 passed by the Hon'ble Full Bench in other original suite-3/89 (original suit-26/59) Nirmohi Akhara & Others versus Baboo Priya Dutt Ram & others.)

(Cross-examination of DW 3/4 Shri Saran Das, in continuation of 23.1.2004 by Shri Zafaryab Jilani, Advocate on behalf of Defendant No. 9, Sunni Central Waqf Board, Uttar Pradesh, continues.)

The learned Advocate cross-examining the witness showed him photo Nos. 199 & 200 on Paper No. 200 C-1 of the coloured album. Seeing this, the witness said that the pillars appearing in these photos have been coated with Mahaviri. I cannot tell whether these pillars had been erected on the main gate of the disputed site or in some portion of the three domed disputed building. The learned Advocate cross-examining the witness showed him the portion of his statement, dated 27.1.04, made on page 59 that "this Mahaviri i.e. the vermilion colour had been applied only on the pillars erected on the outer gate. It was not there on the pillars standing inside the disputed building" and asked whether his above said statement is correct? Seeing the above, the witness replied that his above statement is correct.

Question : Whether, according to your statement above, the photos of all the pillars (shown in these photos) and stated to be coated with mahaviri are the photos of the pillars erected on the outer gate of the disputed building?

Answer : All the pillars shown in the photos and stated by me to be coated with mahaviri i.e. vermilion cannot belong to the outer main gate of the disputed site.

The learned Advocate, cross-examining the witness showed him the portion of his statement at page 60 wherein he has stated that the pillars appearing in photo Nos. 136, 137, 140, 143, 146, 147, 158, 163, 165, 166 and 168 had been coated with Mahaviri, and was asked whether according to his statement made at the above said page 59, all the pillars appearing in these photos had been erected on the outer main gate of the disputed building.

(At this, Shri Ranjit Lal Verma, learned Advocate for the plaintiff objected saying that the Answer to this question has been covered in lines 8 and 18 at page 60 of the statement made by the witness. Hence the same cannot be repeated).

Seeing the above, the witness replied that only the pillars erected on the outer main gate had been coated with Mahaviri.

Question : Whether this can be construed that all the pillars coated with Mahaviri as shown in the photos belong the main gate of the disputed building.

Answer : No, Sir.

Question : In your statement page 59 and that made just now you said that “Mahaviri had been applied on those pillars which had been erected on the outer main gate”. On one hand you say that mahaviri had been coated only on those pillars which had been erected on the outer main gate and, on the other, you do not accept that all those pillars which are coated with mahaviri had been erected on the main gate. So, which of your statement may be taken as true.

Answer : I stated that mahaviri had not been applied on the pillars erected inside the disputed building. It had been applied only on the pillars erected at the main gate. This is what I state today also.

It is not correct to say that my statement “the red colour had been applied on the pillars erected on the outer gate” is wrong.

The learned Advocate cross-examining the witness showed him photo Nos. 104, 105 and 108 on paper No.200C-1 of the coloured photo album and told that the pillars appearing in these photos were erected in the lower portion of the domes of the three-domed disputed building. It was asked, ‘what the witness has to say about this’. The witness replied that he would not be able to say anything.

Photo Nos. 109 to 114 of the same coloured album were shown to the witness. The learned Advocate stated that the pillars shown in the above said photos had been erected in the lower portion of the three-domed disputed building. It was enquired from the witness as to what he has to say in this regard. The witness replied that he would not be able to tell anything.

Photo Nos. 115 to 126 of the same coloured albums were shown to the witness and the learned Advocate stated that the pillars shown in these photos belong to the lower portion of the domes of the three- domed disputed building. It was asked, 'what the witness has to say in this regard'. In view of the above, the witness replied that he would not be able to say anything in this regard.

The witness was shown photo Nos. 116 and 117 of this same coloured album. It was stated that the pillars appearing in these photos had been erected in the lower portion of the middle dome of the disputed building. It was enquired from the witness as to what he had to say in this regard. The witness replied that he would not be able to say anything.

It is wrong to say that I had never gone inside the three-domed disputed building or have gone there only on few occasions. I must have gone inside the lower portion of the disputed building hundreds of times. Volunteer, 'I had been the Pujari, Bhandari there and used to perform 'bhog' also. I was a pujari in Shri Ram Janam Bhoomi. By Shri Ram Janam Bhoomi I mean the three-domed disputed building. I do not remember in which year I was the pujari there. But Ram Janam Bhoomi was not called as Ram Janam Bhoomi, then that was not called as 'disputed' at that time, I was pujari and bhandari there.

Question : You have said in your statement that you had lived in Ayodhya till 1938. Had you been the Pujari in the disputed building during that period?

Answer : Yes, Sir. Volunteer when I was a disciple of Shri Shri 108 Shri Mahant Nirmal Dasji Maharaj at

that time I was made pujari of the Janam Bhoomi. When I became a disciple of Shri Nirmal Dasji, I used to live in Nirmohi Akhara and used to come to Janam Bhoomi.

I became a disciple in chhavani and some days after that I became the Sadiq (head disciple) of Shri Shri 108 Shri Mahant Nirmal Dasji Maharaj. I do not remember the year in which I became his Sadiq disciple. At that time I was living in Ayodhya only.

When I became the 'Sadiq Chela' of Shri Shri 108 Swami Nirmal Dasji, I had been staying with Shri Shri 108 Shri Swami Kaushal Kishore Das ji. At that time, I was the disciple of Kaushal Kishore Dasji and used to live at his place with him. I was only a disciple of Shri Shri 108 Kaushal Kishor Dasji and the 'Sadiq' disciple. I was the Sadiq disciple of Shri Shri 108 Swami Nirmal Dasji only. There is a difference between 'Shishya' and 'Sadiq shishya'. When one is made a 'Shishya (disciple)', he is given a 'Kanthi', 'Ram mantra', 'Langoti', 'Adwan' by the Guruji and when one is made 'Sadiq Shishya', the 'Sadiq Shishya' first becomes a 'hurhdanga', he is then made a Naga in the ensuing 'kumbh'. There the Guru Maharaj i.e. the Siddha Baba offers him a garland at Jazim in the presence of the 'panch' and the documentation is held in Akhara itself. There is no procedure for becoming a 'hurhdanga'. One becomes 'hurhdanga' at that very moment when Guru Maharaj accepts some money and makes him a 'Sadiq Chela'. Before becoming a 'hurhdanga', I had become a 'Sadiq Chela' of Nirmal Dasji. One does not have to become a 'Chhora' before becoming a 'hurhdanga'. Then said, there is nothing like a 'chhora'.

Question : Today you have not been able to tell today the year in which you had become the 'Sadiq Shishya' of Shri Shri 108 Mahant Nirmal Dasji. Whereas you have mentioned at page 13 of your statement of 14th November, 2003 that you were born in 1920 and lived in Ayodhya between 1930 to 1942. Does it mean that on 14th November 2003, you remembered all the years about your stay in Ayodhya and have forgotten them today?

Answer : Whatever I had stated that day is correct.

Question : Whether, due to some specific reason, today you do not want to tell that year when, according to you, Shri Shri 108 Swami Nirmal Dasji had made you his 'Sadiq Shishya'

Answer : I have been a little bit indisposed since yesterday night and because of confusion regarding all the questions, I have not been able to give Answer to this question today.

Read the statement and verified

Sd/-

Mahant Shiv Saran Das

28.1.2004

Typed by the stenographer on dictation by me in the open Court. For further cross-examination on 29.1.2004 in this case. The witnesses be present.

Sd/-

Narendra Prasad

Commissioner

28.1.2004

Dated - 29.1.2004

D.W. - 3/4 Mahant Shiv Saran Das

Before : The Commissioner, Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court of Judicature, Lucknow Bench, Lucknow.

(Appointed as Commissioner vide order dated 23.1.2004 passed by the Honourable Full Bench in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara & Others versus Baboo Priya Dutt Ram and others).

(Cross-examination on oath in continuation of 28.1.2004, of D.W. 3/4 Mahant Shiv Saran Das by Shri Zaffaryab Jilani, Advocate on behalf of Defendant No. 9 Sunni Central Board of Waqf, Uttar Pradesh, continues).

I become 'Sadiq Shishya' of Swami Nirmal Dasji in the Kumbh of Ujjain. I become his Shishya (disciple) in 1944 or 1945. I left for Ahmedabad alongwith Swami Nirmal Dasji after I became his 'Shishya' in Ujjain. Mahant Nirmal Dasji mostly stayed in Ahmedabad. He had a 'sthan' (place) of his own in Ahmedabad and he lived there only. That place was known as Jagannath temple. Jagannath temple was the 'sthan' of Nirmohi Akhara and Mahant Nirmal Dasji was connected with Nirmohi Akhara. He was Shri Mahant of Jharia village of Nirmohi Akhara. Mahant Nirmal Dasji in Ayodhya permanently, but he used to come and go there. I met Mahant Nirmal Dasji for the first time in Kumbha in Ujjain where I became his 'Sadiq Shishya' and a Naga administering oath I mean administe, oath to someone who is to become 'Sadiq Shishya' by offering a tulsi garland, rice and 'Supari' (betel-nut) alongwith some money. After administering oath one becomes a 'Sadiq Shishya' and becomes Naga in the 'Kumbh' either at Ujjain or Haridwar, whichever falls

earlier. Anyone can become a 'Sadiq Shishya' and 'Naga' in the same kumbh. I became 'Sadiq Shishya' of Mahant Nirmal Das ji and 'Naga' in the same Kumbh. The day I became a 'Sadiq Shishya' of Mahant Nirmal Das ji in Ujjain Kumbh 20 days after that I became a Naga in the same kumbh. After becoming a 'Sadiq Shishya', the Mahants of 9 villages and 3 Anni assemble and a 'Jazim' is spread and garland is put around the neck of the 'Sadiq Shishya'. After garlanding, some writing is done and then the 'Sadiq Shishya' becomes a Naga is a very big sized bedsheet, which is, spread and people sit on it. I had gone to Ahmedabad and stayed there for one & a half year with Mahant Nirmal Das ji and served him before the kumbh in Ujjain where I became a 'Sadiq Shishya' of Mahant Nirmal Das ji. There is nothing like 'hurhdanga' I simply stayed with him there and served him. When there is nothing like 'hurhdanga', the question of becoming a 'hurhdanga' does not arise.

The learned Advocate cross-examining the witness showed him the portion of his statement made on 28.1.2004 on page 67 Gand and when one is made a 'Sadiq Shishya', the Sadiq Shishya first becomes a 'hurhdanga', and was asked whether this statement of his is wrong. The witness replied this statement of mine is totally correct.

Question : If your aforesaid statement recorded on page 67 is correct, then the statement made by you just now "that there is nothing like hurhdanga" when there is nothing like hurhdanga' the question of becoming a 'hurhdanga' does not arise becomes totally wrong. What have you to say in this regard?

Answer : What I have to say in this regard is that we have a "Hurhdanga also. We have Murethia as well as a pattedar. All these means 'service'.

Question: If you also have a 'hurhdanga', then whether your statement of today that, "there is nothing like 'hurhdanga' and 'the question of becoming a hurhdanga does not arise' is totally wrong or not. What have you to say in this regard?

Answer : I am to say in this regard that all these customs are prevalent in our Akhara. This is not a thing related to the court which you need to know.

I do not want to tell whether I had become a 'hurhdanga' or not because it is related to my Akhara.

Question : Whether you had become or made a 'murethia' or a pattedar?

Answer : This relates to my Akhara, therefore, I do not want to tell.

Question : Whether it is not compulsory to become a 'Murethia' or a 'Pattedar' for becoming a 'Sadiq Shishya'

Answer : I cannot as this question belongs to my Akhara.

Question : What do you mean by a 'Murethia and a Pattedar'?

Answer : This question belongs to my Akhara, therefore, I cannot tell you anything about this because you do not know anything about this.

Question : When you started serving Mahant Nirmal Das ji in Ahmedabad, you did go to stay in Ayodhya

again after that. You simply kept coming to Ayodhya & went back?

Answer : This is true.

Before starting serving Mahant Nirmal Das ji in Ahmedabad, I kept going to all places other than Ayodhya. I did not stay anywhere but kept going round.

Question : For how many months or years you kept going round here & there after you stopped leaving in Ayodhya and before starting living in Ahmedabad?

Answer : I kept going round places for about 3-4 years and thereafter went to Ahmedabad.

The statement was heard and verified.

Sd/-

Shiv Saran Das

29.1.2004

Typed by the stenographer on dictation by me in the open court. For further cross-examination on 30.1.2004 in this case . Witness be prexent

Sd/-

Narendra Prasad

Commissioner

29.1.2004

Dated - 5.2.2004

D.W. - 3/4 Mahant Shiv Saran Das

Before: The Commissioner, Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court of Judicature, Lucknow Bench, Lucknow.

(Appointed as Commissioner vide order dated 23.1.2004 passed by the Honourable Full Bench in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara & Others versus Baboo Priya Dutt Ram and others).

(Cross-examination on oath in continuation of 29.1.2004, of D.W. 3/4 Mahant Shiv Saran Das by Shri Zaffaryab Jilani, Advocate on behalf of Defendant No. 9 Sunni Central Board of Waqf, Uttar Pradesh, continues).

I do not remember when did I go to the three-domed disputed building for the first time. I also do not remember when did I go there for the last time. I do not remember whether I have ever gone to the three-domed disputed building after leaving to reside in Ayodhya or not. I cannot even roughly tell how many times I had been to the three-domed disputed building. I had been a pujari also at the three-domed disputed building. I do not remember whether I had been to the disputed building some 10-20 times or 100-200 times. I do not remember for how many days I was a pujari at the three-domed disputed building. I was pujari at the three-domed disputed building for 2-4 years. I did not become the pujari at the three-domed disputed building as soon as I reached Ayodhya. I served my Guruji for some days and thereafter became pujari at the time of Raghunath Das ji. When I left Ayodhya, I was not a pujari at the three-domed disputed building. I had quit the post of pujari a year before my leaving Ayodhya. Shri Shri

108 Baba Raghunath Das ji had made me the pujari there. When I was made pujari there, I was not living in the three-domed disputed building. I used to live in the thatched construction outside the wall made of bars. Apart from me, Baba Mahant Raghunath Das ji and 4-6-10-12 other sants also used to live there but I do not remember the names of those people. At that time I was appointed as a pujari to serve Shri Ramji. There was no separation then and I was pujari for both the places inside and outside the three-domed disputed building. There used to be only one pujari for both the place at that time. Most of the devotees used to have 'darshans' from outside the wall made of bars while some of them had 'darshans' from inside the three-domed disputed building. The 'arti' in the three-domed disputed building used to be performed at 9 O'clock when the disputed building opened and it was closed at 12 O'clock after the 'bhog'. It again opened at 3 O'clock and was closed at 10-11 O'clock in the night. I did not stay inside the disputed building for whole the time for which it remained opened. I used to stay outside. Other sadhus used to remain inside. I used to perform the arti as well as 'bhog'. Offerings used to be made under the dome in the three-domed disputed building. All the offerings were gathered by the treasurer Shri Ram Lakhan Das ji and then he used to take it to Mahant Raghunath Das ji. When I was pujari there, I did not get any pay. I had a number of places of my own and Baba Raghunath Das ji used to take care of me and give me my pocket money (expenses). Whatever amount of money he used to give me, I gladly accepted. This pocket money was not of fixed amount. There was no sant servant. No fixed amount was given to anybody. I cannot tell whether Baba Raghunath Das ji used to give any pocket money to anybody else or not. An idol of 'Laddu Laiji' who is also known 'Laddu Gopal' and that of Saligramji was kept at the Ram Chabutra. No idol

of Ramlala was kept at Ram Chabutra. Volunteer, "Ramlala's idol was kept inside the disputed building. The idol of Ramlala inside the three-domed disputed building was that of his 'Balrup'. Apart from this 'Balrup' idol of Ramlala, there was no other idol of Ramchandraji in the disputed site.

The learned Advocate cross-examining the witness showed him a photo on page No. 154/13 filed in other original suit No.1/89. Seeing which the witness said that the idol of Ramlala that was kept inside the disputed site had been kept on the staircase visible in this photo. I can see three steps in the staircase in this photo. Ramala's idol was kept on the top most staircase. I cannot even guess as to what was the length, breadth and height of idol that was kept on the staircase. I also would not be able to tell the metal of which the idol was made of. I would not be able to tell whether that idol was made of any metal or stone. With regard to this idol, I have stated that I had been performing arti, puja & bhog of this idol for three-four years a day. When I was pujari in the disputed building, then only the idols of Ramlala and that of Saligram were kept there on although a number of idols and photos are visible in this photo. On seeing this photo, I do not understand whose idols are visible in this photo. In this photo, I am able to see the idol of Ramlala which had been kept on the throne in front. A throne seems to be there at page No. 154/13 in the photo. The idol of Ramji appears to be kept on this throne. When I was pujari at the three-domed disputed building, the idol of Ramlala was kept on the throne and an idol of Hanumanji was kept on a window next to the throne. The idol of Hanumanji and that of Ramlala were kept opposite each other as the window was on the wall opposite.

Question : Do you see the window in this photo paper No. 154/13 where the idol of Hanumanji is stated to have been kept, as told by you.

(Shri Ranjit Lal Verma, learned advocate for the plaintiffs objected to this Question saying that these are two things which cannot be asked together. The second question arises only after first has been settled.

Answer : No, Sir.

I am able to see a wall behind the stairs seen in this photo but I cannot tell which side this wall belongs to. It is not necessary to face one particular direction while doing arti. Arti is done keeping one's face in all the four directions. I cannot tell whether the face of the idol whose arti is performed should be in a particular direction or not. I sued to perform the arti of the idol of Ramlala inside the disputed site at a distance about three to four feet from the place where the idol is kept. While performing 'bhog', the 'thal' (platter) was placed on the stairs to perform the bhog there. In the stairs visible in this photo, there was sufficient space on the top stair to hold a platter and the bhog was performed there only after performing bhog to Ramlala, the same 'thal' was used to perform 'bhog' to Hanumanji. There was also some space to keep the 'thal' at the place where the idol of Hanumanji was kept. That space was 'Takhnuma' (window type) and there was adequate space at the window to hold a 'thal'. I cannot tell the length and breadth of the idol of Hanumanji that was placed on the window inside the disputed building. Ramlala's idol was kept on the throne inside the three domed disputed building. Two-three idols were kept below the throne. I cannot say who those idols belonged to. Volunteer, those three idols belonged to Laxmanji, Bharatji

& Shatrughanaji but I cannot differentiate which of the idols belonged to whom. In the photo paper No. 154/13, I am able to see a 'garuna ghanti', a utensil for giving 'argha' and a 'sheetal safi' on the middle stair.

The learned Advocate cross-examining the witness showed him a photo at paper No.154/7 of the other original suit No. 1/89 seeing which the witness said it is the photo of the disputed building. I am not able to tell to which side of the disputed building this photo belongs to. Then said, the back portion of the disputed building is visible in this photo. I am able to see the back wall and the dome in this photo. I will not be able to tell whether the white lines visible in this photo are made of stone or have been daubed with plaster of Paris. I had never seen the disputed building being white-washed. At the time when I was in Ayodhya, the disputed building looked like so as it appears in this photo. The learned Advocate cross-examining the witness showed him a photo at paper No. 54/10 filed in other original suit No. 1/89. Seeing this, the witness said that it was also the photo of the disputed building but I would not be able to tell it has been taken from which side. The photo depicts the back portion of the disputed site. On an examination of both these photos it seems that the middle dome is comparatively bigger amongst the three. The learned Advocate cross-examining the witness showed him the photo at paper No. 154/8 seeing which the witness said the dome of the disputed building is seen in the photo. But I would not be able to tell the photo belongs to which side dome of the disputed building. The learned Advocate cross-examining the witness showed him a photo at paper No.154/4. Seeing this, the witness told, this photo also belongs to the disputed building. This belongs to the entry gate of the disputed building. I will not be able to tell whether it

belongs to the northern gate or the eastern gate. The witness was shown the photo at paper No. 154/6. Seeing this, the witness said "it belongs to the disputed building but I would not be able to tell to which side or which part of the disputed building this photo belong to. The witness was shown the photo at paper No.154/5. Seeing this the witness said, 'this photo also belongs to the disputed building. But I would not be able to tell to which side of the disputed site this photo belongs to. The learned Advocate cross-examining the witness showed him photo at paper No 154/9 seeing which the witness said, it belongs to the disputed site but I would not be able to tell to which portion of the site it belongs to. The witness was shown the photo at paper NO.154/9 seeing which the witness said that it belongs to the disputed site but which part of the site it belongs I will not be able to tell. I do not remember whether the small wall appearing in this photo had been constructed adjoining the southern wall of the disputed site or not and whether this place was a urinal or not. The learned Advocate cross-examining the witness showed him a photo at paper No. 154/14. Seeing this, the witness said that this photo belongs to the disputed building but I would not be able to tell, portion of the disputed building it belongs to. I do not remember whether it belongs to the wall under the dome of the disputed building, or not. The learned Advocate showed the witness a photo at paper No. 154/15. Seeing this, the witness this photo also belongs to the disputed building but I would not be able to tell to which portion it belongs to. May be it is the photo of the lower wall under the dome. The learned Advocate cross- examining the witness showed him a photo at paper No.154/12. Seeing this, the witness said, this photo also belongs to the disputed building but I would not be able to tell to which of the disputed building it belongs to. I would not be able to tell whether this photo

belongs to the western wall under the dome or not. I can see two black photos in this picture. But I would not be able to tell whether something is written in these photos or some idol is made or something is written in Arabic or some other language. I do not remember whether I had seen the above mentioned black photos or not when I had gone to the place under the dome in the disputed building. I do not remember whether I had seen any carving made on the wall under the dome in the disputed site or not. The learned Advocate cross-examining the witness showed him a photo at paper No. 154/11 which was filed in other original suit No. 1/89. Seeing this, the witness said, it belongs to the disputed building itself. But I would not be able to tell to which portion of the disputed building it belongs to.

When the disputed building was closed, a curtain was pulled over the door. The learned Advocate cross-examining the witness showed him photo Nos. 84, 85 and 86 at paper No. 200 c-i of the coloured album. Seeing these, the witness said that he would not be able to tell whether the door appearing in photo No. 84 is the door under the dome of the disputed building or not. The door appearing in photo No. 85 is the door of the disputed building but I would not be able to tell whether the door appearing in this photo is the door under the dome or not. The door appearing in photo No. 86 is the door of the disputed building but I would not be able to tell whether this photo belongs to the door under the dome or not. I would also not be able to tell whether the type of doors appearing in the above-said photos had been built elsewhere in the disputed site, other than under the lower portion of the dome, or not. A curtain seems to have been pulled over the doors appearing in all the three abovesaid

photos. Curtains had been pulled on all the doors in the disputed building but I would not be able to tell whether the type of curtains appearing on the above-said three photos had been pulled on the three doors of the disputed building also or not. I do not remember whether the electric light or the electric connection was there or not at any place in the disputed building at the time when I used to go there. Only a lantern light was used at the place where I used to live in the disputed site. I do not remember what thing was used to illuminate the place when I was a pujari in the disputed building. I also do not remember whether I had seen any electric light or electric connection in the disputed building during my life-time or not. I also do not remember whether I had seen any electric light on the Ram Chabutra in the disputed site or not. The learned Advocate cross-examining the witness showed him photo No.57 at paper 200 C-1 of the coloured album. Seeing this, the witness said it is the photo of the disputed site but I cannot tell which portion of the site it belongs to. Seeing photo No. 56 of the same coloured album the witness said, it belongs to some portion of the disputed site but I do not know which portion it belongs to. In both these photos I see a thatched construction. In the above mentioned two photos I can see thatch roof constructed. In the above-said photo No. 56, I see a tin-shed also. When I was staying in Sant Niwas at that time it had a thatched roof of 'kas', that 'Kas' is grown at the bank of Saryu, that thatch was not of "Pathawar". So "far as I can remember, there was no tin-shed in Sant Niwas at that time. I do not remember whether there was any tin-shed in the disputed site at the time when I was staying at Sant Niwas. Seeing photo No. 61 of the same coloured album, the witness said this photo belongs to some portion of the disputed site but I do not remember to which portion it belongs to. Seeing photo No. 64 of the same coloured

album, the witness said, this also belongs to some portion of the disputed site but I am not able to tell to which portion it belongs to. Seeing photo Nos. 59 and 60 of the same coloured album, the witness told, both these photos belong to the disputed site. They belong to 'Shiv Parivar' but I cannot tell to which portion of the disputed site these belongs to. Seeing photo No. 58 of the same coloured album, the witness this belongs to some portion of the disputed site but I am not able to tell to which portion it belongs to. Seeing photo No. 63 of the same coloured album, the witness said that it also belongs to some portion of the disputed site but I cannot tell to which portion it belongs to. Seeing photo No. 65 of the same coloured album, the witness said that this photo belongs to some portion of the disputed site, but I am not able to tell which portion it belongs to. Seeing photo No. 66 of the same coloured album, the witness said, this photo also belongs to some portion of the disputed site but I cannot tell to which portion it belongs to. Seeing photo Nos. 71, 72 of the same coloured album, the witness said, these photos also belong to some portion of the disputed site, but I am unable to tell to which portion these belong to. Seeing photo No. 67 of the same coloured album, the witness said, this photo also belongs to the disputed site but I would not be able to tell to which portion of the disputed site it belongs to. Seeing photo No. 68 of the same coloured album, the witness said, this photo belongs to some inner portion of the disputed site, but I would not be able to tell to which portion of the disputed site it belongs to. Seeing photo No. 69 of the same coloured album, the witness said, it also belongs to the disputed site but I do not remember to which portion of the disputed site it belongs to. Seeing photo No. 70 of the same coloured album, the witness said this photo also belongs to some inner portion of the disputed site but I would not

be able to tell which portion it belongs to. A tin-shed appears in both the above photos, but this tin-shed was not there in the disputed site when I was there. Seeing photo No. 73 of the s coloured album, the witness said this photo also belongs to some inner portion of the disputed site, but I am not able to tell to which portion it belongs to. Seeing photo No. 75 of the same coloured album, the witness said it also belongs to some inside portion of the disputed site, but I am not able to tell which portion it belongs to. Seeing photo no.77 of the same coloured album, the witness said this photo belongs to some inner portion of the disputed site, but I am not able to tell to which portion it belongs to. I can see a tree in this photo. I have no idea as to at what place this tree had been there in the disputed site.

Read the statement and verified it.

Sd/-

Shiv Saran Das

5.2.2004

Typed by the stenographer on dictation by me in the open court. For further cross-examination on 6.2.2004 in this case. Witness be present.

Sd/-

Narendra Prasad

Commissioner

5.2.2004

Dated - 6.2.2004

D.W. - 3/4 Mahant Shiv Saran Das

Before : The Commissioner, Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court of Judicature, Lucknow Bench, Lucknow.

(Appointed as Commissioner vide order dated 23. 1.2004 passed by the Honourable Full Bench in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara & Others versus Baboo Priya Dutt Ram and others).

(Cross-examination on oath in continuation of 5.2.2004, of D.W. 3/4 Mahant Shiv Saran Das by Shri Zaffaryab Jilani, Advocate on behalf of the defendant No. 9 Sunni Central Board of Waqf, Uttar Pradesh, continues.)

The learned Advocate cross-examining the witness showed him the photo No.76, at paper 200C-1 of the coloured Album. Seeing this, the witness said that the photo belongs to some portion of the disputed building, but I would not be able to tell, portion of the disputed building this photo belongs to. Seeing photo No. 74 of the same coloured album, the witness said that it belongs to the disputed site, but I would not be able to tell to which portion of the disputed site it belongs to. I do not remember whether a door had been fixed in the northern gate of the disputed site or not. I do not remember whether that gate used to remain open always or it was closed some times.. I also do not remember whether doors had been fixed in the eastern gate of the disputed site or not. stones fixed in the eastern gate of the disputed site had some idols made on them. I do not remember whether these black stone pillars had been fixed in the

gate, outside the gate, or had not been fixed at all. 1 also do not remember as to how many pillars had been fixed in the door at the eastern gate. I did not ever try to understand whether the idols made on those two black stones were of Jay-Vijay or of someone else. Volunteer, the gate-keepers of our lords are Jay-Vijay only. I do not remember whose idols had been made on both black stone pillars on the eastern gate. Seeing photo No. 70 of the same coloured album, the witness said this photo belongs to the disputed site, but I would not be able to tell whether it belongs to inside of the disputed site, or outside. I cannot tell which portion of the disputed site it belongs to. Seeing photo Nos. 79 & 80 of the same coloured album, the witness said these belong to the disputed site, but I would not be able to tell to which portion of the disputed site these belong to. I cannot tell whether both these photos belong to outer or inner compound of three-domed disputed site. Seeing photo No. 81 of the same coloured album the witness said this belongs to the disputed site, but I am not able to tell to which portion it belongs to. I can see a tree in this photo but it seems to be fallen. I had seen some trees standing on the southern chabutra of the disputed site, but I cannot tell the type of tree which is seen in this photo had been planted where in the disputed building. Seeing photo No. 82 of the same album, the witness said that he can see a tree in this photo also. This photo also belongs to the disputed site but I would not be able to tell to which portion of the disputed site it belongs to. Seeing photo No. 83 of the same coloured album the witness said that he can see the stairs in that photo but they are obstructed by some bushes. For this reason I would not be able to tell which side these stairs belong to. I would also not be able to tell to which portion of the disputed site this photo belongs to. Seeing photo Nos. 87 & 88 the witness said he is able to see windows in these

photos. Both these photos belong to the disputed site but I do not remember to which portion these belong to. I would also not be able to tell whether these belong to inside or outside portion of the three-domed disputed site. Seeing photo Nos. 89 & 90 of the same album, the witness said, they belong to the disputed site but I will not be able to tell whether both these belong to some portion of the disputed building or they belong to some outside portion of the disputed site. I would also not be able to tell whether both these photos belong to the upper portion of the middle door of t building or not. Seeing photo Nos. 91, 92& 93 of the same coloured album, the witness said all these three photos belong to some portion of the disputed site but I would not be able to tell to which portion they belong to. Seeing photo Nos. 97 and 102 of the same album, the witness said I would not be able to tell whether both these photos also belong to some portion of the disputed building or to some portion of the outer site of the disputed building. Seeing photo Nos. 98 to 100 of the same coloured album, the witness said these belong to the disputed site but I would not be able to tell whether these belong to some portion of the disputed building or to some of the disputed site out the disputed building. Seeing photo No. 103 of the same coloured album, the witness said, 'this photo also belongs to the disputed site itself but, I would not be able to tell whether it belongs to some outside portion of the disputed building or to some other portion of the disputed site. I do not remember whether the type of black stone pillars fixed on the eastern gate of the site had been fixed elsewhere, or not. Seeing photo Nos. 106 to 108 of the same coloured album, the witness said these photos also belong to some portion of the disputed building, but I would not be able to tell to which portion of the disputed building they belong to. Seeing photo No. 116 of the same album, the witness said this

also belongs to the disputed building, but I would not be able to tell to which portion of the disputed building it belongs to. I am able to see a photo of Ramlala in this photo. At the time when I was a pujari in the disputed building this photo was certainly there in the disputed building, but I cannot tell at which place or in which portion of the disputed building this photo was kept. I cannot tell whether the photo of Ramlala as it appears in the above-said photo No. 116, had been hanging in which portion of the disputed building, or in which portion of the disputed site outside the disputed building photo Nos. 128 and 129 of the same coloured album witness said that in both these photos I can see a photo which was hanging in the disputed site in my times. But I cannot tell whether this photo was hanging in some portion of the disputed building or in some other portion of the disputed site outside the disputed building. It might be this photo was fixed inside the disputed building only but it was long time back so I cannot tell exactly. I also cannot tell the photo appearing in both these photos belongs to whom. Seeing photo Nos. 152 to 155, the witness said all these photos belong to the disputed site but I would not be able to tell whether these belong to some inside portion or outside portion of the disputed building. Seeing photo Nos. 169 to 174 of the same album, the witness said all these photos belong to the disputed site itself, but I would not be able to tell whether these belong to inside or outside portion of the disputed site. Seeing photo No. 201 of the same album, the witness said, this photo also belongs to the disputed site, but I would not be able to tell to which portion of the disputed site it belongs to. Seeing photo Nos. 9 to 12 of the same album, the witness said, all these photos belong to the disputed building itself, but I would not be able to tell which portion these belong to. Seeing photo Nos. 37 to 42 of the same album, the witness said these also belong

to the disputed building, but I would not be able to tell whether these belong to inside or outside of the building. Seeing photo Nos. 44 to 48 of the same album, the witness said I would not be able to tell whether these photos also belong to some portion of the disputed building or to some portion of the disputed site outside the building.

The learned Advocate cross-examining the witness showed him photo Nos. 4, 5 & 6 at paper No.201 C-1 of the black & white album. Seeing these, the witness said that all these photos belong to the disputed site itself, I would not be able to tell to which portion of the disputed site they belong to. Seeing photo Nos. 7 & 8 of the same album, the witness said, 'these photos also belong to the disputed site but I would not be able to tell to which portion of the disputed site they belong to. Seeing photo Nos. 9, 10, 11 & 12 of the same album, the witness said, all these belong to the disputed site, but I would not be able to tell whether these belong to some inside or outside portion of the disputed building. Seeing photo Nos. 20, 21 & 22 of the same album, the witness said, 'I would not be able to tell whether these belong to some portion of the disputed building, or not'. I would also not be able to tell whether these belong to some portion of the disputed site, or not. These photos belong to some portion of the site, but I would not be able to tell to which portion of the disputed site they belong to.

Question : I say that the gate shown in photo No. 23 does not belong to any portion of the disputed building, but it belongs to the northern gate of the disputed site. What have you to say in this regard?

Answer : I have to say, in this regard, that this photo belongs to the disputed building itself. I would not be able to tell whether it belongs to the inside portion or outside portion.

Question : I say that the place shown in photo no.24 belongs to the place outside the disputed site. What have you to say in this regard?

Answer : I have to say in this regard that this photo belongs to the disputed site itself. I would not be able to tell whether it belongs to the inside portion or outside portion.

Question : Whether by disputed site you mean the site , which is surrounded by the boundary wall on eastern, northern & southern side, and by the western wall and the boundary wall of the disputed site on the western side?

Answer : Yes, Sir. By disputed site I mean the same.

Seeing photo Nos. 25 & 26 of the same album, the witness said, 'these photos also belong to some portion of the disputed building, but I would not be able to tell to which portion of the disputed building these belong to. Seeing photo Nos. 27 & 28 of the same album, the witness said, 'these also belong to the disputed building, but I would not be tell which portion of the disputed building they belong to.

Question : Whether by disputed building you mean the three-domed building?

Answer : Yes, Sir, I mean the same.

Seeing photo Nos. 29 & 30 of the same album, the witness said, 'these also belong to the disputed building but I would not be able to tell to which place of the disputed building they belong to. Seeing photo Nos. 31 & 32 of the same album, the witness said, 'these also belong to the disputed building, but I would not be able to tell to which portion of the disputed building these belong, to. Seeing photo Nos. 35, 36 & 37 of the same album, the witness said these also belong to the disputed building, but I would not be able to tell which inside of the disputed building these belong to. Seeing photo Nos. 38, 39 & 40 of the same album, the witness said, all these three photos belong to the disputed building itself. But I would not be able to tell to which portion of the disputed building these belong to. Seeing photo Nos. 77 & 78 of the same album, the witness said, 'these also belong to the disputed building, but I would not be able to tell whether these belong to inside or outside of the disputed building. In photo No. 77, I see a watch & a fan fitted there. In my time, there was no electricity there, so there was no fan also. I do not remember whether the watch appearing in photo No. 77 was there during my time, or not. Seeing photo Nos. 79 & 80 of the same album, the witness said, 'these belong to inside of the disputed building, but I would not be able to tell which inside portion of the disputed building these belong to. Seeing photo Nos. 83 & 84 of the same album, the witness said, 'these also belong to the disputed building, but I would not be able to tell whether these belong to inside or outside of the disputed building. Seeing photo Nos. 81 & 82 of the same album, the witness said, 'these belong to inside of the disputed site, but I would not be able to tell which inside portion of the disputed site these belong to. Seeing photo Nos. 92 & 93 of the same album, the witness said, 'these also belong to inside of the disputed building, but I would not be able to

tell which inside portion of the disputed building these belong to. Seeing photo No. 107 of the same album, the witness said, 'this belongs to some portion of the disputed site but I would not be able to tell which portion of the disputed building it belongs to.

My 'Yaggyopavit' (wearing of a sacred thread by the young Hindu lads) was held at my home in Aliganj, Lucknow. I must have been about 11 years of age then. In the year when my 'yaggyopavit' was held, I had left for Ayodhya within three-four months of my 'yaggyopavit' that year. I went straight to Barhi Chhavni in became a 'shishya' (disciple) of Shri Kaushal Kishore Das ji in Barhi Chhavani. I became his disciple within one month of my reaching Ayodhya. I, then, continued to live there. I lived there in Barhi Chhavni for about 5-6 months, but I am not able to tell correctly. From Barhi Chhavni, I went to Dwarikapuri with permission from my Guruji. I was accompanied by my 'Gurubhai' (a fellow disciple) Shri Manohar Dasji. From there I went to Ahmedabad. I stayed at Dwarikapuri for about 8-10 days. From Dwarikapuri, I came to Ahmedabad and stayed with Shri Shri 108 Shri Swami Nirmal Dasji Maharaj at Jagannath temple, Jamalpur Darwaja, Ahmedabad.

Question : My question was that on reaching Ahmedabad from Dwarikapuri, for how much time you stayed at Ahmedabad. Please tell for how many days you stayed in Ahmedabad and where did you go from there?

Answer : In Ahmedabad I went to the above-mentioned Jagannath temple, Jamalpur Darwaja. I stayed there with Shri Shri 108 Mahant Nirmal Dasji Maharaj and became his 'Raqmi' and continued

to stay and serve him there. In 1945, I went to him in Ujjain 'Kumbh' and became his 'Naga' there. After staying there for one month, I came back to Ahmedabad alongwith my Babaji.

Question : Shall I construe that after coming from Ayodhya to Dwarikapuri and from Dwarikapuri to Ahmedabad, you stayed in Ahmedabad till 1945 or even thereafter?

Answer : Yes, please.

(Shri Ranjit Lal Verma, learned Advocate for the plaintiffs objected to this question at this stage saying that the year 1945 being asked in this question had not been mentioned by the witness in Answer to the earlier question asked to him. The year 1945 had not been asked with reference to his going to Dwarikadhish from Ayodhya alongwith Shri Manohar Dasji at the age of 11 years after staying in Ayodhya for 6 months. This question has been asked, factually in the above context. But the year 1945 has been added by the learned Advocate cross examining the witness himself, which is a 'logical fallacy'. Such questions cannot be asked).

I would not be able to tell for how much time I stayed with Shri Nirmal Dasji in Ahmedabad after the Ujjain Kumbh.

Question : Do you not even remember that after returning from Ujjain Kumbh, you stayed with Mahant Shri Nirmal Dasji in Ahmedabad for one-two months or one-two years or five to ten years?

Answer : It would be correct to say five to ten years.

The learned Advocate cross-examining the witness showed him paragraph-i of his affidavit of the examination in chief and asked 'whether your year of birth mentioned here to be 1920 has been mentioned by you on the basis of your memory or you have something in writing to support this. The witness replied that when I was five years old I had asked my father about my date of birth. He told me that I had born in the year 1920. Since then I remember the year of my birth. The 'Yaggyopavit' at my place is held at the age of 11 years, so I remember that my 'Yaggyopavit' was held at the age of 11. On this basis, I have mentioned so in para-2 of my affidavit.

Read the statement & verified it.

Sd/-

Shiv Saran Das

06.2.2004

Typed by the stenographer on dictation by me in the open Court. Asked to be present again on 09.2.2004 for further cross-examination in this connection.

Sd/-

Narendra Prasad

Commissioner

06.2.2004

Dated - 9.2.2004

D.W. - 3/4 Mahant Shiv Saran Das

Before : The Commissioner, Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Honourable High Court of Judicature, Lucknow Bench, Lucknow.

(Appointed as Commissioner vide order dated 23.1.2004 passed by the Hon'ble Full Bench in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara & Others versus Baboo Priya Dutt Ram & Others).

(Cross-examination on oath, in continuation of 6.2.2004, of D.W. No. 3/4 Mahant Shiv Sharan Das by Shri Zaffaryab Jilani, Advocate on behalf of Defendant No. 9 Sunni Central Board of Waqf, Uttar Pradesh, continues)

The learned Advocate cross-examining the witness showed him the portion "I cannot guess as to what had been the length and breadth of the idol that was seen kept on the stair case. I also would not be able to tell which metal the idol was made of. I would not be able to tell whether that idol was made of any metal or stone" of his statement at pages 76 & 77 made on 5.2.2004 and asked whether that statement of his is correct? Seeing that, the witness replied, 'this statement of mine is correct'.

The learned Advocate cross-examining the witness showed him the portion "I have been having 'Darshans' of Bhagwan Ramlala inside the Garbha Graha. There is one eight-metal idol of Ramlala, which is one bitta high of para-9 of his affidavit of this examination in chief and asked whether this statement of his was correct? Seeing the above, the witness replied that 'this statement of mine is also correct', but we call the idol of 'Laddu Gopal ji' as

'Ramlala'. We call the large sized idol of Ramchandraji as (Bhagwan) Ram. Ramlala was in the lap of Kaushalyaji in Ram Janam Bhoomi and thus he is known as Ramlala.

Question : My question was not whether you have mentioned any young age idol of Ramchandraji in both the statements mentioned above or not. But the question was that you had in the above-mentioned portion of your statement at page 76-77 that 'you do not know the height of the idol of Ramlala and you also do not know which metal it was made of while in para-9 of your affidavit you have mentioned that the height of that idol of Ramlala was one 'bitta' high and it was made of 'ashtadhatu' (eight metals). How can both these statements be correct?

Answer : I could not understand it correctly so my statement at page 76 & 77 became wrong.

The learned Advocate cross-examining the witness showed him the portion "my 'yaggyopavit' (wearing of a sacred thread by the young Hindu lads) was held at my home in Aliganj, Lucknow. I must have been about 11 years of age then became a shishya (disciple) of Shri Kaushal Kishore Das ji' of his statement dated 6.2.2004 at page 94 and was asked 'whether this statement of yours is correct? Seeing the above, the witness replied that his above-said statement is correct.

The learned Advocate cross-examining witness showed him the portion "when I became a disciple of Shri Shri 108 Shri Kaushal Kishore Das ji, I was about 9-10 years of age" of his statement dated 14.11.2003 at page-12 and asked, 'whether the above statement of yours is correct'. Seeing the above, the witness replied that the

mention of my age as 9-10 years made in the statement is wrong. The portion "I do not know Mahant Bhaskar Dasji" of the statement made at page-12, was shown to the witness and asked whether 'this statement of his is correct'. The witness replied that this statement of mine has gone wrong. It is blunder on my part.

The learned Advocate cross-examining the witness showed him the portion ' I became a Naga shishya' of Shri Shri 108 Shri Nirmal Das ji, I must have been about 11-12 years of age then" of his statement at page- 12, and asked 'whether this statement of his is correct'? Seeing the above, the witness replied that the mention of my age as about 11-12 years at that time has also gone wrong'.

The learned Advocate cross-examining the witness showed him the portion "I have been living in Ayodhya since I was 12 years of age" of his statement dated 18.12.2003 at page-27 and asked 'whether the above statement of yours is also correct'. The witness replied, yes, sir. The above statement of mine is all correct. I do not know whether the' Sumitra Bhawan which was near the disputed site, has been demolished or it stands even today.

The learned Advocate cross-examining the witness showed him the portion "Sumitra Bhawan was also near the disputed building and is still there" of his statement dated 14.11.2003 at page-12 and asked 'whether the above statement of yours is correct'. Seeing the above, the witness replied as I have not gone there, therefore, I have said so by mistake that the Sumitra Bhawan still stands there.

I had reached Ayodhya in some month of the year 1931. I very 'well know that I had born in 1920 and gone to Ayodhya at the age of 11. I also knowthat 20& 11 make 31.

The learned Advocate cross-examining the witness showed him the portion "I lived in Ayodhya from the age of 10 years to 1942 continuously. I was born in 1920. I was 10 years of age in 1930. I lived in Ayodhya from 1930 to 1942 continuously for about 12 years" of his statement dated 14.11.2003 at page 13 and asked 'whether the above statement of yours has also gone wrong'. Seeing the above, the witness replied that the 'mention of my stay in Ayodhya since the age of 10 years and since 1930 has gone wrong.

The learned Advocate cross-examining the witness showed him the portion "I did not stay in Ayodhya between 1938 to 1950" of his statement dated 27.1.2004 at page-54 and the portion "I lived in Ayodhya till 1938 and after that travelled to Ahmedabad..... from 1938 to 1957" of his statement at the same page and asked 'whether both of your above-said statements are true'. Seeing both the above-said statements, the witness replied that both of his above-said statements are true.

The learned Advocate cross-examining the witness showed him the portion "I started living in Ayodhya when I was 10 years of age and lived there till 1942 continuously" of his statement dated 14.11.2003 at page-13 and the portion "I lived in Ayodhya from 1930 to 1942 continuously for 12 years" of his statement at the same page and asked whether the mention of your stay continuously for 12 years upto 1942 at Ayodhya in both of your above-said statements is not true. Seeing the above, the witness replied that the mention of my stay in Ayodhya

continuously from 1930 to 1942 in the above statement has been made erroneously.

The learned Advocate cross-examining the witness showed the portion "I became a disciple of Kaushal Kishore Das ji within one month of my reaching Ayodhya. I then continued to live. I lived there for about 5-6 months from there went to Ahmedabad" of his statement dated 6.2.2004 at page-94 and asked 'whether this statement of his is true. Seeing the above, the witness replied that it was true.

Question : According to your above statement, you stayed in Ayodhya for only 5-6 months after becoming the disciple of Mahant Kaushal Kishore Dasji, thereafter you went to Dwarika alongwith your 'gurubhai' and from there to Ahmedabad where you stayed till 1945. What have you to say in this regard?

Answer : In this connection, I have to say that I had gone to Dwarikapuri alongwith my 'gurubhai', with the permission of Maharaj ji. After that, I went to Ahmedabad and came back to Ayodhya after staying there for 2-4-10 days. From Ayodhya, I again went to Ahmedabad alongwith Ram Manohar Das, with the permission of Maharaj ji.

Question : If after going from Dwarikapuri to Ahmedabad, you had come from Ahmedabad to Ayodhya and gone back again to Ahmedabad, please tell us for how many days you stayed at Ayodhya for the second time before returning to Ahmedabad.

Answer : I do not remember.

The learned Advocate cross-examining the witness showed him the portion “my question was that after staying there for one month, I came back to Ahmedabad alongwith my Babaji” of his statement dated 6.2.2004 at pages 94 & 95 and asked ‘whether the above statement of yours is correct. The witness replied, ‘the Answer given by me in the above said portion in response to the question, is correct.

The learned Advocate showed the witness the next question and its Answer at page-95 and asked ‘whether the above Answer of yours is also correct. The witness replied, the Answer given in this portion is also correct.

Question : It is evident from your statement of today and from your above-said statement at page 95 that you had gone to Dwarikapuri after staying in Ayodhya for 5-6 months. You continued to stay in Ahmedabad and did not go out of Ahmedabad after reaching there from Dwarikapuri and did not go out of Ahmedabad until 1945. What have you to say in this regard?

Answer : In this connection I have to say that when I came to Ahmedabad from Dwarikapuri, my ‘gurubhai’ had become a cook in Ahmedabad and I returned to Ayodhya. After staying there for some days, I again requested Maharaj ji to let me go to Ahmedabad. Maharaj ji allowed me and I came back to Ahmedabad via Ujjain, Vadodra.

Question : I have to say that you are making wrong statement today that you had gone to Ayodhya again after coming from Dwarikapuri to

Ahmedabad as you have confessed in your statement of 6th February, 2004 that you had lived in Ahmedabad till 1945 after coming to Ahmedabad from Dwarika. Today also you confused that your statement at pg.95 is correct. What have you to say in this regard?

Answer: I have to say that I came to Ahmedabad from Dwarikapuri. My 'gurubhai' became a cook there and asked me to go back to Ayodhya, seek permission of Maharaj ji and then come back to Ahmedabad. Thus, I came back to Ayodhya, sought permission of Maharaj ji to go back to Ahmedabad, Maharaj ji said, it's o.k., if you do not feel living here then you can go. I then left for Ahmedabad.

I came from Ahmedabad to Ayodhya only to seek permission of my Maharaj ji and after getting the permission, I left for Ahmedabad via Ujjain and Vadodra after 10-12 days. I continued to live in Ahmedabad till 1945 and then came to Ujjain along with my former Baba Shri Shri Mahant Nirmal Dasji. After becoming Naga of Mahant Nirmal Dasji in Ujjain, I came back with him and lived in Ahmedabad from 1945 to 1957.

Question : As per your statement made above, you have stated that you lived in Ayodhya only for 5-6 months continuously between 1931 to 1957. Is it true?

Answer : Yes, Sir, It is true.

Question : I am to say that your statement of 5th February, 2004, at page-74 that, 'you stayed as pujari in the three-domed disputed building for two-four

years', goes wrong. What have you to say in this regard?

Answer : Seeing the above, the witness said, 'this statement of mine has gone wrong. The learned Advocate cross-examining the witness showed him the portion "I have been going to Shri Ram Janam Bhoomi for 'darshans' since 1933 of his statement at paragraph-8 of the affidavit of his examination in chief and asked-'whether this statement has also gone wrong as you were not in Ayodhya at that time. In view of the above, the witness replied that the year 1933 has been mentioned here erroneously.

The learned Advocate cross-examining the witness showed him paragraph-18 of the affidavit of his examination in chief and asked 'whether the 'Shiv Darbar has been mentioned in it erroneously as according to your statement there is no place in the disputed site known as Shiv Darbar. In view of the above, the witness replied that 'Shiv Darbar' was never held there, only Ram Darbar was held always. Only 'Shiv Parivar' was there and not 'Shiv Darbar'.

The learned Advocate cross-examining the witness showed him the portion "the words Shiv Darbar in line five of paragraph 12 of my affidavit have been written erroneously and by it meant 'Ram Darbar' at Ram Chabutra of his statement dated 22.1.2004 at page 43 and asked 'whether on the basis of this very statement of your the words Shiv Darbar' have been used in para 18 of the affidavit of the examination in chief. Seeing the above, the witness replied 'yes', it is so.

The learned Advocate cross-examining the witness showed him the portion "I have known Mahant Bhaskar Das ji for the last whenever there is any programme in my temples, I invite Bhaskar Das ji and vice-versa" of his statement dated 18.12.2003 at page 33 and asked 'whether the above-said statement of yours is correct? Seeing the above, the witness replied that the fact in the above-said portion "I have known Mahant Bhaskar Das ji for the last 20 years" has been mentioned erroneously. I have known Mahantji from the very long time. In fact, I have known Mahant Bhaskar Das ji even earlier than the Ujjain Kumbh.

Question : According to your statement, you had been living in Ahmedabad before the Ujjain Kumbh so you were introduced to Mahant Bhaskar Das ji in Ahmedabad.

Answer : No, sir.

I would not be able to tell where I had see Bhaskar Das ji for the first time and where did I meet him first. I have been seeing Mahant Bhaskar Das ji in Hanumangarhi temple in Naka Muzaffra Faizabad since long back, but I would not be able to tell since how long.

The learned Advocate cross-examining the witness showed him para 18 of the affidavit of his examination in chief. Seeing this the witness said, 'I have mentioned 'Chhathi Poojan Sthal' and 'Bhandargrih'. I cannot tell 'Chhathi Poojan Sthan' was situated in which direction of the disputed site. I would also not be able to tell as the where the 'Bhandargrih' was situated in the disputed site. I would also not be able to tell the direction of the disputed site where the Sant Niwas was situated. The 'Sant Niwas' and 'Ram Chabutra' were not far away,

instead they were nearby. I have mentioned Ram Chabutra as Sant Niwas. It is wrong to say that I have never been a pujari in the three-domed disputed. building. I do not remember whether I had ever gone to the disputed building before the year 1986. It is also wrong to say that the three-domed disputed building was being used as a mosque until 22nd December, 1949. It is also wrong to say that there were no idols in the three-domed disputed building until 22nd December, 1949. It is also wrong to say that five-times a day Namaz and Namaz-e-Juma etc. were being offered in the three-domed disputed building until 22nd December, 1949.

(Cross-examination by Shri Zaffaryab Jilani, Advocate on behalf of Defendant No. 9 Sunni Central Board of Waqf, Uttar Pradesh, concludes).

Read the statement and verified it.

Sd/-

Shiv Saran Das

9.2.2004

Typed by the stenographer on dictation by me in the open court. For further cross examination on 10.2.2004 in this case. The witnesses be present.

Sd/-

Narendra Prasad

Commissioner

9.2.2004

Dated: 18.3.2004

D.W. No.- 3/4 Mahant Shiv Saran Das

(Cross-examination on oath, in continuation of 9.2.2004, of D.W. No. 3/4 Mahant Shiv Saran Das ji by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf of plaintiff No. 7 in other original suit No. 4/89 and Defendant No. 5 Shri Mohd. Hashim in other original suit No. 5/89, before the Full Bench of the Hon'ble High Court of Judicature, Lucknow Bench, Lucknow, begins).

I also contributed in the freedom of our country. I do not remember now when 'Britishers Quit India' slogan was given, but I do remember that this slogan was given. I must have been 13-14 years of age then. I do not remember as to what was my age at the time of World War- II. I would not now be able to tell my age at the time when our country achieved freedom. I do not remember whether the Congress Party had made laws against the 'Zamindari', only to benefit the farmers. There had been a war between India & China, but I do not remember when and what had been my age at that time.

The learned Advocate cross-examining the witness showed him the paper No. 118 C-1/146 filed in Other Original Suit No. 5/89. Seeing this, the witness said, 'a photo appears in this paper but I cannot tell whose photo is this. I am not able to recollect at the moment whether the photo seen here had been there in the disputed site or building. Seeing paper No. 118 C-1/148 filed in the case, the witness said that an idol like thing can be seen in this paper. Photos of four idols are seen in this. As all the idol appear to be broken so I would not be able to tell which deity they belong to. All the four idols seen in this photo are broken. I am not able to understand whether these

idols are of gods or goddesses. I used to live in Ayodhya fifty years ago I, therefore, do not remember whether I had seen such idols in the disputed site, or not. Seeing paper No. 118 C-1/151 filed in this suit, the witness said, 'a number of photos are visible in this paper. Since the idols appear broken, I would not be able to tell whom these photos belong to and what is their number. Such type of idols were certainly there in the disputed building or site, but where were they, I do not remember as it is over fifty years since I left Ayodhya. Seeing paper No. 118-C/152 filed in this suit, the witness replied I see the photo of a pillar with the plants engraved on it. I do not remember now whether I had seen such a pillar in the disputed building or not. Then said, even if I have had seen, I do not remember that this moment.

The learned Advocate cross-examining the witness showed him the photo no. 51 on paper No. 286 C-1/4-A of the coloured album. Seeing this, the witness said it depicts the work of an artist but it is not clear whose photo is this? Seeing photo No. 52 of the same album the witness said this photo also depicts the art of an artist, but I would not be able to tell what is it about. Seeing photo Nos. 53 & 54 of the same album, the witness said both these photos depict the art of an artist, but it is not clear whom this photo belongs to. Since I was a pujari and used to come out of the temple after performing puja archana, I would not be to tell where the above mentioned things were there in the disputed building but they were certainly there. Seeing photo no. 57 and 58, the witness said, "these are the photos of some portion of the site but I cannot tell where and in which portion of the site these had been hanged. Seeing photo nos. 19, 20, 21 and 22 of the same album, the witness said the photos appearing here belong to some portion of the disputed site but I

would not be able to tell to which place of the disputed site they belong to as whenever I used to go to Ayodhya I used to come back after having darshans and did not see the things attentively. Seeing photo nos. 35 and 36 of the same album, the witness said the things appearing in these photos were certainly there in the disputed site but I do not remember where were they hanged. Seeing photo nos. 39 and 40 of the same album the witness said the photos were certainly there in the disputed building but I do not remember the place where they were.

I have been having darshans of Bhagwan Ram Lala in the Garbhgraha since the age of 11 years. Besides Ram Lalla, I have had darshans of Lakhan Lalji, Shatrughanji, Kaushalya ji, Salegramji, Ladugopal ji etc. in Garbhgraha. Hanumanji idol was also there in the disputed site besides these which other idols were there, I do not remember. Ram Manohar Das and I are the Shishyas (disciple) of the same Guru. The name of my Guru was Shri Shri 108 Shri Swami Shri Mahant Shri Kaushal Kishore Das. He had many shishyas (disciples) and I would not be able to tell their number. Guru bhaies include younger brothers as well as elder brothers. Whosoever becomes the disciple first happens to be the elder brother and whosoever becomes the disciple afterwards happens to be the younder brother. A long time after you become a disciple, you become a 'Naga'. We have two kinds of Gurus here. One is the 'Guru' and the other is a 'Siddha Guru'. Guru is the one who gives 'Mantra', 'Langot', 'Kanthi', Tilak, Arhband etc. Siddha Guru is the one for whom we swear an oath. Shri Shri 108 Shri Swami Shri Mahant Shri Kaushal Kishore Das ji was our that Guru who has given us the mantra. The name of my 'Siddha Guru' is Shri Shri 108 Shri Swami Mahant Shri Nirmal Das ji Maharaj of Akhil Bhartiya Jharia Nirmohi

Akhara Baithak, Brindaban. There is no third kind of Guru. It is not necessary that each & every disciple should have a 'Siddha Guru'. I do not remember as to after how many days I made for myself a 'Siddha Guru', after becoming a disciple of 'Mantrik Guru'.

'Raqam Uthana' means to swear an oath and that you have become the disciple of your Guru. 'Sadiq Chela' means one who has become a 'Naga', and who, after leaving the tradition of the earlier guru, follows the traditions of the new 'Akshara' or 'Ani' which he has joined.

I became a 'Naga' in Ujjain Kumbha in the year 1945. To whom one becomes a 'Naga', is called an Atit Guru. So my 'Atit Guru' is Shri Shri 108 Shri Swami Shri Shri Nirmal Das ji Maharaj. I became a 'Siddha Chela' and a 'Naga' at different point of time. I first became a 'Siddha Chela' and then a 'Naga'. It would be wrong to say that I became a 'Sadiq chela' and a 'Naga' at the same time. In my statement at page 711 "I met Mahant Nirmal Das ji for the first time in Kurnbh in Ujjain where I became his 'Sadiq Shishya' and a Naga" the word 'first' has been written erroneously. 'Sadiq Shishya' and a 'Naga' are not different things rather they are one and the same thing.

I also have my own chelas (disciples). I also have both kinds of 'chelas' (disciples) i.e. 'mantra' chela and the 'Siddha Guru Chela'. In my statement made above, I have said, 'I became a 'Siddha Chela' and a 'Naga' at different point of time. First I became a 'Siddha Chela' and became a 'Naga later on'. By this, I mean my 'Siddha Guru' is the same and I became a Naga of his. "Naga" is a certificate and it has a long tradition.

In the initial lines of para 8 of my affidavit, I have made a mention of the existence of temples, the Garbhagraha and the wall of bars. There are other similar type of temples Garbhagraha and walls of bars. I would not be able to tell which other temple is there in Ayodhya like the one I have mentioned above. But I have myself got such a temple built in Nirala Nagar Lucknow. I have seen this type of temple elsewhere also, but I able to tell where. I have not tried to know why the wall of bars was built in the disputed building. The question of knowing it also does not arise.

There are many other rivers in India besides the 'Saryu'. All these are sacred rivers because the flowing water is always sacred.

The Ujjain 'Kumbh' comes after every twelve years. It is wrong to say that I had never gone to the disputed site before 1950. I have never ever found that the three-domed disputed building had been a mosque. I have never seen any Muslim offering Namaz in that three-domed building until the night of 22nd December, 1949. It is wrong to say that there was no idol in that three-domed disputed building until 22nd December, 1949.

(Cross-examination by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf of Mohd. Hashim plaintiff No. 7 in Other Original Suit No. 4/89 and Defendant No. 5, in other original suit No. 5/89 concludes).

(Shri Irfan Ahmed, Advocate on behalf of Defendant No. 6/1 and Defendant No. 6/2, Shri C.M. Shukla, Advocate on behalf of Defendant No. 26 in other original suit No. 5/89 accepted the cross-examination by Shri

Abdul Mannan, Advocate, Shri Zaffaryab Jilani, Advocate
and Shri Mushtaq Ahmed Siddiqui, Advocate.)

(Cross-examination on behalf of all the
Defendants/parties concluded.)

Read the statement and verified it.

Sd/-

Shiv Saran Das

18.3.2004

Typed by the stenographer on dictation by us in the
open court. The witness is discharge.

Sd/-

18.3.2004

www.vadaprativada.in