

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

OTHER ORIGINAL SUIT NO.03 OF 1989  
(REGULAR SUIT NO. 26.1959)

Panch Ramanandiya Nirmohi

Akhara and Other's \_\_\_\_\_ Plaintiffs.

Versus

Priya Dutt Ram and Others. \_\_\_\_\_ Defendants.

STATEMENT OF D.W. 3/5

SHRI RAGHUNATH PRASAD PANDEY

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**Hon'ble High Court of Judicature at Allahabd,  
Lucknow Bench, Lucknow.**

Other original Suit No.03 of 1989

Panch Ramanandiya Nirmohi

Akhara and other's \_\_\_\_\_ Plaintiffs.

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**Affidavit of Main Statement of witness D.W. under  
Order 18 Rule 4 Code of Civil Procedure.**

I Shri Raghunath Prasad Pandey son of Late Shri Bindeshwari Prasad Pandey age 73 yrs. (approx.). Village Sariyawa Pure Khaipur, Pargana Maglassi, Tehsil, Sohawal, Distt Faizabad, U.P. do solemnly state that :

1. I am the resident of village Sariyawa Pure Khaipur, Pargana Maglassi, Tehsil Sohawal Distt. Faizabad. The Temple Ramjanambhoomi is at about a distance of 16 or 17 km. from my village.
2. I have studied up to 8 class. I was an employee in the Railway Department, Jhansi in 1948. I retired from service on 31.01.1988. My date of birth is 18.10.1930.
3. My father passed away when I was 6 years of age and although my mother sent me to school yet I could not get much education, I entered in the service at early age.

4. I was able to understand every thing at the age of 7. My mother being a pious lady used to take me to Ayodhya for having a bath in Saryu and seeing the temples, Hanumangarhi, Kanak Bhawan and Shri Ramjanambhoomi temples were the main among them.
5. My mother used to take me to Ayodhya at every religious fair or festival. I had been visiting Hanumaugarhi and Kanak Bhawan Temple and Ramjanambhoomi temple in Ayodhya from the very beginning with my mother. I had come to know about these temples from my mother.
6. I belong to a vaishnav Sanatandharmi family. My mother had belief in Lord Rama and I too have my belief in Lord Rama. The disputed premises is the Ramjanambhoomi temple where Lord Rama took birth. It is my belief. This belief was of my mother, which has been bestowed upon me by her.
7. I had been witnessing with my mother the people having darshan of Ramlala Arati and getting charanamirit at the disputed site of Shri Ramjanambhoomi, since my childhood, whenever I visited that place. My mother had been getting charanamirit for me in my tiny hands since my childhood, Due to my religious belief I had been continuously visiting the Shri Ramjanambhoomi for darshan.
8. I had been visiting alone to Ayodhya for darshan in Shri Ramjanam mandir, when I became young. I had been regularly visiting the famous Hanumangarhi

temple and Kanak Bhawan temple for darshan of Hanumanji and mother Sita in Kanak Bhawan. Shri Ramjanam bhoomi temple being the birth place of Lord Rama had great importance. My and my mother's belief had been continuously attached to the birth place of Rama, and for that reason I had been regularly having look of the Shri Ramjanambhoomi temple, the Lord Rama in it and other significant religious signs such as charan chinha, Chhathi Poojansthal, Ram chabootra mandir and Shiv Darbar etc, which were in disputed premises.

9. That the disputed site is in two parts. First is outer part and the other is inner part. I had been continuously seeing Lord Ram Lalla and chhathi pooja sthal, charan chinh and Ram chabootra, Shiv Darbar in the above said disputed premises. I had been myself seeing the said disputed temple at Shri Ramjamanbhoomi from my early age. There are three main fairs(melas) in Ayodhya i.e. in Kartik, Saravan and on Ram navami. Ram Vivah fair is organized in Agrarhayan. Ramnavami is a special festival. The disputed premises being the birth place of Lord Rama, people having in Lord Rama, visit the place from far and wide in India for his darshans; getting prasad, garland the Lord worshipping him and getting charanamirit. This I have been witnessing from my childhood i.e. 1937 to 1948 at the above temple and religious places. People had the darshans of Lord at outer and inner place. I came to know from my mother that Ramjanambhomi temple is under the Nirmohi Akhara. I came to know much about Nirmohi Akhara by going for darshan of Mandir Hanumangarhi Naka and seeing Baba Baldev Das.



Nirmohi Akhara is a Hermit, It is a panchayati hermit, It is a religious trust. Its entire management is panchayati. The decision of panchas is final. The Mahant of Akhara acts according to the proposals of panchas and majority takes the decisions. The mahantas are not empowered to sell the property of Akhara. The mahanta is elected till the pancha, had not taken any decision. The military education system is applicable in the Akhara. This I have come to know. I know the Baba of Hanumangarhi in Ayodhya. He too had told that Hanumangarhi is the temple of Nirwani Akhara. The traditions of Akhara and the founder of the sampardaya was Ramanandiya Swami. Rama is the deity of Sadhu Ramanandi Vairagi of this sampradaya. One temple of Nirmohi Akhara is Shree Vijay Radho Mandir at Ramghat in Ayodhya.

10. I had been visiting that temple many time in a month for darshan till 1948, but after my appointment in railways in Jhansi whenever I came on leave in 3-4 months, I had been visiting that temple for darshan of Lord Ram Lalla. After retirement from service I had again started to go there every month for darshan from home.
11. Ayodhya Hanumangarhi and Janambhoomi is at a distance of 14-15 km. from my village Sariyawa.
12. When I went to disputed site for darshan with my mother, she then told me that it was the Ramjanam Bhoomi temple. Lord Ramlalla was in the inner part and Ramchabootra temple and chhathi poojan sthal and charan chinha of the four brothers were in the outer part. Choollaha, belan-chakia, Shiv

Darbar was also in the outer part. Shankerji, Parvatiji, Ganeshji, Nandiji and Argha of Shankerji were also in the same part. The entry and exit of devotees was from the Eastern Gate of the premises. There was a gate in the north, which was often opened at the time of fair or over crowd. Next to the entrance from east side gate there were store room, residence of Saints and store house. I had seen from the very beginning saints and vairagees living there and preparing prasads. Gradually after paying many visits my mother told me that Priests and Sadhus live there. These were the sadhus, vairagees of Nirmohi Akhara working like priest and were in the service of God. They were distributing prasad to devotees. They were giving charanamirit, garlanding the Lord by the garlands of devotees and returning the same to them. I had seen and had been witnessing it since then. I had seen the sadhu, vairagees of Nirmohi Akhara working in the Ramchabootra Mandir where Ram Lalla is in the same position as is in the inner part. Similarly, I have seen the people of Nirmohi Akhara making arrangements for worship and Arati in Shiv Darbar, chhatipooja sthali, charan chinha, chakia-belan and at chhoollaha. My mother had specific knowledge about Nirmohi Akhara, because she used to go to see Hanumanji at Hanumangarhi Naka Muzaffara on Tuesday and Saturday in the event of her not going to Ayodhya. It is at a distance of 5 or 6 km. from my village. Hanumanji temple at Naka Muzaffara is an ancient temple. The vairagees of Naka Muzaffara were the Mahants. Mahant Baldev Das was a famous Mahant. His student Mahant Bhashkar Das is the present mahant. Therefore, from the very beginning I had seen the administrative

management of the disputed premises of Shri Ramjanambhoomi in the hands of Nirmohi Akhara.

13. The inner part of the three tombs was within the bars. On my returning to home in January, I had come to know that it had been attached in December. At that time I had been having darshan of Lord Ram Lalla, the sacred chhathi pooja sthal, Shiv Darbar and Ram chabootra in the outer part and I had been taking prasad and charanamrit from the priests of Nirmohi Akhara from a short distance. In 1982 the outer part of the Nirmohi Akhara had been attached due to their internal dispute and the Receiver of the inner part became the Receiver of the outer part also. The priests and the person appointed by the Receiver are now sitting in all the places of worship like chhathi pooja sthal and Ram chabootra, Shiv Darbar and the inner part at Lord Ram Lalla etc. I came to know about the attachment of outer portion in 1982. On Ram Navmi, I used to stay in the premises for longer duration for pooja and read Manas. Lord Rama took birth at 12.00 hrs. on the same day . I used to go back after taking prasad. The inner and outer portion both were under the control of Receiver till the demolition of structure i.e. 6.12.1992. After demolition of structure the Central Govt. became Receiver of it. Lord Ram Lalla is the same Ram Lalla which I had been seeing from the very beginning. He is still in existence there. I still go there through the passage have been restricted by the Central Govt. on the day of Poornima Kartik the day of holy bath I recently went there for darshan.

14. I had been going for darshan of Shree Ramjanmbhoomi temple in disputed premises from

the very beginning. At that time I have always seen the priest, Sadhu and vairagees of Nirmohi Akhara managing the inner and outer part of the premises. I came to know from my mother that Shri Ramjanambhoomi temple is under Nirmohi Akhara. My knowledge about Nirmohi Akhara had considerably increased by going for darshan in Mandir Hanumangarhi Naka and meeting Baba Baldev Das.

15. The Panch of Nirmohi Akhara had been living in the east and south of the Janambhoomi Temple by making small temples. Sheshavtar Sumitra Bhawan was also a temple. These outer temples were perhaps demolished or acquired by the U.P. Govt. in 1991.

16. I had never seen the inner or outer part of the disputed premises ever using as a Masjid.

17. I have not seen any Muslim using the disputed premises for reading Namaj from my early days till this day.

18. I had seen Mahant Bhaskar Das in 1946 offering worship to Lord Ram Lalla in the inner and outer part of the disputed premises. I had seen him in the capacity of priest. I had seen his guru Mahant Baldev Das before 1946. Perhaps Baldev Das passed away in 1962.

19. I came to know about the suit of attached inner portion from Mahant Baldev Dasji in early January or February 1950. I came to know in 1960 about the civil suit filed by Nirmohi Akhara from Mahant Baldev

Das and Plaintiff Bhaskar Das, who used to met me often in Mandir Hanumangarhi Naka or in Ramjanambhoomi Mandir Ayodhya or in Ram chabootra Mandir.

I, Raghunath Prasad Pandey the witness do solemnly confirm the above statement and that my statement No: 1 to 19 are correct to the best of my knowledge. I again confirm that the facts from S. No 1 to 19 of my statement are true and nothing is false in it or concealed from it.

May God help me. Verified today the 18.11.2003, in the complex of High Court Lucknow.

Witness

Sd/-

Raghunath Prasad Pandey

I, R.L. Verma, Advocate know the swearing witness Raghunath Prasad Pandey who had filed the affidavit and had signed on it before me.

Sd/-

R.L. Verma

Advocate

18.11.2003

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

(Appointed as Commissioner vide order Dated  
7.11.2003 of Hon'ble Full Bench of Lucknow - Bench.)

Other original suit No: 3/1989

R.S. No :26/1959

Nirmohi Akhara and Others : Plaintiffs

VERSUS

Babu Priya Dull Ram and Others : Defendants

**DATE: 18.11.2003**

**D.W. 3/5**

**SHRI RUGHUNATH PRASAD PANDEY**

The Affidavit Page no I to 6 of main examination of  
Shri Raghunath Prasad Pandey, aged about 73 years son  
of Late Shri Bindeswari Prasad Pandey, Resident of  
village Sariyawan Pura Khaipur, Pargana Maglessi, Tehsil,  
Sohawal Distt Faizabad U.P. had been presented and  
taken one record.

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I started taking darshan at disputed premises along  
with my mother at the age of seven. At that time I was a  
student of class-I. There was a Primary School in  
Sariyawan Rani Bazar, where I was reading at that time.  
That school is still in existence and it was in 1937 too. It is  
wrong to say that I am giving wrong statement on this  
point. I know Mahant Baldev Das since 1946. I finished my

education 1946. I had studied up to class VIII. I had passed the class VIII examination from Manohar Lal Inter College, Faizabad.

I had studied for three year in this Inter College. I had passed my three examination i.e. class VI, class VII and class VIII from this Inter College. I had been traveling and returning back daily on foot from my house to this Inter College and vice-versa. But at present I do not remember the name of the then Principal of Manohar Lal Inter College. I do not remember the name of those teachers who taught me during three years in that Inter College. It is wrong to say that I am concealing any fact on this point or giving wrong statement. My subjects in class VII and VIII were Hindi, Mathematics, History and Sanskrit. Besides these subjects I do not remember there were any other subjects. I do not remember whether any Language as second language was taught to me in class VII and VIII. I was appointed as class IV employee in Railway department, Jhansi on 8.10.1948. I was class IV employee in Railways and the post of my initial appointment was known as Machinist.

The word 'Adhipatya' means Malik (The owner).

Question: From 'Adhipaty' or Malik you mean a person being the owner of a thing having right to transfer or to serve or to adore it?

(On this point the learned advocate of plaintiff Shri R.L. Verma raised this objection that the arguing learned lawyer is putting seven facts at a time i.e. 1. A person can be a owner, 2. He can sell it. 3. The meaning of a person 4. this fact can be put separately 5. Service is a separate fact 6. Adoring is another fact &. Same thing may have

separate meaning. So seven facts by bracketing one another can not be asked at a time.)

Answer: Yes Sir,

Nirmohi Akhara is a community who worship the God in the form of existence and non-existence (Sakar or Nirakar) Nirmohi Akhara are at several places, number of places the followers of this community are worshipping the God by building temples separately. Nirmohi and Nirwani are the same Akharas. As already said the Nirmohi Akhara has been performing the pooja of God at Ramjanambhoomi. The disputed premise where the Ramjanambhoomi is in existence the pooja is being offered by Nirmohi Akhara. The persons who perform pooja are called priests. The priest of Ramjanambhoomi are from Nirmohi Akhara Nirmohi Akhara is nothing other than Ramjanambhoomi.

Mahant Baldev Das ji about whom I had referred above had passed away Bhaskar Das ji is the disciple of Mahant Baldev Das ji, I know Bhaskar Das ji since 1946, when I used to go for Ramjanambhoomi for darshan from Saryawa. On way at Naka Muzaffera, in the temple of Hanumangarhi, Mahant Baldev Das used to live and I had been meeting his disciple Mahant Bhaskar Das ji there and there I used to go with my mother for darshan of at Ramjanambhoomi. When I used to go for darshan in Ayodhya from my village with my mother, we used to visit Naka Muzaffara for darshan. We only used to have night halt at Ayodhya. I had an old acquaintance with Mahant Bhaskar Das ji. I came to know for the first time about Nirmohi Akhara or Nirwani Akhara about 65 years ago and Mahant Baldev Das ji told me about it. Mahant Baldev das



ji only told once and not many times because it was not required.

It is wrong to say that I am giving wrong statement on this point. There is one more Akhara in Ayodhya other than Nirmohi and Nirwani Akhara, which is known as Digambari Akhara. I have no knowledge whether any more Akhara is there or not. I know the fact that the Nirmohi Akhara had filed a civil suit about the disputed premises. But I do not know when it was filed by Nirmohi Akhara. When I came to know about the suit filed by the Nirmohi Akhara, I could not make out since when the suit was pending. I have no knowledge whether the Nirmohi Akhara is a party in any other property or suit related to disputed premises. I have just recollected that in 1950, Shri Baldev das ji Maharaj had told me about the suit filed in this regard. It is wrong to say that I had replied the question asked from me and has been prompted by Bhaskar Das ji. It is also wrong to say that I have given wrong answer to the question asked.

(Crossexamination by Shri Veereshwar Dwivedi, Advocate on behalf of other original suit No 4/89, Defendant No 17 Shri Ramesh Chander Tnpathi and Defendant No 22 Shri Umesh Chander Pandey, concluded.)

(Opportunity to examine the witness was give to the learned advocate, Shri Puttu Lal Mishra of other original suit No 1/89, but he refused to examine the witness.)

(Other original suit No 5/89 argument on behalf of plaintiffs, initiated by Shri Ajay Kumar Pandey, Advocate.)

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I do not remember whether in 1950 Shri Baldev Das ji had told me or not the name of the person filing the suit. I also do not know whether he told me against whom the suit had been filed. The statue of Dwar Pals are fixed at the main doors of the big temples at the time of their construction on both the sides. These are installed as Jai and Vijay. The crown on the heads of Jai and Vijay are different than the crowns of kings and Monarch and they have sticks in their hands, 14 Black touch stone pillar were fixed in the disputed premises. The main entrance of disputed building was in the eastern side and it was a world famous temple. I had seen its. It was a big temple. Touch stone black pillars were on both the side of the main gate. The figure of Hanumanji appeared to have been made thereon. There was a stone at the main gate and No 1 was written on it, Janambhoomi Nitya Yatra was written in Hindi and English. The path around the temple was there for parikarma. I had gone through that path. The main gate of the disputed premises was in the east and the path round the temple was towards south, outside the main gate. After walking few steps the idol of Varaha Bhagwan was made on the eastern wall of the disputed premises.

The learned advocate cross-examining the witness showed picture No 9 and 10 of black and white album Paper No 201-C/i. After seeing it the witness told that the idol of Varaha Bagwan is seen in both the pictures and this figure is clear in picture No 9 and 10.

The learned advocate cross-examining the witness showed picture No 13,14,15 and 16 of the album Paper No 200-C/1 and after seeing it the witness said the idol of Varaha Bhagwan is seen in these pictures. These are the photographs of one idol taken from different angles. These are the pictures of same Varaha Bhagwan, which I had seen on the wall at the time of parikarma. There was a big door on the north side of disputed premises, which was known as 'Singh Dwar'. The figure of lion was engraved over this door. The figure comprised two lions and the face of both the lions in it was on one side and the figure of Garud was engraved in between.

The learned advocate cross-examining the witness showed picture No 37 *Lagayat* 42 of color album Paper No 200 C/I after seeing the picture the pictures the witness said these are of the picture of the north gate of the disputed premises, which I am saying Singh Dwar. The figures of lion and Garud are being seen in picture no 38,39 and 40 In all these three pictures the figures of lion are seen on both the sides of Garud. This was the position of the spot, which I had seen at that time. After seeing picture No 44 *Lagayat* 48 of the same album the witness said the pictures are of the Eastern Gate of the disputed premises, which I call 'Hanuman Dwar'. After seeing picture No. 44,45 and 46 the witness said a stone is seen fixed in it and Ramjanambhoomi is seen written on it. Black touchstone pillars are seen in picture No 44 and 48 of the above album. The figure of pinnacle (Kalash) is being seen clearly at the bottom in picture No 47 and 48. The photographs of flowers-leafs and pitcher are clearly seen on both the pinnacles. The flower and leafs are also seen around it. The figure of Hanumanji is seen in the upper side of pitcher on pillar in picture No 47 and 48 and 'red sindoor' is seen on it. I had seen the pillars in picture

No 44 *Lagayat* 48 in the same position in the disputed premises as are shown in the picture.

The learned advocate cross-examining the witness showed picture No 7.25 and 26 of black and white album Paper No 201 C/I. The witness after seeing the pictures said that these are of the eastern gate i.e. of Hanuman Dwar. I had seen it in the same position in disputed premises. The learned advocate cross-examining the witness showed picture No 104 and 106 of the same album and the witness after seeing said that in picture No 104 the figure is seen in such a position as if someone is sifting by bending his knees and similar is the position in picture No 106. The learned advocate cross-examining the witness showed picture No. 52, 54 and 105 of color album Paper No 200 C/I, and after seeing the pictures the witness said, in these pictures where ever pinnacles are seen it appears that some one is sitting bending his knees. The learned advocated cross-examining the witness showed Picture No 22 of album Paper No 286 C 1/4 Submitted in other original suit No. 5/89. After seeing it the witness said the lower part of the pillar is visible to me in the picture. Knee bent person putting his hands on the ground is seen below the pinnacles on the pillars in the picture. Similar position is visible in the left of the figure Picture No 23 of the same album was shown to the witness and after seeing it the witness said that below the pinnacle on the pillar a person is seen bending his knee and putting his hands on the ground a part of the body and the face is visible and flower and leafs are seen on the pinnacle and the right foot is seen bent and the left foot is seen placed on the pillar. After seeing picture No 24 of the same album the witness said I do not see the figure of a dancing peacock on the pillars in this picture. I am seeing a bird like figure in this picture but can't say that it is the figure of a peacock or some other bird. After seeing picture No 25 of the same album the witness said in this picture on the pinnacle the

flower and leafs and the figure like that of peacock is visible. The pillars shown in this photograph, I find three sides of the pillars are visible and idol of some God or Goddess is visible in the middle side of the pillar. As these idols were in broken shape, I can not name the God or Goddess shown in the picture. Picture No 20 of the same album was shown to the witness and after seeing it the waist and face was broken of it.

The learned advocate cross-examining the witness showed color album Paper No 200 C.I picture No 111,113,114 and 115 to the witness. After seeing the picture the witness said the figure of Hanumanji is clearly visible in picture No.111. In this picture No 111 the lotus flower is seen over the pinnacle and above it the figure like that of Hanumanji is visible. In picture No 113 and 114 the pitcher, leafs on the pillars and over it lotus flower and figure like that of peacock are visible the board of picture No 115 a picture that of peacock is visible. The witness was shown picture No 182,185,186 and 187 of the same album and after seeing it the witness said at the bottom of the pillars the pinnacles are seen and the pitcher, leafs and the lotus flower shown over the picture and leafs and posture of Padmasan is seen in the lower part. The rest is not visible. 12 Pillars were there in the disputed building. While entering through the middle door two pillars were there on both left and right sides of the door and two pillars one on left and other on right were there in the inner portion. In the inner portion for moving towards right and left there were four pillars similar to that of entrance gate. I had seen that type of pictures and idols on the pillars of the disputed building as I had observed above after seeing the photographs. On entering the disputed premises from the eastern gate the Sita Rasoi and Chhathi Pooja Sthal was on the north side and there was Choolah, Chakia, Belan etc.

I originally belong to rural area. Deeh, Kali ji and Sayar Gods are worshiped once in a year in the village. At the place of Kali and Deeh the baked mud idols of these gods are placed. These

are also placed at other places of worship and the God and Goddesses are worshipped there. At these places of worship small idols of elephants and horses are also placed, Deepaks made of baked mud are also lighted at these places. Baked pots of mud are also placed on these place for keeping water in it for use during worship. People place small and big pots of water idols of elephants and horses as per their capacity. When any one is found broken it is placed after cleaning and washing is made sacred and worshiped with dhoop and deep and its parikarma is also done. When the man becomes economically sound he places stone idol, metal idols or silver and gold idols in place of baked mid idol and worship the same.

Question : Whether Hindus have the belief, faith and trust that Lord Ramlalla took birth under the middle tomb of the three tomb building?

(On this question the learned advocate Shri Abdul Mannan of Mohammad Farooq raised objection that Lord Ram Chandra was never born at this disputed site. It was an open land on which Mir Baki built a Masjid and it was masjid till December 6 1992, the day of its demolition.

Answer: Yes Sir,

The same belief, faith and trust I too have.

Verified the statements after hearing  
Sd/-

(Raghunath Prasad Pandey)  
18.11.2003

Under my order the stenographer typed in the open court. The witness may present on 19-11-2003 in continuation for further cross-examination.

Narendra Prasad  
Commissioner  
18.11.2003

**Dated : 19.11.2003**

**D.W. 3/5 Shri Raghunath Prasad Pandey**

Before Commissioner Shri Narender Prasad, Additional District Judge/Officer on special duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed as commissioner under orders passed on 7.11.2003 in other original suit No 3/89 (Original suit No 26/59) Nirmohi Akhara and others versus Babu Pnya Dutt Ram and others.)

(Cross examination on oath of DW 3/5 — Mahant Shri Raghunath Prasad Pandey in continuation of 18.11.2003 on behalf of plaintiff in other original suit No 5/89, by Shri Ajay Kumar Pandey, Advocate, Starts.)

The learned advocate cross-examining the witness showed Picture No 152 *lagayat* 155 of color album Paper No 200-C-I to the witness. The witness after seeing the picture said the Lord is sitting on the throne in this picture. This throne had been placed under the middle tomb building, I had seen it from the very beginning. It is correct to say that the throne in these pictures had been shown after 1950 and there was another throne under the middle tomb of disputed building before 1950. The learned advocate cross-examining the witness showed Picture No.81 and 82 of black and white album Paper No 201 C-I after seeing the same the witness said the throne is being seen in these pictures, which I had told in the coloured pictures above.

Question: Whether the birth place of Lord Ram Lalla is also called Shri Ramjanambhoomi is considered

as sacred as equal to God and it worshiped,  
visited, respected and parikrama is performed?

(On this question the learned advocate Shri Abdul Manan of Defendant No 11 Moh. Farooq raised an objection that word Babri Masjid had not been used in the above question. It must be and it is the same as is published in the News Papers even today.

Answer : Yes Sir,

I had been coming for darshan and parikrama of Ramjanambhoomi since 1937. It is correct to say that this place is a holy place and the idol placed in it too will be worshiped with the same faith and belief as otherwise. The Ramnavmi fair is held in Chaitra, on the occasion of Ramjanamotsav, in which people from different districts of the country participate and have bath in saryu, take darshan of Ramjanambhoomi and pay visit to the temples of their choice.

In Sawan, Swan Jhoola Utsav is celebrated in Ayodhya in which people from every nook and corner come to participate, Parikrama Mela is organized in Kartik, which has the importance of Panch Kosi and Chaudha Kosi parikrama. People from different parts of the country participate and have darshan. People more than lakhs visit Ayodhya on the above mentioned occasion and had darshan of Shri Ramjanambhoomi and perform parikrama also between 1937 and 1948. I had been visiting once or twice a month for darshan. Whenever I visited there for darshan I had not seen any Muslim brother reading Namaj at that place, I had not heard from any of those Muslim brothers perform Namaj there.

My preceptor was Shri Ram Bhuvan Das. He was the saint of Vidya Kund, Ayodhya. He has now passed away.



He was the saint from Ramanadiya sampradya. He was related to Nirmohi Akhara.

The statement which I had given is free form any pressure. I had not given any false statement.

(Cross-examination by learned advocate Shri Ajay Kumar Pandey in other original suit No 5/89 concluded.)

(Cross-examination by Kumari Ranjan Agnihotri, Advocate on behalf of defendant No 20 in other original suit No 4/89 starts.)

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I had knowledge of Hindi. I can read and understand Rarncharitmanas. I can read and understand the couplets written in Sanskrit in the beginning of every chapter. I had read in Rarncharitmanas that Ram Chandra was born in Ayodhya at Ramjanambhoomi, Lord Ram took incarnation of human being. Lord Shri Rama is our deity and with this faith and belief since the day I got sense I had been going for darshan of Shri Ramjanambhoomi. Lord Rama Look birth at the same Ramjanambhoomi, which is under dispute. The Lord himself had said that

Janambhoomi mam puri suhawani,  
Uttar dish bah Saryu pawani,  
Ati Priya Mohi Yhan Ke Wasi  
Man Dhamda Puri sukharsi,  
Yadapi Sab Vaikunth Vakhana,  
Ved Puran Vidit Jag Jana.

The place where Lord Ram Lala is shown sitting that is the place where he appeared. The name of the mother of Lord Shri Ram Chandra was Kaushilya. I had heard had read the chand (meter) "Bhaye Prakat Kirpala, Deen

dayala Kaushilya Hitkari". My mother was a pious lady, and because of her I used to come for darshan of God, I belong to vaishnav Sanatan Dharma. I treat Lord Ram is my deity because we got Ram-Ram mantra from our Guru. I do not consider any difference between Rama and Krishna. The difference was only in their action to get salvation by having darshan. The people come to have darshan of Ram Lalla and also of that land where he was having his seat. Panch Kosi and Chaudha Kosi parikarama had great importance. The Panch Kosi Parikrama performed on Ekadashi is the day on which the creation of universe started. This I had heard from my Gurus. The Navmi of Kartik shuklapksha has also similar importance. So the people come there for darshan and Parikrama. Parikrama after darshan give specific results. I had performed panchkosi and chaudhakosi parikrama.

I had been in Ayodhya during the month of Agrahayan when Ram Vivah Mela is organized in Ayodhya. Not less than fifty thousand people from out come there. They came to Ayodhya, they perform pooja, Archana and have darshan and get parsad. I had gone to Ayodhya in the last Agrahayan Mela. During my service I had been to Ayodhya during Ramnavmi or Kartik Poomima or Sawan Jhoola Utsav depending upon the sanction of leave. The greatest festival in Ayodhya is organized on chaitra Ramnavmi. I visited Ayodhya for the first time in 1937 on the occasion of Chaitra Ramnavmi. My age at that time might be seven years. In 1937 when I went there was great rush and kirtan were performed for 24 hours at that time at the Ramjanambhaoomi. The Bhajan kirtan was performed by the Sadhu-Saints and the people coming from outside. The Sadhu-saints of Nirmohi Akhara also took part in these Bhajan Kirtans. People visiting from all over the country perform Bhajan kirtan and have darshan.

No body could stop them from performing Bhajan Kirtan and having darshan. I had always seen Hindu devotees there. I had never seen any Muslim brother there. The Muslim brother never used to go there to perform Namaj. I had neither read nor heard that Muslim brothers used to go there for performing Namaj. I had come to court voluntarily for giving evidence. There is no pressure on me. I am not giving wrong statement on any point.

(Cross – examination by Kumari Ranjana Agnihotri. Advocate on behalf of defendant 20 in other original suit 4/89 concluded.)

(Except the learned advocate of O.O.S 4/89 and O.O.S No 5/89 Defendant 4,5,6 and 26 no other defendants are present for cross-examination on behalf of defendant No 11 of this suit therefore on behalf of Shri Moh. Farooq Ahmad, cross-examination by Shri Abdul Mannan, Advocate, starts.)

**XXX**

**XXX**

**XXX**

Question: When the Babri Masjid was built?

Answer: The Babri Masjid was never in existence there.  
But there was the temple of Lord Shri Rama.

Question: Whether Meer Baki Built Babri Masjid in 1529 at that place?

Answer: No Sir,

I was not in 1528 but I have heard from my gurus. It is wrong to say that there was Babri Masjid in 1528 and namaz and traveeh during Ramjan were performed there. It is wrong to say that the masjid was forcibly converted

into a temple on the night of 22/23 December 1949. I know Hindi well.

The arguing learned advocate showed the witness a copy of the FIR No A-193 registered under section 145 of Criminal Act and asked whether this FIR was dictated by Shri Ram Dev Dubey, Sub Inspector in charge, P.S Ayodhya, Faizabad?

(On this question the learned advocate of plaintiffs Shri Tarun Jit Verma raised an objection that the main examination is related to the Affidavit filed by the witness and the question should be asked within the affidavit.

After seeing the above FIR the witness said that it appears it has been dictated by Shri Ram Dev Dubey, but I was in service at that time.

The learned advocate cross-examining the witness after showing the same FIR asked whether it has been written in it that the holiness of the masjid was spoiled by placing an idol in it?

(On this question the learned advocate of Plaintiffs Shri Tarun Jit Verma raised an objection that the witness had no knowledge about the contents of this report and question is out of the contents therefore can not be asked.)

After seeing the above the witness said that this has been written in this report. It is not clear from seeing the report as who had said about placing the idols in it.

After showing the same report to witness the learned Advocate cross-examining the witness asked whether the name of accused written in it are Abhiram Das, Ramsakal

Das, Sudarshan Das 'Sakin Ayodhya. After seeing the aforesaid report the witness replied I am not making it out whether it has been written in it or not. I do not know English or Urdu and I have no specific knowledge of these languages. I had studied up to 8<sup>th</sup> class, I did not like Urdu. I had not studied Urdu but Urdu was taught at that time. It may be possible at that time that Urdu was taught in second form for those studying Hindi and Hindi was in second form for those studying Urdu, but I had not studied Urdu. I do not know Abhiram Das, Ram Sakal Das or Sudarshan Das. I do not know whether these people live in Ayodhya or not. It is wrong to say that in 1949 the above named three persons with many others entered the disputed building and placed idol in it.

I have not read history. I had studied up to class VIII. My subjects in class VIII were Hindi, Sanskrit, English and Mathematics. There were no other subjects in class VIII. I had heard the name of Meer Baki from the people. I do not know about the origin of Meer Baki. As Babri Masjid was not in existence, how can I say who built it I have learnt the name of Meer Baki from Baldev Das Ji, Bhaskar Das ji, Prem Das Ji and other Sádhu and Saints. I had not heard from any one that Babri Masjid was built in 1528, when Babri Masjid was not in existence than the question of its existence, period of existence does not arise. I had heard from people about one Meer Baki when Babri Masjid then the question who made it does not arise. I do not know whether Babri Masjid was built on open land or not. I have heard from nobody about the construction of Babri Masjid there. It was Ramjanambhoomi, I had not heard it from my ancestors that Babri Masjid was built in 1528. There were three tombs in the disputed building. These three tombs were in existence in the disputed building till the incident of 6<sup>th</sup> December 1992, I was not in Ayodhya

on 6<sup>th</sup> December 1992 but was at my house. I do know how the incident of demolishing the disputed building took place. Ayodhya is at a distance of 14-15 kilometer from my house. I do not know this distance in miles because I can not convert kilometer into miles, I had heard in the same evening around 4.30 or 5.00 p.m. demolition of disputed on temple came there but all people together got it demolished, for getting it renovated. People from all over the country came to Ayodhya on that day i.e. 6<sup>th</sup> December 1992 but they were in thousands of number not only 2 or 3 lakh people. The disputed building was demolished on that day. I had seen that disputed building before demolition. I had not seen anything written in the disputed building. I do not know Arabic and Persian. There were no minars in the disputed building. The disputed building was never used as a masjid.

I am presently 73 years old. I had been visiting Ayodhya with my mother from the age of seven. My mother had expired. She passed away about in 1994. In 1988 when I retired from service, thereafter I had been and still visiting Ayodhya at my will and when had a call from the God. I was not present in Ayodhya on 6<sup>th</sup> December 1992 therefore I can not say whether all the fifty thousand people together demolished the disputed building. On the very day i.e. 6<sup>th</sup> December 1992 at 5.30 P.M. I heard that the disputed building has been demolished for renovation. I do not know whether popular leaders of the country were present in Ayodhya on that day or not. I have no knowledge whether any leader was present at that time in Ayodhya or not. I can not say by guess whether people took away the stones of disputed building or not. I do not know whether Meer Baki was a commander of Babar or not.

(Cross-examination by learned advocate Shri Abdul Mannan on behalf of Defendant No. 11 Shri Mohd. Farooq concluded.)

(Cross-examination by Shri Zafaryab Zilani on behalf of defendant No. 9- Sunni Central Board, Uttar Pradesh starts.)

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I and my mother used to come Ayodhya from my village, We both used to come on foot and it used to take 7-8 hours for that journey. My father died when I was 6 years of age. I and my mother both used to come to Ayodhya from my village. I did not stay at the temple of Naka Muzaffara, to Ayodhya on Ramnavmi and in the month of Kartik, but go direct to Ayodhya. But except these two occasions whenever I visited Ayodhya from my village I used to stop at the Naka Muzaffara temple for darshan. My first meeting with Mahant Baldev Das was in the temple of Naka Muzaffara and at that time my mother was with me. I do not remember clearly whether Mahant Bhaskar Das ji was there when I met Mahant Baldev Das ji or not. I had meeting with Mahant Baldev Das in the same Naka Muzaffara temple between 1937 to 1946. I had taken prasad etc, for the first time from Mahant Bhaskar Das ji in 1946 at Ramjanambhoomi, I had never met Mahant Bhaskar Das ji at Naka Muzaffara temple. After 1946 I had my meeting with Mahant Bhaskar Das ji at Naka Muzaffara temple. I do not remember when I met Mahant Bhaskar Das ji at Naka Muzaffara temple.

I met Mahant Bhaskar Das ji at Naka Muzaffara temple much later after my first meeting with him at disputed site. Much later, I mean one year. When I met

Mahant Bhaskar Das ji in 1946 at that time no one introduced me to him, but he used to perform pooja there, because of it I met him. When for the first time I met Mahant Bhaskar Das ji at the disputed site at around 10.00 a.m. my mother was not with me but Ram Lalla were there. At that time she was staying in another temple. The day I had my first meeting with Mahant Bhaskar Das ji at disputed site my mother had not gone with me on that day. When I used to visit Ayodhya, some time I used to stay there for a night and some time for two nights. In 1946 when I went to Ayodhya we stayed in a temple of Ammaji, which is situated on a road leading to Golaghat from Matagaun. I had stayed there when ever I went to Ayodhya between 1937 to 1946. After 1946 I alone went to Ayodhya. I used to stay in Baba Raghunathji's chhawani. I had stayed in the Baba Raghunathji's chhawani between 1946 to 1948. Baba Raghunathji had passed away much before and Shri Kaushal Kisoerji Maharaj was the Mahant there. I used to stay in his chhawani. After joining the service I had been staying in the Nirmohi Akhara of Mahant Bhaskar Das ji. After joining service I used to go Ayodhya alone. My mother did not accompany me. After joining the service I used to go to Ayodhya on the occasion of Ramnavmi without fail besides, I had been to Ayodhya on the occasion of Kartik Parikarna. In 1937 and thereafter my mother along with other women used to go to Ayodhya. We and the other women from village who went to Ayodhya, used to stay in Saket Rajmahal of Ammaji. We did not pay any rent there. The Ammaji temple was hardly at a distance of 1 to 2 Kilometers from the disputed site. I had been visiting the disputed site for darshan with my mother between 1937 to 1946 and alone after 1946. My mother used to present prasad and asked me to do so. In 1937, I presented prasad in the garvgrah, which was under the middle tomb of the three tomb



Building. In 1937 my mother with my hand handed over the prasad to the priest for presentation. At that time the priest put the prasad near the idol and returned it to me after putting leafs of Tulsi in it. I do not remember the name of the priest of that time the crowd was there and after lining up two to four people, they used to enter the "gravgrah" under the middle tomb of the disputed building for darshan. In 1937 there a swing under the staircase of the middle tomb of the disputed building and the idols were placed on it. The learned advocate showed Picture Paper No. 154/13 (suit No. 1/89) to the witness. After seeing the picture the witness said staircases are seen in it but idols were not placed on these staircases in 1937. I do not remember on which side of the staircases the idols were placed in 1937. I am seeing three staircases in this picture. Some pot is being seen placed on the first stair in this picture. Something like 'Garuda' is seen placed on the second stair and on the third and the top most stair there is a chabootra like and a 'Shankh' and a 'Ghanti' is placed on it. The position shown in this picture, that I had seen in 1937 in the disputed building. In this picture, Paper No. 154/13 (1/89) one idol of Ramachander ji and one of Laxmanji appears to have been placed. I am not making out on what thing these idols have been placed. In 1937 I had seen these idols placed in the same position in the disputed building. I had seen the same position till 1946 on the spot as are being shown in the picture. I am seeing a frame on the side Of stairs in the picture. I had seen the photograph of Shri Ram ji, Laxaman ji and Hanuman ji in this frame in the disputed building. In this frame the Dhanurdhari picture of Rama was fixed and the idol placed on the stairs is of the childhood (Bairoop) of Rama. The idol of Ramachandra ji, which was placed on the stairs of disputed building appeared to be made of stone. Its height would be about 6 inches. The idol of Laxaman ji placed on

the same stair was smaller than the idol of Ramachander ji. The idol of Ramachander ji on the stair was placed on the throne and the idol of Laxman ji was placed by its side. The idol of Hanuman ji was not there. I had never seen the idol of Hanuman ji there between 1937 and 1946. In the disputed building the three stairs being seen in the picture Paper No. 154/13 above, I had never seen the idol of Hanuman ji between 1937 to 1946. The idol of Hanuman ji was also not seen by me on the above three stairs between 1946 to 1992. Till the date of demolition of disputed building on 6 December, 1992. I had been witnessing the idol of Shri Ramlalla in the same manner as had been shown in the picture. I had been to disputed building lastly on Ramnavami in 1992. When I last went to disputed building I had darshan from the distance of 5-6 ft. of the stairs as are shown in the above picture. In the above picture the stairs have been shown made in the East and West corner and again said that the stairs have been made in length from North to South of the same 'gravagrah'. I had last darshan in 1992 by standing towards east of the stairs seen in the picture.

Verified after reading the statement

Sd/-  
Raghunath Prasad Pandey  
19.11.2003

Under my orders the stenographer typed in the open court. In continuation be present on 20.11.2003 for further cross examination.

Sd/-  
Narender Prasad  
Commissioner  
19.11.2003

**Dated 20.11.2003**

**DW 3/5 Shri Raghunath Prasad Pandey**

Before commissioner Shri Narendra Prasad , Additional District Judge Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed as commissioner under the orders passed by the Hon'ble Full Bench on 7.11.2003 in other original suit No. 3/89 (Original Suit No. 26/59) - Nirmohi Akhara and others versus Babu Priya Dutt Ram and others.)

(In continuation of 19.11.2003, on behalf of Defendant No. 9, Sunni Central Board of Waqf, Uttar Pradesh, cross examination on oath of DW 3/5 Shri Raghunath Prasad Pandey by Shri ZafaryabZilani, Advocate begins.)

The learned advocate showed extracts of page 19 of his statement to the witness "The learned advocate cross-examining the witness showed the color album to the witness \_\_\_\_\_. There was a throne before 1950 and asked that the second throne referred by his in this portion of his statement, whether he had ever been shown any of its picture yesterday or day before yesterday i.e. 19.11.2003 or 18.11.2003 during his statement by this court? After seeing the aforesaid portion of his statement the witness said, yes, it was shown to him. If those pictures are again shown to me only then I can say which was that picture. At this stage the witness was shown color album Paper No. 200-C/1 and Black and White album Paper No. 201-c/1 and photographs presented in other original suit No. 1/89 Paper No.154/4 *lagayat* Paper No. 154/16 and was asked whether in both these albums

and picture in Paper No. 154/4 *lagayat* No. 154/16 there is the picture of that second throne as stated by you, which you have said to having been placed under the middle tomb in the disputed building before 1950? After seeing the above, the witness replied that the throne which I had seen in 1937 that throne is appearing in color album Paper No. 200-C/I, Picture No. 152 *lagayat* 154. The portion of my above statement that "there was another throne at that place before 1950" had been written by mistake, whereas that is not the position. The witness after seeing all the four pictures of color album Paper No. 200-C/1 and picture No. 81 and 82 of the Black and White album Paper No. 201-C/1 that the throne shown in these photographs are the same that I had seen in the disputed building between 1937 to 1992. It is wrong say that I am giving wrong statement on this point and it is also wrong to say that the throne shown in the above pictures had been placed in the disputed building after 1950. It is wrong to say that no throne was placed under the three tomb building between 1937 to 1949. The arguing learned advocate showed the paper No. 154/13 filed in other original suit No. 1/89 and asked that the throne which you have told to have been placed on the stairs that too was not there before 23<sup>rd</sup> December 1949, what do you want to say about it? After seeing the above picture the witness said that it is wrong to say that the throne was not there before 23 December 1949. The throne which is visible in picture paper No. 154/13, that is in color album Paper No. 200-C/1 picture No. 152, 153 and 154 and also in Black and White album Paper No. 201, picture No. 81 and 82. The idols that are being seen in picture paper No. 154/13 those are also visible in the three photographs of color album and in both the photographs of Black and White album. The idols of Ramchandrajji and Laxmanji which are being seen in Paper No. 154/13, those are also seen in the three picture of

color album and in both the pictures of Black and White album. In Picture No. 152,153,154 of color album, the picture of Ram Lalla which is mounted in a frame in the lower part of it the idol of Ram( appears to have been placed. The idol of Laxman ji on the right side of Ram Lalla's idol. The idol of Laxaman ji is on the right side of Ram idol. The idol of Laxaman ji was quite adjacent to the idol of Ram Lallaji.

The learned advocate cross-examining the witness showed extracts of page 33 of his statement to the witness that' the idol of Ramchander ji was placed in a throne on the stair and the idol of Laxmanji was placed adjacent to it' and asked you in the above statement has deposed that the idol of Laxmanji had been said to be placed by the side of a throne, whereas today in your statement you have deposed that the idol of Laxmanji had been placed quite close to the idol of Ramchanderji and asked whether he had committed any mistake in his statement. After seeing the extract the witness deposed that he had by mistake said the above today that the idol of Laxmanji had been placed quite close to the idol of Ramchanderji. The throne being seen in Picture Paper No. 164/13, where the idol of Ram had been placed the width of that throne will be about 10 inch and the height about 1.5 feet. One more throne had been placed inside this throne. The width of that throne would be 6 inch and height about 8 inch and the idol of Ramchanderji had been placed on that throne. The idol of Laxmanji had been placed on that throne. The idol of Laxmanji had been placed by the side of that small throne and the idol of Laxmanji had been placed at about a distance of ½." The throne being seen the stair in Picture Paper No. 154/13 is different than the picture of colored album Paper No. 200-C-1, picture No. 152,153 and 154 and the throne appearing in the three pictures of

colored album is bigger than the throne seen in picture photograph No. 154/13 and said that the swing had been placed in the above three pictures of color album on which Lord Ram Lalla had been sitting and he was swing from it and the idol which was swing was the same one which had been placed on the throne in the stair. Then said it was made of 'Asthadhatu'.

I do not remember whether I had gone inside the disputed building consisting three Tombs between 1950 to 1986.

Question: Don't you remember anything that took place in the disputed building during the aforesaid long period of 36 year?

Answer: I only remember that darshan were performed from a distance.

The distance might be 5-6 ft. from the stairs seen in Paper No.154/13.

Question: Whether it is correct to say that the stairs seen in the above Paper No. 154/13 the lower portion of the middle tomb was about 20-25 ft. towards east and thereafter the courtyard of the building consisting tomb started?

Answer: It is wrong to say.

According to me from the stairs seen in the Picture Paper No. 154/13, the lower portion of the middle tomb towards east might be at a distance of 6 ft. It may not be more than that. I do not know the length and breadth towards east-west of the lower portion of the tomb. I can not say it may be 20-25 ft. or 10-12 ft. I have no knowledge about the east-west length of the lower portion

of the middle tomb was not less than 20- 25 ft. or it may be, because I have not measured it.

The learned advocate showed the witness Picture Paper No. 154/10 filed in other original suit No. 1/89 and after seeing it the witness said this picture is of the three tomb building. The North South length of this disputed building might be about 80-85 ft. and East-West breadth might be 90-95 ft. The witness after seeing Picture Paper No. 154/8 said that in this picture the length of breadth of the building consisting tomb in east- west might be about 25-28 ft. Out of the three tombs the height of the middle tomb was more and the adjacent tombs were of less height. The lower space of the middle tomb was more than the space of along side tomb building. The lower space of the middle tomb might be about 25-26 ft. in North-South.

The learned advocate showed Paper No. 154/12 and after seeing it the witness said that the picture is of the west side wall of the middle tomb of the disputed building. The witness after seeing Picture Paper No. 154/11 said that the picture is of disputed building but I am not clear from the Picture as which portion of the disputed building has been shown in this picture. I do not know whether this is the picture of outer side lower portion east side wall of the middle tomb or not, because at the time of parikarma I did not pay attention to the wall. This picture is of the east side wall of the lower portion of the middle tomb building of the disputed building from this picture it is not clear to me whether any stone had been fixed or not.

After seeing picture No.154/12 the witness said at the top of it one crown like picture is visible and below this crown like thing some flower like shape is visible. The witness was shown Picture No. 154/14 and 154/15 and

after seeing the same the witness said it is not known, which part of the disputed building has been shown in these pictures. But it is known that the pictures are of disputed building. I have no knowledge whether the pictures are of the west side wall of the lower portion of the middle tomb of the disputed building or not. Because I used to go for darshan of God and had not paid careful attention to the walls. During my life time I had been gone in the inner part i.e. in the lower part of the tomb for at least 10-11 times. I would have stayed at least for 5 minutes at a time in the lower part of the tomb building. During my life time as many times as I had gone in the lower part of the tomb building I would have stayed there at the most for one hour in all.

After seeing the picture Paper No. 154/11 submitted in other original suit No. 1/89 and Picture No. 91,92 and 93 of the colour album 200-C/I the picture No. 154/11 appears to be of the same part, which are of picture No. 91,92 and 93. I am not making it out picture No. 91,92 and 93 relate to which part of the disputed building. I will not be in a position to tell you whether the said picture No. 91,92 and 93 are of the upper side of out side eastern wall or not.

After seeing picture No. 79 of color album Paper No. 200-C/1 the witness said the picture is of the disputed building but I will not be able to tell you, which part of the building in picture relate because I used to go there only for darshan and did not see up and down or right or left. After seeing picture No. 90 of the same album the witness said that this picture is of the disputed building but I will not be able to tell whether the picture is of the upper side door of the middle portion of the disputed building or not,



although I always used to enter into the disputed building from the middle door.

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey.

20.11.2003

Under my orders the stenographer typed in the open court. The witness be present on 24. IL 1.2003 in continuation to it for further cross-examination.

Sd/-

Narender Prasad

Commissioner

20.11.2003

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**Dated 24.11.2003**

**DW 3/5 Shri Raghunath Prasad Pandey**

Before Commissioner Shri Narendera Prasad,  
Additional District Judge, Officer on Special Duty, Hon'ble  
High Court, Lucknow Bench, Lucknow.

(Appointed as Commissioner under the orders  
passed by the Hon'ble Full Bench on 7.11.2003 in other  
original suit No. 3/89 (original suit No. 26/59-Nirmohi  
Akhara and others Versus Rabu Priya Dutt Ram and  
others)

(In continuation of 20.11.2003, on behalf of  
Defendant No. 9, Sunni Central Board of Waqfs, Uttar  
Pradesh, cross-examination on oath of DW 3/5 Shri  
Raghunath Prasad Pandey by Shri ZafaryabZilani,  
Advocate begins.)

The learned advocate cross-examining the witness  
showed the witness paragraph I of the affidavit of his main  
examination and after seeing it the witness said the  
distance of disputed building from my village has been  
stated 16 or 17 Km. that is wrong. The actual distance of  
disputed building from my village is 14-15 Km. It appears  
that 16 or 17 Km. typed in Para 1 of my affidavit is a  
typographical mistake. After typing the affidavit I had read  
carefully the entire except the upper portion of the  
affidavit. I had not read properly paragraph I of the  
affidavit in which the distance has been given 16 or 17 Km.  
I can not tell where the affidavit of my main examination  
was typed. After getting it typed I read it in Faizabad and  
also in Lucknow. I had read my affidavit before its  
attestation and before its attestation I had also read it in  
Faizabad and also in Lucknow. I had read it on the day of

attestation i.e. 18 November, 2003. I had not come to Lucknow on 17 Nov. 2003 and I had read it in Faizabad. This affidavit was typed on 17 Nov. 2003. Three to four days before 17 Nov. 2003 my lawyer after getting information from me got it written by some one. The writing of this affidavit had been done at the residence of Nirmohi Akhara lawyer Shri Ranjit Lal Verma, Advocate. Shri Bhaskar Das ji took me to his residence. Three-Four days before the filing of affidavit Shri Bhaskar Das ji took me to the residence of Shri Ranjit Lal Verma, Advocate for writing the affidavit I had not taken any note-book, Book, Dairy, copy or any other paper with me for writing the affidavit.

In 2003 Bhaskar Das ji told me to give evidence in this suit. One week before my writing the affidavit he for the first time told me to give evidence. He had never said for the evidence before that. Bhasakar Das ji did not know the address of my residence and village earlier but one week before writing the affidavit he had asked me my address and the address of my village. I had met Bhaskar Das ji at the temple in Naka Muzaffara one week before filing this affidavit. Because I used to go there on Tuesday for the darshan of Hanumanji. I had met Bhaskar Das ji at the temple in Naka Muzaffara at about 9.30 A.M. on the Tuesday which fell before 18 November 2003. Generally I go to the temple in Naka Muzaffara on every Tuesday for the darshan of Hanumanji. Seldom I don't go to temple on Tuesday and on 18<sup>th</sup> November, 2003 the day on which my affidavit for main examination was attested was Tuesday. On that day i.e. 18 Nov. 2003 after having darshan at Hanumangarhi temple at Naka Muzaffara, come to Lucknow with Bhaskar Das ji. Before 18 Nov. 2003 the Tuesday was on 11<sup>th</sup> Nov. 2003 and Tuesday was on 4 Nov. 2003 before that.

Question: Mahant Bhaskar Das ji told you to give evidence on 11 Nov. 2003 or on 4 Nov. 2003?

Answer: I think on 11 Nov. 2003 Bhaskar Dasji asked me to give evidence.

I myself is admitting that on 11<sup>th</sup> Nov.2003 Bhaskar Das ji asked me to give evidence. Shri Ram Das the disciple of Bhaskar Das ji noted my name and address on 11<sup>th</sup> Nov. 2003 and also noted earlier also. Shri Ram Das the disciple of Bhaskar Das ji also noted my name and address six months before 11 Nov. 2003 and said that you have to give evidence. When I had gone to temple Naka Muzaffara, six months early, I had been meeting Ram Das ji there and had a talk with him. From the talks he came to know that I had been going to the disputed site since 1937 and on this he asked me, will you give evidence before the court and I agreed for it and six months ago on that day he noted my name and address. I had been meeting Ram Das ji even before these six months but had never talked about the tendering of evidence. I had not talked with any one about tendering evidence except Bhaskar Das ji and Ram Das ji. On 11 Nov. 2003 when Bhaskar Das ji asked me to give evidence at that time I had a talk with him for not more than five minutes, because I had already talked with Ram Das ji. On 11 Nov. 2003 I had a talk with Mahant Bhaskar Das ji at the place where there is the idol of Hanumanji in Hanumangarhi temple at Naka Muzaffara. At that time there were many people who had come for darshan. About fifty peoples were in the line for darshan and I too was in the same line. On 11 Nov. 2003 I lined up my self for darshan at about 8 to 8.30 A.M. Admitted that the lines for men and women were separate. There were three to four lines in all on that day in those three to four lines approximately the number of people would be 150. I

stood in the queue at about 8.30 and my number for darshan came in about half or a quarter hour and I had came out after morning's first darshan at about 9.30 A.M. I had not stayed there after darshan but had left the place before 9.30 A.M. for other business. When I was standing in a queue for darshan I had a talk with Bhaskar Das ji while standing and he gave me prasad and charnamrit. I had met and a talk with Bhaskar Das ji at the same place, where the idol of Hanumanji is situated and where he gave me prasad and charnamrit. Ram Das ji was not present there at that time. I had not met Ram Dasji on 11 Nov. 2003, but had met him before that date.

The learned advocate cross-examining the witness showed the witness the extracts of his today's statement" Shri Ram Das the disciple of Bhaskar Dasji noted my name and address on 11 Nov. 2003 and asked whether this statement is correct? After seeing the above, the witness replied that I had given the above statement by mistake. Whereas the fact is that Bhaskar Das ji did not note my name and address on 11 Nov. 2003 but had noted it earlier. It is wrong to say that I had no meeting and talk with Mahant Bhaskar Das ji on 11 Nov. 2003 and it is also wrong to say that I am giving wrong statement on this point. It is also wrong to say that Bhasakar Das ji made departure for Lucknow on Nov. 2003 before 8.00 A.M. It is also wrong to say when I am saying about the talk with Bhaskar Das ji on 11 Nov. 2003 at that time he was not present in Faizabad. It is also wrong to say that at that time he was on way to Lucknow. Bhaskar Das ji is present and sitting in the court at the moment. It is correct that the day from I came to Lucknow Mahant Bhaskar Das ji accompanied me from Faizabad to Lucknow daily and returned with me to Faizabad. The day I came to the court in the morning. I came to Naka Muzaffara temple on that day from my village and from there I come with Bhaskar

Das ji to this court in Lucknow. Today at about 10.30 A.M. I had come with Bhaskar Das ji in a vehicle which looked like a jeep. From 18 Nov. I had been always coming by this jeep with Bhaskar Das ji from Faizabad to Lucknow, whenever required. I had started for Lucknow from Faizabad at about 8 or 8.15 A.M. From my village I start for Naka Muzaffara, Faizabad at about 4.00, 4.15 or 5.00 A.M. and reach Naka Muzaffara temple at 6.30 or 7.00 A.M. The Hanumangarhi temple at Naka Muzaffara opens for darshan at about 6.00 A.M. after having a darshan there, I start for Lucknow.

The distance of Naka Muzaffara temple from my village is about 4-5 Km. I pay my visit to Muzaffara temple from my village. Not less than an hour is spent in reaching Naka Muzaffara temple from village by cycle because I am an old man. The road between my village and Naka Muzaffara is a 'Damar Road'. It is not a good road. There are pot holes at number of places. I have no idea whether this damar road is since 1937 or was constructed later. In 1988 when I retired then I started coming by cycle from my village to Naka Muzaffara and back. When I joined service in 1948 in Jhansi at that time I did not know cycling. To my mind there is no other temple between my village and Naka Muzaffara. Except the temple of Naka Muzaffara I do know any other temple of Faizabad.

The learned advocate cross-examining the witness showed the witness, extracts of the affidavit of his main examination. "The priest and person appointed by Receiver ..... sits at Ramlalla etc. "and asked do you mean by the word 'Now' the present time or any other time? After seeing the above the witness said by now means the time that was before 6.12.1992.

I had been to the disputed site lastly in 1992 before 6 Dec.1992 I had gone to the disputed site for darshan one

or one and a half month before the demolition of disputed building. I had the darshan by entering the disputed building which means by entering the tomb lower portion I had darshan. I had darshan under the middle tomb. I had darshan from about 4 1/2 ft. from the place the idol was placed. The throne on which the idol was placed was not in the center of the middle tomb building but was placed with the west side wall. The west side wall with which the throne was placed, that very west wall was the west side wall of the disputed building. The distance of Iron rod building from the west side wall of the disputed building would be 55-60 ft. The East side wall of the disputed building would be at a distance of 28-30 ft. from the Iron rod wall. The distance of west side wall from the outer portion of the east side wall of the disputed building would be about 28-30 ft.

The learned advocate cross-examining the witness showed color album paper No. 200 C-1 picture No. 103, after seeing it the witness said this picture is of the out side portion of eastern part below the middle tomb of the disputed building. In this picture it appears that the man standing wearing Dhoti and Kurta, he is standing in the central place of 3 tomb building and Iron rod wall. It means that the man is standing in the courtyard between 3 tomb building and the Iron rod wall. From the picture it appears that the inner portion of the 3 tomb building starts from the point where from the white black stone floor starts. It appears from the picture that five person are standing in the inner part. I can not even guess to say that distance of that place where five persons are standing where the black white stone floor is starting. A throne is visible in the back of these five persons. Which appears to one is a swing throne. In the picture No. 103 where the five persons are seen standing, I had been having darshan

from a short distance from that point. I was not allowed to go to that point where the five persons are standing.

The three tomb disputed building had four walls one was in the west, other in the east, third in the north and the fourth in the south. The east side wall had three doors. Rest of the walls had no door. These were the load bearing walls of roof. I do not remember whether the width of all the four side walls of the three tomb disputed building was uniform or there were same difference in it. I do not have in mind the width of the east side and west side walls of the said tomb building. I had been after entering in the disputed building through central door of the east side wall and the width of that east side wall would be about 3 1/2 ft.

The learned advocate cross-examining the witness showed color album Para No. 200-C-1, picture No 103 after seeing it the witness said that full width of the central door of the east side wall of the tomb disputed building is visible in it But I don't think the width would be 6 ft but would be 3-3 1/2 ft There were two doors, North side and south side in the central door of the east side wall I had seen them All these three doors were in a wall and the width of this entire wall might be uniform.

The learned advocate cross-examining the witness showed picture No 84, 85, 86 of the same colored album After seeing the pictures the witness said the doors of the three tomb disputed building are being seen in these pictures. After seeing picture No. 84, the witness said it appears to be the picture of south door. Similarly picture No. 85 is of south and picture No. 86 is of north doors. In these pictures I am viewing the width of east side wall of the tomb disputed building. Its width seems to the 3- 3.5 ft. The witness was shown picture No. 79 of the same colored album and after seeing it the witness said that the east side wall of the tomb disputed building is visible in this



picture. Having seen it I guess that the width of this east side wall might be 3-3.5 ft. The south side wall is visible to me in this picture.

The learned advocate cross-examining the witness showed the witness picture No. 99 and 100 of the colored album, after seeing it the witness said that these pictures are of some doors of the disputed building picture No. 99 is of the south side door and picture No. 100 is of the north side wall, it is correct to say that picture No. 99 and picture No. 100 both are of the north door. Just I had wrongly said that picture No. 99 is of the south side door. The width of the wall in picture No. 99 is clearly visible. It is wrong to say that the door depicted in picture No 86 is of south door, but the fact is that picture 86 is of the north door. In picture 85 the Black and White stone floor is visible. This floor of Black and White stone was of entire length in the disputed building the floor below the three tomb building was made by similar type of Black and White stones.

The witness after seeing picture No. 103 of the same colored album said that blacks are visible in the floor of black and white stones. The length and breadth of it would be about 1 ft. each. I had been seeing the black ad white stone floor in the tomb building from the very beginning.

Verified after reading the statements

Sd/-

Raghunath Prasad Pandey  
24.11.2003

Under my orders the new stenographer typed in the open court. In continuation be present for cross-examination on 25.11.2003.

Sd/-

Narendra Prasad  
Commissioner  
24.11.2003

**Dated 25.11.2003**

**DW 3/5 Shri Raghunath Prasad Pandey**

Before Commissioner Shri Narendra Prasad,  
Additional District Judge/Officer on special Duty. Hon'ble  
High Court, Lucknow Bench, Lucknow.

(Appointed as commissioner under the orders passed  
by the Hon'ble Full Bench on 7.11.2003 in other original  
suit No. 3/89 (original suit No. 26/59) Nirmohi Akhara and  
others versus Babu Priya Dutt Ram and others.)

(In continuation of 24.11.2003 on behalf of  
Defendant No. 9, Sunni Central Board of Waqfs Uttar  
Pradesh cross-examination on oath of DW 3/5 Shri  
Raghunath Prasad Pandey by Shri Zafaryab Zilani,  
Advocate continues)

The learned advocate cross-examining the witness  
showed picture of colored album Paper No. 200 C-1. After  
seeing the picture the witness said the photograph is  
connected with the disputed building. It appears that the  
photograph has been taken from south and east corners.  
After seeing picture No. 2 of the same album, he said this  
photograph has been taken a bit towards east from the  
place from where the earlier photograph had been taken.  
In the above picture No. 2 after the barrack and before the  
tomb boundary wall is being seen. After seeing picture No.  
1 *lagayat* 5 the witness said the barricading is visible to  
me. I had seen this barricade since 1950. I had seen this  
barricade between 1950 to 1986. This barricading had  
been fixed before 1986. I have no idea whether for entry in  
the disputed building one had to pass through these  
barricade or not. I also do not remember whether these  
barricade fall in between the entry and exit of the disputed

building. I have not in mind whether the barricading was all around the entire building or it was only in one side. After seeing picture No. 6 of the same album the witness said this picture is of the same disputed site and disputed building is visible in this picture. In this picture it seems that grass etc. had grown up on the disputed building. I do not remember since when the grass etc. had not been cleared. I do not remember when I lastly visited that area of the disputed building which is visible in the photograph. I had visited a number of times in the area, which has been picturised in this picture but I do not remember the time I had visited that side between 1990 and December 6, 1992. It seems that picture No 6 is of the west and south corners of the disputed building. After seeing picture No. 7 of the same album the witness said this picture as of the back side of the disputed building. After seeing picture No.10 of the same album the witness said this photograph is of the North side of the disputed building and after seeing picture No. 11 and 12 of the same album the witness said the wall is visible in these pictures. It appears that west side wall of the disputed building is visible in these pictures. Tomb side wall of the disputed building are seen in these pictures but no tomb is visible in these pictures. The witness after seeing picture No. 17 and 18 of the same colored album said that I am seeing wall in these pictures, but I am not able to make it out from the pictures, the side to which it relate in the disputed building. I had last gone to the part of the wall being seen in this picture on Ramnavmi which fell before December 6, 1992. After seeing picture No. 25 and 26 of the same album the witness said, it appears that these pictures are of the west side of the disputed building. The side of which these pictures are, from that side about one furlong the road leads to disputed building. I had gone by that road. I am seeing stones in picture No. 25 and 26.

The parikarma route of the disputed building was on the east side of this stone. After seeing picture No. 29 and 30 of the same album the witness said that these are the pictures of disputed building and it seems that both the pictures are of Hanuman Dwar. After seeing picture No. 31, 32 and 33 of the same album the witness said that the pictures are of the south side of the disputed building and then said I am not able to make it out which side of the disputed building had been shown in these pictures. He also said that I am not able to make it out whether these are the pictures of walls or of any other part. After seeing picture No. 36 of the same albums the witness said that this is the pictures of outer side of the east side wall of the disputed building. After seeing picture No. 37 of the same album the witness said that it relates to the north side of the disputed premises. After seeing picture No. 40 of the same album the witness said that the picture is of the north side of the disputed building. This picture is of the 'Singh Dwar' which was in the north of disputed building. This picture is of the upper side of the Singh Dwar. Whenever, I had gone to the disputed building, I had always seen the upper side shown in the picture. During my life time I had seen this part of the disputed building several times, shown in picture No. 40. After seeing picture No. 41 and 42 of the same album the witness said that the pictures are of the same 'Singh Dwar'. One is of the left side and the other of right side, in which the gate is visible. I do not remember whether the gate was of iron or wood. The gate shown in these pictures used to open only during mela time for exit, I do not remember the number of occasions I had taken exit from this gate. I would have gone out through this gate at least 20-25 times. The number of occasion I had gone out from this gate that number of times I had darshan of Sita Rasoi, Chhathi Poojan sthal and Chakia-Belan etc. I had

put flowers thereon. There was stairs after the gate and after going down the stairs there was a way but the width of that path (road) is not in my mind from out side I had come through that path a number of times but had never entered the premises through the gate by ascending the stairs. After seeing picture No. 37 of the same album, the witness said the barricades fixed on the roads are seen in this picture. This barricade was because in 1989. The Govt. was of Mulayam Singh and during that time there was apprehension of dispute and because of it the barricades had been fixed. It is wrong to say that the barricades had been fixed because there were graves between barricading portion and the way of Dorahi Kuan. Himself told that there were no graves but samadhis of Mahatamas were there. Three to four Samadhi was appearing there. During the time of Mela etc. whenever we were asked to go out through this gate, then I used to see these samadhis and move forward after putting flowers etc. on them. I had seen these samadhis before and after the barricades. I have no idea about the width of the path shown in this picture. The barricaded land would be 20-25 ft. wide. The way being seen in picture 37 was linked with the road passing in North-South, by going a furlong towards west from the disputed building. It is wrong to say that I am giving wrong statement on this point. It is wrong to say that the road being seen in this picture finishes at the point where the west side wall ends, but it was closed.

Question: As per you version at which point one had to take turn towards North from West side in the said Parikarma marg?

Answer: One had to take turn towards north from the corners of south and west side wall is.

The south west wall was up to the Samadhis of Mahatamas and then turned towards east. It is wrong to say that the said samadhis were at north and east corners. The samadhis were at the left side while coming out of the disputed building. It means they were towards west and north. The ancient sant mahatmas say that these are the Samadhis of old rishis and their names were Sanak, Sanandan, Sanat Kumar. These are the names of three Rishis. I do not remember whether I was told about the Samadhis of any other person except these three rishis. The samadhis of the above named three rishies were separate and all the three were made at a place in a line. The length of each samadhi would be 10 ft and the breadth 5 ft. The total width of all the three samadhis was 15 ft. It might be some less. The arguing learned advocate showed the witness picture No.154/5 submitted in other original suit No. 1/89 and after seeing it the witness said I am seeing a chabootra like photo in it. Its length would be 20-25 ft approximately. I am seeing three chabootras, in this photograph. It is wrong to say that I am giving wrong statement on this point. It is wrong to say that the chabootras, which are seen in this picture are graves. You yourself said that these are the samadhis of our mahatamas. It is wrong to say that the length of the chabootra seen in this picture is not more than 7-8 ft and the width not more than 4-5 ft. The portions being seen in this picture is pre-1989. The learned advocate cross-examining the witness showed picture No. 154/6, after seeing it the witness said no doubt it is of the disputed building. But I have no idea to which part of the disputed building it relates. I am also not able to make it out the side of the disputed building to which it relates. The learned advocate cross-examining the witness showed the witness picture No. 43 of the colored album Paper No.

200-C/I. After seeing it the witness said it is definitely the photograph of the disputed building photograph. It appears to be of the east side of the disputed building. It is not of the tomb. The photograph appears to be of the left side of the tomb building because railing fixed are seen in it. Mandir like something is seen in this picture. I am not clear whether it is a photograph of some shop, etc. or not. The witness was shown picture No. 46 of the same album and after seeing it the witness said, it appears the photograph of Hanumat Dwar in the east. After seeing picture No. 45 the witness said it has the similarity of picture No. 46. A stone is being seen fixed on the right side of the doors in the picture. Shri Ramjanambhoomi is being seen engraved on the stones, shown in the pictures. After seeing picture No. 44 of the same album the witness said similar type of stone is seen in this photograph as is seen in picture No. 45 and 46. I had read out the visible message written on picture No. 44, 45 and 46 two three days back. The learned advocate cross-examining the witness showed the witness extracts of his statement on page 13 "After seeing picture No. 44, 45 and 46 the witness said a stone is being seen fixed on it, on which No. 1 and Ramjanambhoomi had been written. Is it correct or the message that had been said above is correct? After seeing the above the witness said whatever I had said on page 13 of my statement that is correct and the message which I had said written is wrong to some extent.

Question: Whether the statement you had got recovered on page 13 was after reading the stone seen in picture No. 44,45 and 46 or on the basis of your memory?

Answer: I had got it written on the basis of my memory as there is difference between the memory and the picture.

The basis of my memory is that I had been reading what has been written on the stones at the time of my visit to that place. The writing which had been quoted in the above statement on page 13 is correct. I had seen this stone for the last when I went to the disputed side at the time of Ramnavmi in 1992. I had not seen this stone at the disputed site after December 6, 1992 as the disputed building had been demolished on December 6, 1992. I had been to disputed site even after December 6, 1992 for darshan and I had been going through barricade for darshan earlier. I had not cared about this stone after December 6, 1992. I do not remember whether I had ever seen written 'Nitya Yatra' on this stone between 1937 to 1992. The writing on this stone was in Hindi and Sanskrit and something else was written in English, but I can not read English. I had never cared what had been written in Sanskrit on it. I might have entered hundreds of times from that door into the disputed building where this stone was fixed at the doors. On this east side doors the black stone pillars which I told are being seen in picture No. 47, 48 of the colored album. The picture of Hanumanji engraved on

the pillars are being seen to me in picture No. 47 and 48. On picture 47 the foot of a Gate keeper is visible and in the back the pinnacle is visible. On the flowers and leaves in the pinnacle the red spots shows that the idol of Hanumanji had been placed on it. In picture 47, where it has red color in a bit above middle the idol of Hanumanji is being seen on the pillars seen in picture 48 of the part having red spots in middle of it the idol of Hanumanji is visible. In picture 47 where it has red color in the right side, the shape of a peacock is seen. Similarly in picture No. 48 where there is red color, in the left of it the shape that of peacock is being seen. In both these pillars I am



not finding any shape of any other God-Goddesses or man or birds and animal etc. except the figures of Hanumanji and peacock. In picture No. 47 on a white stone by the side of the pillars, something written in black is being seen but it is not legible, what has been written. In 1937 when I had gone to the disputed premises from this east side door, at that time, this white stone on which something in black is written which had been fixed by the side of a pillar was here or not, this is not in my mind. Because it was there or not, this is not in my mind. Because that was my childhood and I had not cared of it. When in 1949 the disputed building was attached at that time I had seen the stones fixed there. I had seen these stones fixed there for four to five years before attachment of the disputed building. I had seen these stones fixed when I went there in 1947-48.

*www.vadaprativada.in*

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey  
25.11.2003

Under my orders the stenographer typed it in the open court. In continuation for further cross-examination be present tomorrow 26.11.2003 and in case of Id on 27.11.2003.

Sd/-

Narendra Prasad  
Commissioner  
25.11.2003

**Dated 27.11.2003**

**DW 3/5 Shri Raghunath Prasad Pandey**

Before commissioner, Shri Narender Prasad, Additional District Judge, Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed as Commissioner under the orders passed by the Hon'ble full Bench on 7.11.2003 in other original suit No. 3/89 (original suit No. 26/59- Nirmohi Akhara Versus Babu Priya Dutt Ram and others).

(In continuation of 25.11.200.3 on behalf of Defendant No.9-Sunni Central Board of Waqfs, Uttar Pradesh, cross-examination on oath of DW 3/5 Shri Raghunath Prasad Pandey by Shri Zafaryab Zilani, Advocate continues).

The learned advocate cross-examining the witness showed the witness picture No. 27 of Black and White album Paper No. 201-C/1 and the witness after seeing said this picture is of the disputed premises, but I am not making it out to which part of the disputed premises it relates. I am seeing a pillar in the picture. It appears that the pillar is of the outer east side door. In this picture on the white stone by the side of a pillar some thing written in black is visible. The witness was shown picture No. 52 of the color album Paper No. 200-C-1 and after viewing it the witness said the same pillar is visible in this picture, which was seen in picture No. 27 above, I have no idea whether on both the above pictures white stone on which some thing written in black is visible was there at the time of attachment of the disputed building in 1949 or not. The learned advocate showed extracts of the statements given by witness on page 63, "In 1937 when I --- in the premises

of disputed building, even at that time I had seen these stones fixed there.” and asked whether your above statement that in December 1949, when the disputed building was attached at that time I had seen these stone fixed there.” is wrong. After seeing the above the witness said my above statement on page 63 and page 64 is correct and the present statement given by me today is wrong. The witness after seeing picture No. 27 of Black and white album said by the side of this pillar in the upper part two dates 1957 and 1975 had been written on the stone, but it is possible that the stone would have been fixed there before these dates. Seeing picture No. 26 of the same album the witness said this picture too is of the east door of the disputed premises. After seeing picture No. 47 and 48 of the colored album Paper No. 200 C/I. The witness said that the pillars being seen in these pictures are also seen in picture No. 26 above of the Black and White album Paper No. 201-C/1. On the pillar in picture No. 47 of the colored album by the side of the pillar in the upper side, on the white stone 1974 has been written clearly in black. It is not possible that a stone bearing 1974 would have been fixed on the spot in 1949 and it is apparent that the stone had been fixed on the spot in 1974 or thereafter. The witness was shown extracts of his statement on page 63 that ‘In this picture No. 47 by the side of this pillar ---- even at that time I had seen these pillars fixed there and was asked whether in the context of your today’s statement your statement on page 63 and 64 above that you had seen the said stone fixed there in 1949 and seen them fixed there four to five years before 1949 goes itself wrong? After seeing the above the witness said my statement on page 63 and 64 is not wrong. Today I had said it was fixed after 1974, I mean from it that it had been fixed before 1974.

The learned advocate cross-examining the witness showed the witness his today's statement that "it is not possible that a stone bearing 1974 would have been fixed in 1949 and it is apparent that the stone had been fixed on the spot in 1974 or thereafter" and asked whether your today's statement is wrong? After seeing above the witness said my today's statement is correct it is not wrong. The witness was again shown the above reference of his statement on page 63 and 64, after seeing it the witness said "In 1949 when the disputed building was attached, I had seen these stones fixed there at that time. I had seen them four to five years even before the attachment of disputed building in 1949. In 1947-48 when I went there I had seen these stones fixed there," goes wrong. The witness was shown picture No. 47, 48, 51 and 52 of color album paper No. 200-C.1. after seeing them the witness said the white stones being seen in these pictures written in black thereon, I had not seen them fixed there in 1949. Such types of stones had been fixed in disputed building in plenty of small and big size, which the people had placed in memory of their some one. I had not seen any one placing such types of stones by my own eyes. I had no knowledge who used to fix such types of stones i.e. the artisan who was engaged in fixing stones. After seeing picture No. 58 *lagayat* 61 of the same album, the witness said small stones of white colored with written in black are visible in these pictures. Similar stones are seen in picture No. 31, 32 and 33 of the black and white album. After seeing picture No. 58 of the colored album the witness said it, appears the picture of Ram Chabootra. The picture No. 31 of the black and white album looks like a part of the same Ram chabootra, which is in picture No. 58 of the colored album. In picture No. 31 of the black and white album, a white stone, what has been seen written in black is the date of 1976. This stone would not have been

there between 1949 and 1976. The learned advocate showed the witness picture No. 32 and 33 of the black and white album Paper No. 201-C/1 and asked the black written white stones being seen in the above pictures, whether these were there before 1950 and had you seen them? After seeing the above the witness replied that he did not remember these are the same stones or the other one. I had not seen the black written white stones before 1950 at that place. The place where the black written, white stones had been fixed seen, I call the place, 'Shanker Chabootra'. Picture No. 59, 60 and 61 of the color album paper No. 200.C/1 were shown to the witness and after seeing the pictures. The witness said that in these pictures something is being seen which had been seen in picture No.32 and 33 of the black and white album. I have no knowledge when and who made that place which I had called Shanker Chabootra, because I had seen it from the day I started going to that place. There is difference between Shanker Chabootra and 'Shanker ji's argha.' By Shanker Chabootra means Gods other than Ganesh ji', Nandi are also placed there and by Shankerji argha' means the pindi of Shanker ji and argha is treated as a symbol of Parvatiji 'Argha' is treated as idol of both Shankerji and Parvatiji and without that idol it would be considered as incomplete. The witness after seeing picture No. 37 of the black and white album said in this picture, Ganesh ji and Nandi and Swami Kartikeya ji are seen sitting on the Chabootra. The idol of Parvatiji is by the side of Ganesh ji and by that side is the idol of Kartikeya and the idol of Nandi is by the side of Argha. Argha is in between and it has the pindi of Shanker ji. The 'argha' in the center is of white color and placed before the idol of Parvatiji. The argha made of stone was always there at the spot. It was fixed on the Chabootra. I do not

remember whether idol of Shanker ji was on the Chabootra or not, because I had been seeing these idols.

Question: Had you even seen an idol of Shankerji in any temple?

Answer: I had not seen the idol of Shankerji in any temple, I had only seen his pindi and Argha.

I had seen a number of pictures of Shanker ji on papers or calendars, which the artists make. According to our sanatani traditions Shanker ji's picture made on the papers and calendars by the artists are not considered as true pictures. I had not seen 'argha' of Shankerji in any temple in Ayodhya with the idols of Ram ji and Sita ji. The Shanker Chabootra is also called Shiv Darbar. It is said Shiv Darbar, because Nandi, Parvati and Swami Kartikeya ji and Ganesh ji are present in it as they all relate to Shivji.

The devotee of Shiva are known as 'Shavya' and the devotees of Vishnu's are known as Vaishnav. I am Vaishnav but the worshiper of Shiva. I do not know when and who placed these idols on Shanker Chabootra. I had seen Shanker Darbar only in that courtyard in the temples of Ram ji but I had not seen at that place the argha of Shanker ji and the idol, where the idol of Ram chander ji had been placed. I do not remember whether I had seen in any courtyard of Ram ji temple where Shiv Darbar or Shanker ji's Argha had been placed except the courtyard of disputed building. I have not in my mind whether any such temple is in existence in Ayodhya, Faizabad or at any other place. I had not seen the pooja of any idol of Shiv Darbar after Dec. 6, 1992 as seen in picture 32 and 33 of black and white album. After Dec. 6, 1992 I had not seen the idol seen in these pictures or argha at any place in disputed building or at any place after Dec. 6, 1992. I

had also not tried to find it out from any body where the idols and argha being seen in these pictures had gone after Dec. 6, 1992. I had read in the religious books about the existence of Shiv Darbar or Shanker ji's Chabootra in the disputed building. I had read about it in the book entitled 'Geetawali' written by Tulsidas. In that book it has been written when Lord Rama gave his appearances at that time for his darshans Lord Shanker, Parvati, Ganeshji, Nandiji and Swami Kartikeya had come. In the Ramayana written by Tulsi Das reference about Shiv ji etc. had come. It has been written in Geetawali and Ramcharitmanas that at the time of Ramchanderji when Shankerji' and other above referred persons visited, their devotees at that time itself placed their idols. In the above named Geetawali it has been written that the Shiv Darbar being seen in Picture No. 32, 33 of the black and white album was in existence in the disputed building. This Shiv Darbar had been in existence in that disputed premises from the date of birth of Shri Ram Chander ji. This had been told me by my ancestors. Ramchandra took birth about 950 lakh years ago. My belief is based what my ancestors had told me. And on the basis of that very belief I accept that the idols of Shiv Darbar, and 'argha' being seen in Picture No. 32 and 33 had been there for the lakhs of years.

The learned advocate cross-examining the witness showed the witness para 12 of the affidavit of his main examination and asked the Shiv Darbar and Shanker ji's 'argha' that has been referred in it, whether the same Shiv Darbar and argha are being seen in picture No. 32, and 33? After seeing the above the witness said that these are the pictures of same Shiv Darbar and argha. After seeing extracts of paragraph 12 of his affidavit, "Where Shanker ji, Parvati ji, Ganesh ji, Nandi ji and Shanker ji argha was --" said, in it Shanker ji and Shanker ji's argha had been

written separately but it has the same meaning, i.e. the argha of Shanker ji. There was a 'Pipal' tree on the East and South corner of this Shiv Darbar. I had not paid attention' whether the 'Pipal' tree is still in existence there or not at the disputed place.

Question: I am to say that the 'Pipal' tree is still in existence at the disputed place but there is no sign of Shiv Darbar or worship of Shankerji's argha., what have you to say in this regard?

Answer: I have no information about it.

The learned advocate cross-examining the witness showed the witness picture No. 38, 39 of the black and white album Paper No. 201 -C/1 after witnessing the pictures the witness said 'chhathi Poojan sthal' is being seen in these pictures. I had made a mention of Chhati Poojan Sthal in paragraph 12 of my affidavit. After seeing picture No. 71, 72 of the colored album, the witness said, these are the photographs of the same Chhathi Poojan Sthal' which I had referred in Paragraph 12 of my affidavit. In the picture No. 72 of the colored album and picture No. 39 of the black and white album the throne is being seen, I see 'Kaushilya Kitchen ' has clearly been written over it. In the above five pictures the Chabootra which is being seen that entire Chabootra is called Chhathi Poojan Sthal'. The throne on that Chabootra is not fixed, but it has been placed on the Chabootra. I had seen the throne placed on the Chabootra in the same position at the same place between 1937 to 1992 and Kaushliya kitchen had been written over it since then, which I am seeing from that time. The length of this Chabootra would have been 9-10 ft north- south and the east -west width would have been 8.5-9 ft. The position in which this Chabootra is being seen in the above five pictures, I had been seeing them in



the same position since 1937. White stones with black writings are also being seen on this Chabootra. I had been viewing these white stones with black writings since 1950. Then said that the stones may had gone broken and new had been fixed. I had been having darshan of this Chabootra from the east at a distance of 1-1.5 ft and I had been going and having darshan of this Chabootra till 1992. It is wrong to say that the stones with black writings fixed on this Chabootra had been fixed after 1950. It is also wrong to say that the writing 'Kaushilya kitchen' and other on the throne seen in the above pictures had been written after 1950. It is also wrong to say that till 1950 the places seen in the above pictures had been known only as Sita Rasoi. Yourself said that the place is known with both the names 'Sita kitchen' and 'Kaushliya kitchen'.

As per my belief Sita kitchen and Kaushliyajji kitchen was the same Kaushliya ji's and Sitaji's had one kitchen. Sitaji did not live in the palace of Kaushliya ji'. But she had been living in the palace of Ram Chander ji, which was separate from Kaushleya ji's palace. Sitaji's palace also had a kitchen but the kitchen was one, which was of Sitaji after Kaushliya ji. The time when Kaushliya lived in her palace at that time, Sita ji lived in Ramchanderji's palace which was separate from Kaushliyajji's palace. It is wrong to say that Sita ji had been using her kitchen and Kaushliya ji had been using her own kitchen, because both had one kitchen each.

Question: Whether there is any mention of Kaushliya ji kitchen and Sita ji's kitchen in Tulsidas's Ramchantmanas or Valmiki Ramayana or in any other Ramayana?

Answer: Yes it is there. It has been mentioned in Ramcharitmanas, which is as under :

*www.vadaprativada.in*

Ek bar Janani Anhawae, kari Singar Palna Puthaye  
 Nij Kul eesth dev bhagwana, Pooja hetu kinih Snana,  
 Kari pooja naividya chaddhwa, App gaye jahan Pak  
 Puni Janani tahan Chhali Ayee, Bhojan karat dekh Sutjaye.

The word 'pak' has been mentioned in the above 'chaupai' that has mentioned of Kaushliya Rasoi and Sita Rasoi. This chaupai is from 'Balkhand' of Tulsi's Ramcharitmanas. Such a reference might had been made in the Valmiki Ramayana, but I had not read it. The above chaupai refers the time when Ramchanderji was a child. It has a mention of Kaushilyaji kitchen. The distance between the palace of Kaushliyaji and Ramchanderji might be 150-200 yards. The palace where Ram Chanderji lived after marriage was the palace where he began to live before marriage. After marriage, he began to live in it, where he was living before marriage. After marriage Sitaji came in the palace of Ramchanderji. It is wrong to say that after marriage Sitaji first went to Kanak palace . As per my belief the present Kanak Bhawan is different than Ramchanderji's palace. The Ramchander ji's palace where Sitaji entered after marriage for the first time might had been at a distance of 500 ft from the present Kanak Bhawan. The palace of Ramchanderji' was at the same place where the disputed building bearing three tombs was in existence.

Verified after reading the statement.

Sd/-

R Prasad Pandey  
 27-11-2003.

Under my orders the stenographer typed in the open court. The witness in continuation may present on 28-11-2003 for further cross examination.

Sd/-

Narendra Prasad  
 Commissioner  
 27-11-2003

**Dated 28-11-2003**

**DW 3/5 Shri Raghunath Prasad Pandey**

Before Commissioner, Shri Narendra Prasad,  
Additional District Judge/Officer on special Duty, Hon'ble  
High Court, Lucknow bench, Lucknow.

(Appointed as Commissioner under the orders  
passed by the Hon'ble full bench on 7.11.2003 in other  
original suit No. 3/89 (original suit No. 26/590- Nirmohi  
Akhara Versus Babu Priya Dutt Ram and others.)

(In continuation of 27.11.2003 on behalf of  
Defendant No.9. Sunni Central Board of Waqfs, Uttar  
Pradesh-Cross-examination an oath of DW 3/5 Shri  
Raghunath Prasad Pandey by Shri Zafaryab Zilani,  
advocate continues).

The distance of disputed building from the present  
Kaushliya Bhawan in Ayodhya might be 150-200 yards.  
The present Kaushliya Bhawan in Ayodhya is also known  
as Kaushliya palace. This Kaushliya Bhawan is at a  
distance of 150-200 yards towards east from the Manas  
Bhawan. The level of Manas Bhawan is lower than the  
level of Kaushliya Bhawan. The difference in level might  
be one meter. I had not seen the material used in the  
construction of the Kaushliya Bhawan i.e. whether built by  
brick-concrete or stone. I had been to Kaushliya Bhawan  
once or twice. The idols of Ramchander ji, Janaki ji and  
Laxman ji had been placed in Kaushliya Bhawan. I can not  
tell the length and breadth of the Kaushliya Bhawan, even  
by guess. I had not even noticed the number of Rooms in  
Kaushliya Bhawan. It may be 2-4 or 8-10 or 10-20. There  
is possibility of its having 8-10 rooms. The Kaushliya  
Bhawan on the way to Manas Bhawan from Hanumangarhi.

There are many Bhawans on both the side i.e. East or West side of Kaushliya Bhawan. There are Bhawans in the north of Kaushliya Bhawan and a way in the South of it. Then said that there is a road in the north of Kaushliya Bhawan and other buildings in the South of it. When we move from Manas Bhawan towards Hanumangarhi the Kaushliya Bhawan will fall in the South side. On this road, wherefrom barricade starts its distance from kaushliya Bhawan is about 1.5 furlong.

One building named as Dashrath Mahal is still in existence in Ayodhya. This Dashrath palace is also known as Dashrath Bhawan and 'Bada Sthan.' The distance of Dasbrath Bhawan from Kaushliya a Bhawan would be about 2.5 furlong and Dashrath palace is located in the east of Kaushliya Bhawan towards Hanumangarhi. I had also gone to Dashrath palace. I had been to Dashrath palace for 4-5 times. There are idols of the entire Ram Darbar in the Dashrath Bhawan. Dashrath Bhawan is very big and I can not tell its length and breadth even by guess, because I had not seen it with that view. This Dashrath palace might be about 1000 yards long and its breadth might the 100-200 yards Some part of the Dashrath palace has been built by Lakhouri bricks Then said most of the part seems to have been built by Lalkhouri bricks.

Kaikayee Bhawan is also in Ayodhya. The Kaikayee Bhawan is near to Kaushliya Bhawan. But it is separate from Kaushliya Bhawan. I think Kaikayee Bhawan is on the same way which leads to Manas Bhawan from Hanumangarhi. Kaikayee Bhawan is located at less than 100 meter distance from Kaushliya Bhawan. I had never gone to Kaikayee Bhawan. Kaikayee Bhawan is on the north side of the road leading to Manas Bhawan from Hanumangarhi.

Sumitra Bhawan is also in Ayodhya, Sumitra Bhawan is also situated on the road leading to Manas Bhawan from Hanumangarhi. Sumitra Bhawan is at a distance of 80-90 meter from Kaushliya Bhawan. I had seen Sumitra Bhawan from out side. I had never gone in it. Being old it appears that the Sumitra Bhawan and Kaikayee Bhawan had been to be constructed by Laukhorī bricks. After Kartika in 2003, when I went for the darshan of Ramlalla, I had seen Sumitra Bhawan from outside. It is wrong to say that I am giving false statements on these points. It is correct to say that the building named Sumitra Bhawan was situated in the South-East of the disputed building. But it is wrong to say that the disputed building named Sumitra Bhawan is not in existence at present and that has been demolished. It is wrong to say that Sumitra Bhawan is not situated on the road leading to Manas Bhawan from Hanumangarhi.

I had heard the name of a place known as Ram Katha Kunj. I do not remember its location. I do not remember whether Ram Katha Kunj is at a distance of 1-2 furlong or 1-2 kilometer from the disputed building. The width of Sumitra might be about 100 yards approximately. But I can't tell the length of Sumitra Bhawan, because I had been going there by road.

I had heard the name of 'Sita koop.' The Sita koop is situated in the east side of the disputed building and Sumitra Bhawan is in the north of Sita koop. I had heard the name of 'lomash chaura', but had never gone there. I can not tell where chaura is situated. I can not tell also whether 'lomash chaura' near the disputed building or at a distance. Sita koop was in the South-east of the disputed building.

‘Angira Muni’ was the muni of Ramchandras ji’s time. I have no knowledge whether the Samadhi of Angira Muni was near the disputed building or not. I also have not in mind whether the Samadhi of Angira Muni was made at some place in Ayodhya or not.

Markandeya Muni is an immortal Muni. He is still alive. To my belief the living munis too have their Samadhis, where the Munis sit and have meditation of God and the devotees build their Samadhi at that place. A muni had many Samadhis. Wherever he had meditation, his devotees build Samadhi on those places. I had heard about the Samadhi of Markendaya Muni in Ayodhya. But I do not know the place where the Samadhi of Markandeya Muni had been made, I had never been to his Samadhi. I have the knowledge that suit to which I am a witness has been filed by Nirmohi Akhar and I also know about what Nirmohi Akhara had said in this suit.

The arguing learned advocate showed the witness the blue-print Paper No. 3/9 A-1 submitted with the suit and asked the Sumitra Bhawan written to the bottom side in it, according to you, had it been written correctly or wrongly. After seeing the above the witness replied that it had been written correctly. The ‘Pakki Sadak’ written on the upper side in the blue-print that too had been written correctly. This is that very ‘pakki sadak’ which goes from Hanumangarhi to Dorahi Kuan. The path below the pakki sadak had been shown in this blue print. The point where the path links with the above road that point is in the western side of the Manas Bhawan. The Shri Jannambhoomi Nit Yatra and ‘Hanumat Diwar’ shown in this blue-print that said pakki sadak (The road between Hanumangarhi and Dorahi Kuan) might be at a distance of about 50 meter towards South. The Lomosh Chaura shown

in his blue-print, I had never seen that place and the Sumitra Bhawan shown in the bottom of this blue-print that I had seen. This Sumitra Bhawan is at about 500 yds away from Hanumat Diwar.

Question: According your above statement whether the distance of Sumitra Bhawan from the pakki sadak (Hanumangarhi to Dorahi Kuan) shown in this blue print might be about 500 yds towards south?

Answer: The statement which I had given in this respect is correct. I am not making out the distance from this blue print.

The learned advocate cross-examining the witness showed the witness the extract of his today's statement, that 'this Sumitra-Bhawan is- also situated on the road leading to Manas Bhawan --- at a distance of 80-90 meter' and asked whether the reference he had made in the answer is that very statement? After seeing the above the witness said yes it is the same reply.

Question: According to you the print of Sumitra Bhawan that had been shown in the above blue-print paper No. 3/9 A-I, is totally wrong?

Answer: I am not making out any thing from the blue-print. The distance had also not been given in it.

Question: In the above blue-print the disputed building had been shown in the South of the road leading to Manas Bhawan from Hanumangarhi and Sumitra Bhawan had been shown in the South, whether this position was not correct at the spot?

Answer: After seeing the above blue-print the witness replied, the blue-print was not correct as per the spot position.

The position of Sumitra Bhawan shown in this Blue print is not correct as per site position. It is wrong to say that I am giving wrong statement on this point. It is correct to say that Sumitra Bhawan was not situated on the road leading to Manas Bhawan, but was situated at some distance in the South. I can not say whether the distance was 400-500 yds or less. The witness was shown the extracts of his today's statement that Sumitra Bhawan was situated on the road leading to Manas Bhawan from Hanumangarhi and asked whether it was wrong? After seeing the above the witness replied that his above statement is wrong. The Sumitra Bhawan was situated in the South of the above road. The witness was shown the extracts of his today's statement that 'Sumitra Bhawan was in the north of Sita Koop' and asked whether the above statement had gone wrong? After seeing the above the witness replied that it too bad gone wrong, as Sumitra Bhawan was in the South and East of 'Sita Koop'. The arguing learned advocate showed the witness paragraph 15 of the affidavit of his main examination. After seeing it the witness said the things mentioned in it are correct. It is correct that according to this paragraph Sumitra Bhawan is a small temple. The witness was shown the extracts of his to days statement that the width of Sumitra Bhawan would be 100 yards and asked whether his earlier statement had gone wrong, because, according to me the width of Sumitra Bhawan would be 20-25 Ft. The fact mentioned in this paragraph is correct that the small temples including Sumitra Bhawan had been acquired by the U.P. Govt. and demolished in 1991. Then said when these temples had been demolished in 1991 I had not seen them thereafter, so I can not say about its length and breadth. The learned advocate cross-examining the witness showed the witness the extracts of his to days



statement that In 2003 after Kartik, when I went for the darshan of Ramlalla, then at that time I had seen finally the Sumitra Bhawan and surrounding area from outside whether your this statement too had give wrong? After seeing the above the witness replied that his above statement had gone wrong as the U.P. Govt. had demolished Sumitra Bhawan in 1991.

Question : Are you not careful in giving your reply to the court?

Answer : I could not remain completely careful while replying the answers of the question because I fail to understand the question correctly.

Question: Is your memory very weak, because you forget what you had said in paragraph 15 of your affidavit on 18.11.2003, while giving your statement on 28-11-2003?

Answer: That is not the position. Because when in Para 15 of my affidavit for main examination I had already made a reference of demolition of small temples by U.P. Govt. then such types of question should have not been asked.

Naradji was a great saint. Who is in existence before the creation of universe and he is still alive. He is immortal. There is much description about Narad ji during Ramchandra's time in Ramcharitmanas etc. A place is known as 'Narad Chaboortra' in Ayodhya. But I do not know its location. I had only heard about it. I had never seen it. Then said that it has been written in Ramcharitmanas about Naradji'

**"Naradadi Sankadi Munisa, Darshan lagi Kosladheesa**

**Din Prati Sakal Ayodhya Awahin, Dekhi Nagar Viragi  
Visharawatu Nit Hari chant Dekhi Mini Jawahin, Brahm  
lok sab katha kahawain.**

This chaupai is in the 'Uttarkhand' of Ramcharitmanas I had not in my mind whether any temple named Vijay Raghav Sakshi Gopal' was in existence near disputed premises or not. Then said there was 'Sakshi Gopal' temple near disputed site. It appears that this Sakshi Gopal temple had been demolished in 1991. This Sakshi Gopal temple was situated in the North-East of disputed premises. The Sakshi Gopal temple was towards west of the Manas Bhawan, which is not in existence at present. I do not remember at present the name of any Mahant or poojari of Sakshi Gopal temple. I had seen this Sakshi Gopal temple from 1937 till it was demolished in 1991. I had never gone inside the Sakshi Gopal temple. Laxmanji is called Sheshavtar.

The witness after seeing para 15 of his affidavit for the main examination said the Sheshavtar Sumitra Bhawan described in it were two different Bhawans and by considering it as two different Bhawansi had mentioned it in the paragraph. I do not remember to which direction the Sheshavtar temple was of Sumitra Bhawan. I can not tell the distance between Sheshavtar temple and Sumitra Bhawan. I had never gone to Sheshavtar temple. I do not know about the area of this sheshavtar Bhawan, because I had never seen it. Then said I had seen the Sheshavtar temple from a distance, but at present I do not remember the distance from which I had seen the Sheshavtar temple.

Question: When you admit that you had seen Sheshavtar temple, then please tell in which area of

Ayodhya you had seen the temple i.e. near the disputed building or somewhere else?

Answer: I had seen the Sheshavtar temple in the east of disputed building.

The witness was shown the blue print Paper No. 3/9-A-I submitted alongwith the suit of this case. After seeing it the witness said in the blue print the Shankar Chabootra had been shown in the east of disputed building. I can not tell the distance of Sheshavtar temple from this Shankar Chabootra. I would also not be in a position to tell the distance of Sheshavtar temple from Sakshi Gopal temple or Sita Koop. It is wrong to say that I am giving wrong statement on this point and I had never seen Sheshavtar temple.

The witness was shown first section of para-15 of his affidavit of main examination, seeing it the witness said the small temples which had been referred by me in it, I do not remember the name of these small temples, it was 2-4 or 10-20. Sheshavtar temple and Sumitra Bhawan were not included in the small temples, but were separate, this I had heard, I had written in my affidavit of main examination that the out side temples were perhaps demolished or acquired by the U.P. Govt. in 1991. This I had recorded after hearing from Bhaskar Das ji.

There had been three Munni's named Garg, Gautam and Shandilya. These muni's are before the incarnation of Ramchander ji. These munni are still alive even to day and are immortal. I had heard about the Samadhis of all these three munnis in Ayodhya, but I do not know their location. I had not seen those Samadhis.

Swami Kartikeye is not a muni but he is the son of Shankar ji. His idols are also found in the temple of Shanker ji. It has been mentioned in 'Ramcharitmanas' that at the time of birth of Ramchandraji, Shankarji came for his darshanas. But Swami Kartikeye had not accompanied him at that time. Then said it is written in the Balkhand of Ramcharitmanas that.

Auraho Ek Kahao nij chori, Sunu Girija Ati Dridh Mati Tori.  
Kakbhusundi Sang hum dou, Manuj roop janae nahin kou.

It has been mentioned in Geetawali that  
'Avadh Aaj Aagami Ek Aanu Boodho Bado Pramanik  
Brahman Shankar Nam Suhao!'

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey

28-11-2003

Under my orders the stenographer type in the open court  
be present on 1.12.2003 for further cross examination in  
continuation to it.

Sd/-

Narender Prasad

Commissioner

28.11.2003.

**Dated 1.12.2003**

**D.W.3/5 Shri Raghunath Prasad Pandey**

Before Commissioner Shri Narender Prasad,  
Additional District Judge/Officer on Special Duty, Hon'ble  
High Court, Lucknow Bench, Lucknow.

(Appointed as Commissioner under orders passed by  
the Hon'ble Full Bench on 7.11.2003 in other Original Suit  
(original Suit No.26/59) — Nirmohi Akhara versus Babu  
Priya Dutt Ram and others)

(In continuation of 28.11.2003 on behalf of  
Defendant No.9-Sunni Central Board of Waqfs, Uttar  
Pradesh, cross—examination on oath of D.W. 3/5 Shri  
Raghunath Prasad Pandey by Shri Zafaryab Zilani,  
Advocate continues)

On 28.11.2003 I had told about the para from  
Geetawali that is the seventeenth verse in Balkand in  
Geetawali I had brought the book Geetawali with me today.  
This book has been written by Tulsidas ji - I want to  
submit this book. What has been said in Geetawali is that:  
Awadh aaj aagmi ek aayu, boodho bado pramanik  
brahamin shanker naam suhayo"

It has the reference of the visit of Shankerji,  
Kaushilyaji through her dassi called Lord Shanker to her  
palace and it has been written below this verse that:

Sang sisushsya, sunat kaushliya bhitar bhawan bulawa"  
Charan pakhari, pooji dieu aasan asan basan pahraio  
Mele charan charu sut mathe haath diwao  
Le-le goad kiamal kar nirkhat us pramod na aayo."

The form in which the God gave his appearance appeared that shape only Kaushilyaji had seen that form and none else:

“Janam prasang kahiyo kaushik mis sie swayamber gayao  
Ram,Lakhan,Ripudaman Bhar ko jai such sujas sunaya  
Sanmanyuo mahidev assisat sanand sadan sighayu  
Tulsidas raniwas hasiras, bhayu sabko man bhayu.”

In this a way Shanker Bhagwan told the story of the time of birth which none else than Kaushilya knew. Vishwamitra ji maharaj came to Dashrathji demand God for the elimination and destruction of demons. Shanker ji also forecasted marriage of Sita ji in future.

Question: The above verse which you had referred from Geetawali, from it according the description of Tulsidas the mention of Shankerji visit to Ayodhya is available at the time of birth of Ramchander ji. Had it any reference of any specific place where Ramchanderji's birth took place.

Answer : Yes it is available. In the south of Ramchabootra, there is Shanker chabootra and on it Lord Shanker is resting. The mistress (dasi) of Kaushliya ji told her about the brahiman devata and then Kaushliya ji asked her mistress (dasi) to call him inside. The place where God appeared and is known as Gravh Grah, Kaushliya ji called him at that place.

Question: According to you what had been narrated by Shankerji were told while sitting at that place, which you had called Shanker Chabootra or Shanker Darbar in the disputed building?

Answer: No Sir, Shankerji told her at that place where Kaushliyajji called Shankerji in the Grav Grah, and not at the Shanker chabootra.

Shanker ji arrived at the Shanker chabootra in the disputed building and from that place on being called by Kaushliya ji, her mistress dasi took him to the Gray Grah. At that time the three tomb disputed building was the palace of Kaushliya ji. Shanker chabootra was out side the palace because the entire Ramkot Mohalla was known as Dashrath palace. Palaces of all the Rani's were inside it. The present Dashrath palace in Ayodhya is different from that Dashrath palace, which was during the time of Ramchander ji. The Dashrath palace of that time was much bigger than the present Dashrath palace, because it consisted the palaces of all the Ranis. The present Kaushliya Bhawan of Ayodhya is different than the Kaushliya Bhawan of the time of Ramchander ji. Its position and the area is different. The entire position is different. I have no knowledge about the period from which the present position exists in Ayodhya. Who gave name to the present Kaushliya Bhawan as Kaushliya Bhawan, I have no information about it. The time from I began to understand things since then i.e. from 1937 I had treated the disputed building as Kaushliya Bhawan.

(At this point the learned advocate of Plaintiff, Shri Ranjit Lal Verma, filed a Miscellaneous request Paper No. 134 O/2003 with the intention that the listed paper, Paper No. 46 C 1 Geetawali written by Tulsidas Paper No 46 C-1/1 be taken on record. The above named book under the orders passed by the Hon'ble Full Bench dated 20.3.2002 had been placed on record and the application Paper No. 134 O/2003 be presented before the Full Bench.)

Question: According to your belief the present Kaushliya Bhawan in Ayodhya has been wrongly called as Kaushliya Bhawan?

Answer: As per my belief the disputed building is considered as the Kaushliya Bhawan, but the Kaushliya Bhawan at other places had been built by the devotees. The present Kaushliya Bhawan called by the devotees is not the original Kaushliya Bhawan. I can not say even by imagination how big would be the place of maharani Kaushliya the queen of Chakravarti King would be at that time. But Ramchander ji definitely did appear at the place where there was the three tomb disputed building.

Question: Are you not in a position to tell the area of aforesaid Kaushliya Bhawan because according to you the place where Ramchander ji took birth may had an area of more than hundred yards?

Answer: No, because I was not at that time. How can I tell the area of that palace?

Question: Then your this statement that the birth place of Ramchanderji was under the disputed tomb building is on the basis that you were present at that time?

Answer: It has been described in our several books viz. Ramayana, Geetawali, Valmiki Ramayan and by our saint and ancestors I therefore, take it as the birthplace of Lord Rama, but I had never tried to know the area of Kaushliya Bhawan. From saints or any other book.

Question: Please after consulting the Ramcharitmanas tell us where the disputed three tomb building in



this book had been described as the birth place of Ramchander ji?

After seeing Shree Ramcharitmanas, Original gutka Paper No. 258 C-1/2 the witness said it is in doha No. 191 of Balkand:

“sur samooch vinti kari pahunche nij nij dham  
jagnivas prabhu pragate akhil lok vishram”?

Question: Whether there is any reference in Ramcharitmanas other than this where and in which palace Ramchanderji took birth?

After seeing Shree Ramcharitmanas original gutka Paper No.258 C-112 the witness replied Doha No.C-3 the 5 chaupai from below is:

Janambhoomi mam puri suhawani, uttar disi vah sarju pawani  
and the 7 chaupai is:

Ati priya mohi yahan ke wasi, mam dhamda puri sukh  
rasi

Besides the reference under Doha and chaupai No 54 above there is any reference at any other place in Ramcharitmanas that is not in my memory. The meaning of above Doha No. 191 of Ramcharitmanas in Balkand is the group of Gods after having prayer went to their individual places. The God who bestow peace whole over the universe appeared.

Question: In the above Doha No. 191 of Ramcharitmanas there is neither a reference of any place or any palace. What have you to say in this regard?

Answer: In this context I have to submit that Ramcharitmanas had the synthesis of Nana

puran, nigmaagam. The other books are in Sanskrit. I cannot read them but has been continuously hearing from saints and ancestors that Grav grah is the same Janambhoomi.

Question: Should it be taken that the explanation which you had given of Doha No.191 and the sermons which you had heard from your ancestors on that basis you had given the statement that the above Doha has a reference of the birth place of Ramchanderji, though you yourself had not been in a position after reading the above Doha that it has a reference of birth place of Ranchander ji?

Answer:- In this Doha the Gods had made a prayer and where they performed the prayer that is the place where God appeared and that is Grav grah.

Question: I am to say that in this doha there is no such reference of the place where Gods performed prayer - What have you to say in this regard?

Answer:- In this regard I am to say that I had heard it from the saints that this is the same place, where the Gods performed prayer and the God appeared at that place. I am saying it on the basis of the explanation of this doha made by the saints. Because my ancestors and saints had explained this doha after reading Nana Puran 'Nigamagam Sammatam Yade'

Question: In which book you had read the above written explanation of the above doha?

Answer: I had not read the above explanation in any book but had heard about it from my ancestors and saints

Question: The doha No 3C of Uttarkand, and the fifth and seventh chaupai referred by you in your statement of today above has also no reference of any specific palace or place of the birth of Ramchanderji. What have you to say in this regard?

Answer: In this connection it has been written in the fourth chaupai after doha No. 3 C : Avadhpuri sam priya nahin sou, yeh prasang jane kou kou and in the 3 chaupai of doha No. 3D it has been written that:

Jadapi sab vaikunth bakhana, ved puran vidit jagu jana!.

In the same context it has been mentioned in the Uttarkand that Kakbhusindi ji is saying "Jab-jab awadhpuri raghuvira dharain bhagathit manuj sharira. Tab tab jai Rampur rahaun, Shishu lila viloki sukh lahaun. Laghu vays bapu dhar han sanga. Dekhaun bal chant Bahuranga".

In the same context Kagbhusandi ji is saying :-

"Kahahun na kachu jugati visekhi, yeh sab main nij nayanan dekhi!"

That is the reason I am to say that Kagbhusandi with his own eyes seen the leela of God in that Gravgrih, the janambhoomi and he is relating this story to Garurji.

After seeing Ramcharitmanas Original gutaka Paper No 258 C-1/2 the witness said that tomorrow after consulting the Ramcharitmanas I will be able to tell where the above reference of Kagbhusandi in Ramcharitmanas appeared.

Question: I am to say that there is description of Ayodhya in third, fourth, fifth and seventh chaupai under Doha No 3C in Uttarkand of Ramcharitmanas. In the north of which the flowing of river Saryu had been described but there is no specific mention of any place or palace. What have you to say in this regard?

Answer: I am to say that it is the same place where the Ramjanambhoomi is and that is the Gravgrah.

Question: Did you say that the disputed building was the Ramjanambhoomi based on the reference of above chaupai?

Answer:- My saying so is based on the above chaupai.

It is wrong to say that in the above chaupai there is no reference of the disputed building being the Ramjanambhoomi and there is no reference of Ramchanderji taking birth in a specific place or palace. At the time of birth of Ramchanderji, Kaushliya bhawan was much bigger than the disputed building. My this belief is based on the sayings of saints and my ancestors. I had heard it from the saints that in the north side of the disputed building there is janamsthan mandir and that too was the part of Kaushliya Bhawan at the time of birth of Ramchanderji. At the time of birth of Ramchanderji the Kaushliya Bhawan was spread beyond that janamsthan mandir towards north. I had no information about it. Yourself said that the middle tomb building of the three tomb disputed building the lower part of it was the maternity home of the palace of Kaushliyaji at the time of birth of Ramchanderji. I can not say the extent of Kaushliya Bhawan at the time of birth of Ramchanderji beyond the south wall of the disputed building towards south. Similarly I can not say about the extent of

Kaushliya Bhawan towards west and east side walls of the disputed building at the time of birth of Ramchanderji.

Question: Will you be able to tell us how big that maternity house was, which you had told under the middle tomb of the disputed building and the extent of its area. Was it upto the north wall of disputed building or up to the outer north side wall of the disputed building or it was beyond that or less than that?

Answer: I had heard it from saints that once the whole, Ayodhya turned flat. At that time King Vikramaditya was the ruler and at that time on the occasion of Ramnavmi, keeping in view the time, yog, lagn, grah, var, tithi, Vikramadityaji maharaj came here for darshan and at that time he took his bath in Prayagraj first. When he came here he and his horse were completely in black colour. After having a dip in Saryu ji he and his horse both attained the divine colour. Vikramaditya went there and asked the introduction of Prayagraj and said that I was finding you in black colour and after having a dip in Saryu you had got the divine colour, who are you? Then Prayagraj gave his introduction that I am the Tirthraj Prayag. People all over the year had their bath and because of it I and my vahan had turned to black shape, which is the sign of sin. When I took bath on the occasion of Ramnavmi my sins vanished and I attained the divine colour. At that time Vikramaditya ji prayed Prayagraj that he wants to rebuild Ayodhya you tell us about the place of Ramjanainbhoomi. At that time tirthraj Prayag asked him to remember Kamdhenu, she

will come and let you know about Shri Ramjanambhoomi. The place where her milk will fall on ground, think that place as the birth place of Ramchanderji and accept that place the birth place of God.

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey

01-12-2003

Under my orders the stenographer typed it in the open court. Be present on 02-12-2003 in continuation for further cross examination of the suit.

Sd/-

Narender Prasad

Commissioner.

**Dated 2-12-2003**

**D.W 3/5 Shri Raghunath Prasad Pandey**

Before Commissioner Shri Narender Prasad,  
Additional District Judge/Officer on Special Duty, Hon'ble  
High Court, Lucknow Bench, Lucknow.

(Appointed as Commissioner under the orders  
passed by the Hon'ble Full Bench on 7-11-2003 in other  
original suit No. 3/89(Original suit No. 26/59)-Nirmohi  
Akhara versus Babu Priya Dutt Ram and others.)

(In continuation of 1-12-2003 on behalf of Defendant  
No.9 Sunni Central Board of Waqfs, Uttar Pradesh- cross  
examination on oath of DW 3/5 Shri Raghunath Prasad  
Pandey by Shri Zafarya Zilani, Advocate continues)

I had yesterday said about the establishment of  
Ayodhya by King Vikramaditya in this court. I had not read  
about it any where and had heard the story from my gurus.  
This king Vikramaditya is the same Vikramaditya after  
whose name the Vikrami samvat had started. King  
Vikramaditya requested Prayagraj that I want to rebuilt  
Ayodhya, and requested for his cooperation in it. When  
Kamdheni appeared on the request of King Vikramaditya  
then King Vikramaditya requested Kamdheni to locate  
Ramjanambhoomi. Kamdheni started moving forward and  
Vikramaditya Maharaj followed her. She stopped at the  
place, which at present is under dispute and milk began to  
fall from her nipples. Kamdheni ji said, it was the birth  
place of Lord Shri Ram. From the same Point, where the  
milk of Kamdheni fell, Vikramaditya started building  
Ramjanambhoomi. I had heard it from my ancestors that  
Ramjanambhoomi is located on the 84 touch stone pillars.

Question: The construction which you had said have been done by Vikramaditya, was the construction of that chabootra which you called Ramchabootra or was it the building which was the three tomb disputed building or only the construction of middle tomb?

Answer: It was the three tomb disputed building and I am referring it. According to me that three tomb building had been built by King Vikramaditya.

I consider Prayagraj as God. There is no idol of Prayagraj. It is the meeting point of Ganga, Yamuna and Saraswati and the same is known as Prayagraj. The ashram of Prayagraj is also there which is in Prayag. I had heard that Prayagraj came by riding on a horse and he had a meeting with King Vikramaditya at that time Prayagraj was in the guise of a God. The figure of God is different from human being. Prayagraj has been imagined as a God, but I had not read any where about his imaginary figure and not heard about it. Kamdhenu is a Devi and it is our mother cow that is the form of Kamdhenu ji.

Question: You had told about the falling of milk from the nipples of a cow, which you had heard from the saints. Did you also hear about the specific place where the milk fell or it fell at different places under the three tombs of the disputed building?

Answer: I had heard the story of Skand Puran from the saints. According to it the milk from the nipples of Kamdhenu ji fell at a place under the middle tomb. The east-west length of the middle tomb building would have been about 25-30 ft. and the north-south breadth would be about 20-25 ft.



Question: At what place of the tomb having length of 20-25 ft and the breadth 20-25 ft. i.e. the milk from the nipples of Kamdhenu fell had been told by the saints, which is the basis of your deposition?

Answer: In the middle of the above length and breadth the milk from the nipples of Kamdhenu ji fell.

Question: The place as stated by you the middle space of the said tomb where you had said the fall of milk from the nipples of Kamdhenu was away from that stairs which is being seen in Picture Paper No.154/13?

After seeing the Picture Paper No 154/13 the witness that I would not be in a position to tell the distance of the place where the milk fell from the nipples of Kamdhenu ji from the staircases seen in this picture. The place where the milk from the nipples of Kamdhenuji fell would be at a distance of about 11-12 ft. from the west wall of the middle tomb. I had heard that the place where milk from the nipples of Kamdhenu ji fell some specific sign was made at that place, but at present I do not remember what specific form of that sign was told to me. The arguing learned advocate showed the witness picture No. 152 /agayat 155 of the colored album, the witness after seeing it said the throne seen in it had been placed under the middle tomb of the disputed building and the distance from this swing type throne and the place where the milk from the nipple of Kamdhenu fell had been with in one to two feet. It might be either in the side of north or in south or in east. After seeing picture No 103 of the colored album the witness said that the middle portion of the lower part of the middle tomb of disputed building is seen in it. Four to five people are seen standing in it towards inner side under the tomb. One person is seen wearing saffron dress.

I will not be in a position to tell you that the milk from the nipples of Kamdhenu ji fell near the saffron dressed person seen in the picture or at some the distance.

I had heard that there is reference in Skand Puran about the fall of milk from the nipples of Kamdhenu ji and the building of Ramjanabhoomi by Vikramaditya. Skand Puran is one of the 18 Purans written by Ved Vyas ji,. This Skand Puran is in Sanskrit, which I can not read. I had also not read the Hindi translation of it. I had heard about it from saints and ancestors. It has a reference of falling of milk from the nipples of Kamdhenu ji during the time of King Vikramaditya. I had heard that it has been mentioned in the Skand Puran that the place where milk from the nipples of Kamdhenuji fell, King Vikramaditya built a magnificent building at that place. I had heard that King Vikramaditya had not built the disputed building that had been demolished on December 6, 1992, but the disputed building had been constructed after demolishing the buildings made by King Vikramaditya. I had heard that this has been written in Ayodhya Mahatmya! ! Ayodhya Mahatmya! is a separate book but I do not know the name of its writer. This Ayodhya Mahatmya is in 1-lindi but I had not read it, though I had heard the story. I had no knowledge that Ayodhya Mahatmya is an ancient book or it had been written 100-200 years ago.

Question: The building built by Vikramaditya, which according to you the disputed building had been constructed after destruction, Who And when that building built by King Vikramaditya had been destructed?

Answer: I have no knowledge whether the above-mentioned building built by King Vikramaditya had been destructed or had been reconstructed.

It is correct that reconstruction can only be undertaken when any constructed thing is destroyed and construction is carried in its place. The reconstruction could be on the foundation of an old building or it can be by expanding or decreasing it. I had not heard about it that the reconstruction of the disputed building was on the old foundation or it was by expanding or decreasing it. I had heard that the building that was constructed by King Vikramaditya was reconstructed and it was much bigger than the disputed building. It means that the building constructed by King Vikramaditya was much bigger. But on the basis of my imagination I can not tell that how big it was from the disputed building i.e. two times, three times or four times. The shape of the building constructed by King Vikramaditya might be like that of disputed building and it might be having three tombs. I have heard that the building built by King Vikramaditya was based on the 84 touch stone pillars and the disputed building had 12 touch stone pillars. The two stone pillars were at the gate outside. In all there were 14 pillars. I can not say whether the touch stone pillars in the building built by King Vikramaditya were in the same manner as were in the disputed building or were of the same size and shape as had been in the disputed building. Then said that I heard it from my ancestors that the pillars that had been in the disputed building were the pillars of the building built by Vikramaditya.

Question: When you are saying that 12 black stone pillars were also fixed in that King Vikramaditya at the disputed site at the constructed building which

according to you. Whether the size and shape of the said 12 pillars was the same which was the shape or measurement of the pillars alleged by you having been fixed in the building built by Vikramaditya?

Answer: What I had heard that is true. According to it it is true that the shape and measurement of the pillars that had been in the disputed building, were of the same size and measurement that had been in the building built by King Vikramaditya.

I have no information about the pillars that had been fixed at the doors of disputed building whether similar type of pillars had been fixed in the building built by Vikramaditya, which I had told. I have no knowledge whether it has been written in some books or not that the black stone pillars fixed in the disputed building had been brought by Hanumanji from Lanka. I had not even heard about it. I have no information whether the pillars were in the disputed building by Vikramaditya or some one else. It is wrong to say that the three-tomb building that had been demolished on December 6, 1992 had been constructed during the period of Mughal Emperor Babar. I had read that Mughal Emperor Baber had been the Emperor of India. I had heard the name of Emperor Akbar and Emperor Baber was the grandfather of Emperor Akbar. I do not remember the name of the queen Akbar. I do not know whether the name of his queen was Jodhabai or not. It is learnt that when Tulsidas ji wrote Ramcharitmanas at that time Emperor Akbar was the ruler of India. I do not know whether Ayodhya had ever been a big commercial center of India or not. Emperor Akbar was very good and religious emperor. He never broke any temple. I have no knowledge whether any other emperor broke the temples

or not. To my knowledge none of the Mughal Emperor broke any temple. I had heard the name of Alamgir Masjid in Ayodhya, but had not seen it. I have no knowledge whether Aurangzeb is also called Alamgir or not. I have also no knowledge whether Aurangzeb had built the Alamgir Masjid in Ayodhya or not. I had also not heard whether any emperor from Akbar to Aurangzeb ever visited Ayodhya or not. I had read about the nine jewels of Akbar. Raja Todarmal was among them. I do not remember whether I had read or heard from any one about the visit of Raja Todarmal to Ayodhya. I had read books about Ramjanambhoomi, but do not remember the name of any of the book. I had not heard the name of any writer by the name of Lala Sita Ram. The arguing learned advocate showed Paper No. 44 C1/1 to the witness. The witness after seeing said I had seen the book entitled 'Shri Ramjanambhoomi ka Raktranji Itihas' but not read it. I had not heard the name of Late Pandit Ram Gopal Pander! Sharad! The author of above named book. I had not heard the name of any Ramraksha Tripathi of Ayodhya. The publisher of the above book is Pt. Dwarika Prasad Shiv Govind Pustakalaya, behind Kotwali, Ayodhya. I had heard and read about the history of Ramjanambhoomi. The book about the history of Ramjanam bhoomi that I had read among them Shri Ramcharitmanas is the only book among them. In this connection my knowledge is based on what I had heard. The witness was shown the extracts of his statement on page 92 and 93 that the time from which I started to understand things i.e. the year 1937, since then I considered the disputed building as Kaushliya Bhawan. After seeing it the witness said the above statement is based on reading, hearing and witnessing. I had read it in Ramcharitmanas. It is wrong to say that there is no mention of the disputed building in Ramcharitmanas. It is wrong to say that I am telling false information that I had

read in Ramcharitmanas about the disputed building, I had already given my statement in this connection, which had been mention in my statement at pages 88, 94, 95 and 97. The above fact has come into that.

Question: On pages 88,94, 95 and 97 of your statement above you had referred the 'Chaupais' and 'dohas' from Ramcharitmanas you had referred none of them had a reference of the disputed building and neither of Kaushliya Bhawan, then how can you say that your statement on pages 92-93 is based on the reading of Ramcharitmanas?

Answer: In the above 'chaupais' and 'dohas' there is reference of disputed building and Kaushliya Bhawan.

Question: You may please read your statement on page 88, 94, 95 and 97 relating to the chaupai and verse from Ramcharitmanas and tell in which chaupai and verse the reference of disputed building and Kaushliya Bhawan had been mentioned?

After seeing his statement on the above pages the witness said — on page 97 of my statement it has been referred in the eighth, seventh and sixth line. In the above three lines three 'chaupais' had been referred. Out of the above three chaupais first two chaupais are from Uttarkand and the 12 and 13<sup>th</sup> 'chaupai' under doha No.113 b and the above third 'chaupai' and the last i.e. the 7 chaupai below doha No. 74 b is from Ramcharitmanas. Out of the above three 'chaupai' the meaning of the first 'chaupai' is that in Ayodhyapuri. Whenever, Shri Raghuveer had taken the human shape, in

it the meaning of Raghuveer is Shri Ramchander ji and the meaning of the second chaupai above is that during that period I go to that city and live there and witness the childhood actions (leela) of God and get pleasure. And the meaning of the third chaupai on page 97 is that after acquiring the body of a small crow and the king was with the God. I had been enjoying his childhood actions.

Question: In the above three chaupai there is neither any reference of Babri Masjid nor that of Ramjanambhoomi and Kaushliya Bhawan, how can you say that your above statement on page 92-93 is based on these 'chaupais' of Ramcharitmanas?

Answer: The arrival of Kagbhusandi is of Ramjanambhoomi and Kaushliya Bhawan because he came there for the darshan of God in his childhood and lived in Shri Ramjanambhoomi Kaushliya Bhawan for five years from the date of his arrival and had witnessed the childhood action of God through his own eyes.

Kagbhusund Maharaj had come for darshasn after having the shape of a crow. There is a 'Nilgiri Pravat' in the north direction where there is a place of Kagbhusandi. He had arrived from there. He along with Shanker ji having the body of a child as a pupil arrived at the time of birth of Ramchnder ji for his darshan from there When Shanker Bhagwan returned then Kagbhusundi began to live there by turning himself into the body of a crow. The above three chaupai of my statement on page 97 are based what Kagbhusundi ji had said and are of that time when he was having the shape of a crow. Kagbhusandi ji had been witnessing the childhood action of Ramchander ji in the courtyard of the palace of Dashrath ji. Kagbhusandi ji in

the shape of a crow had not been witnessing the childhood action of Ramchander ji, which had been taking place with Kaushilya ji in the maternity home. The three tomb disputed building was the Maternity Home. Kagbhusandi ji had not seen the childhood action of Ramchander ji which had been taking place in this disputed building in the shape of a crow. I had not read my above statement on page 92-93 anywhere else except Ramcharitmanas. My above statement on page 92-93 is not based on any other book except Rarncharitmanas. My above statement on page 92-93 is based on what my mother had told me. In 1937 except from my mother I had heard it from Mahant Baldev Das ji. Till 1937 except these two persons I had not heard the above from anyone else.

Question: According to your statement of today's written statement on page 92-93 that since 1937 itself you had treated the disputed building as Kaushliya Bhawan is also based on your having seen. Please tell us what had been there in the disputed building on the basis of which you had considered it as Kaushliya Bhawan?

Answer: At the time of darshan of God there, I treated it as Kaushliya Bhawan and Ramjanambhoomi since that time.

Question: All the buildings where you had darshan of Shri Ramchander ji or had found Shri Ramchanderji sitting all those buildings you had then treated as Ramjanambhoomi?

Answer: That is not the case.

Question: Did you find any difference in the idols of Shri Ramchanderji in the disputed building or in other buildings on the basis of which you had



not treated them as Kaushliya Bhawan or Ramjanambhoomi or treated the disputed building as Kaushliya Bhawan or Ramjanambhoomi?

Answer: In the disputed building the idols of Shri Ramchander ji and Laxman ji and Hanuman ji were present and that is why we had treated it as Ramjanambhoomi and Kaushliya Bhawan.

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey

2-12-2003

Under my orders the stenographer typed in the open court. In continuation for further cross-examination be present before the Hon'ble Full Bench on 03-12-2003. The witness may present.

*www.vadaprativada.in*

Sd/-

Narender Prasad

Commissioner

02-12-2003

**Dated 04-12-2003**

**D.W. 3/5 Shri Raghunath Prasad Pandey**

(In continuation of dated 02-12-2003 cross examination on oath of D.W. 3/5 Shri Raghunath Prasad Pandey before the Full Bench of Hon'ble High Court, Lucknow Divisional Bench, Lucknow on behalf of Defendant No.9 — Sunni Central Board of Waqfs, U.P. by Shri Zafaryab Zilani, Advocate continues)

I do not treat every mandir bearing the idols of Ram, Laxman and Hanuman as Kaushliya Bhawan. I treat disputed building as Kaushliya Bhawan only because there were Chhathi Poojan Sthal, Kaushliya Rasoi having Chalda—Belan and the Charan Chinha of Lord Rama and his three brothers. This Kaushliya Rasoi was also known as Sita Rasoi. It is wrong to say that till 1950 this palace was only known by the name of Sita Rasoi, but it had always been known by both the names. As per my knowledge that part of the disputed building which had been known as Sita Rasoi or Kaushliya Rasoi had always been a part of the rasoi of Kaushliya Bhawan. Chhathi Poojan Sthal is also the same part, which I am saying as Kaushliya Rasoi. As per convention in Sanatan dharma, the mother of a child celebrates Chatthi Poojan ceremony on the sixth day of his birth to save him from any type of assault. This place is known as Chhathi Poojan Sthal, because when Ram appeared 950 lakh years ago, and then mother Kaushliya performed the pooja of Chhathi Devi at this place. This pooja is performed on the sixth day after the birth of a child. The pooja of Chhathi Devi is not performed in the Rasoi Ghar but it is performed at a place that is at a distance from Rasoi Ghar. A place has to be made for Chatthi Pooja. The measurement of Chatthi Pooja Sthal has not been described in any book but

generally the pooja is performed at a place that is 4-5 ft long and 4-5 ft Wide. As per convention 'havan' is also done on the day of Chhathi Pooja. With in that area 'havan kund' which is generally one ft by one ft. is also made at that place. The mother of the child can alone perform the Chhathi Pooja or she can call for the priest for pooja. Kaushliya ji performed the Chhathi Pooja after the birth of Rama alone. She did not call any purohit. There is no reference of Chatthi Pooja in Ramcharitmanas after the Birth of Ramchander ji but there is a reference of Chhathi Poojan Sthal in Ramcharitmanas. The reference of Chhathi Pooja Sthal, which I had said, was in the disputed building. I can tell only tomorrow by reading Ramcharitmanas as where this reference has been given. It has also been referred in Geetawali, which I can tell tomorrow.

I had seen the eight 'Charan Chinah' (foot prints) of Ramchander ji and his brothers. I do not remember whether the charan chinah were on stone or on mud, but they were not on wood. It may be possible of their being on cement. Picture No. 71 and 72 of album paper No. 200 C-1 are of the same place I am saying as Chathi Poojan Sthal and Kaushliya/Sita rasoi. The 'charan chinha' are not visible in these pictures. The 'chullaha' being seen in these pictures on its east side, on the spot the 'charan chinha' are seen to me. In the above pictures Chakla-Belan are seen in the east of Chulaha in its south side. There is difference between Charan Chinha and Charan Paduka. Charan Paduka is called Kharaoon, which are normally made of wood. But kings and monarchs used to wear kharaoon made of gold. I had never seen charan paduks placed at Chhathi Poojan sthal. Except the Chullaha, Chakla-Belan shown in the above picture, I had also seen a 'Vedi' like construction there. On that 'Vedi'

the Chhathi Poojan had been performed. The Vedi was four to five feet long and four to five feet wide. The entire chabootra is being seen in Picture No. 71 and 72 on which some thing in black words had been written on white color stones. One throne like thing had also been seen placed on the chabootra. This I had seen placed on the spot, a cloth curtain like had been placed on it. On the spot the curtain had been fixed in front of the throne i.e. in the east side. Behind-curtain on the throne the idol of Lord Rama had been placed. I too used to present flowers, leafs and prasad- over that- idol. The priest- after taking it from my hands used to present. Whenever I had gone to Chhathi Poojan Sthal I had always met priest there. I had never cared whether the throne had been made of wood or the iron. In 1937 whenever I had visited the spot I had seen that throne there.

The same throne is being seen in Picture No 39 of album paper No. 201 C-1 which I had referred above. Kaushilya Rasoi, chhathi Poojan Sthan had been written the throne. I do not remember of what the upper part of the throne had been made, Whether it was made of iron or wood. Since 1937 I had always seen witnessing the writing 'Kaushliya Rasoi Chhathi Poojan Sthan' that is seen in the pictures above. It is wrong to say that the above writing would be after 1950 and I have been giving wrong statement that I had seen it since 1937. The chinha had been built in the east-north of the chullah but are not visible in this picture. One chabootra is being seen in Picture No. 39.

But there were two chabootras at the spot. The chabootra being seen in this picture might be 8-9 ft long and 8-9 ft wide. The second chabootra was in the west of the chabootra being seen in this picture which is not seen

in this picture. This chabootra was in existence till the demolition of disputed building in 1992. That chabootra was vacant and nothing had been placed on it. That chabootra was for sitting. People who came for darshan used to take rest thereon after having their parikarma. That chabootra is not being seen in Picture No. 71 and 72 of the colored album Paper No. 200 C-1. It is wrong to say that I am giving wrong statement on this point and there had been only one chabootra at the spot and there had been no chabootra in the west of the chabootra being seen in the picture. I had seen a tin roof and the grass chhaper over that chabootra. So far I remember I had seen the same position between 1937 to 1992. Tin ceiling is being seen in picture no. 69 and 70 of the chabootra in color album In these pictures the grass chhaper is not seen over the tin- roofs. This chabootra had been built by cement stones had been fixed thereon. I do not know how old was that chabootra and who built it. I had no knowledge whether there had been any reference of this chabootra in Ramcharitmanas written by Tulsi or in any book written by Tulsi I had also no knowledge whether there had been any reference about the Chakia-Belan or Chullah in the Ramayana written by Tulsidas or any other book written by Tulsi or not.

Verified after reading the statement

Sd/-  
Raghunath Prasad Pandey  
04.12.2003

Under my orders the stenographer typed in the open court be present on 05.12.2003 for further cross examination. The witness may present.

Sd/-  
Narender Prasad  
Commissioner  
04-12-2003

**Dated 5.12.2003**

**DW 3/5 Shri Raghunath Prasad Pandey**

In continuation of dated 4.12.2003 cross-examination on oath of DW 3/5 Shri Raghunath Prasad Pandey Before the Full Bench of Hon'ble High Court, Lucknow Divisional Bench. In continuation of 4.12.2003 on behalf of Defendant No 9- Sunni Central Board of Waqfs, Uttar Pradesh, cross-examination on oath of D.W. 3/5 Shri Raghunath Prasad Pandey by Shri Zafaryab Zilani, Advocate Continues.

The description from the day of appearance of God at Chhathi Poojan Sthal to twelfth day, the ritual ceremonies performed had been given in plural in Doha No 193 of Balkand of Ramcharitmanas. The meaning of doha No 193 is like this—then, the king after doing Nandimukh Shradh performed all the religious rites and distributed gold, cloth and gave them to brahmins. It is correct that the description of performing ceremonies had only been given in the above doha, but the place where these ceremonies were performed had not been given, except in the above doha in Ramcharitmanas. I had no knowledge about the mention of Chhathi Poojan Sthal in this Doha but the rites related to it had a reference. There is no mention of Chhathi Pooja Sthal in Geetawali also. Yesterday I made a statement in this court that Chhathi Pooja had been referred in Geetawali and Ramcharitmanas was only on the basis of my guess. When I consulted both the books mentioned above then I came to know that Chhathi Poojan Sthal had not been mentioned. I had not read entire Geetawali, therefore I cannot say with confidence that it had a reference of Chhathi Poojan rites or not. The palace of king Dashratha had been mentioned as “Bhoopati Bhawan” or ‘Sadan’ in Geetawali and Ramcharitmanas and his palace had also been

addressed as 'Nirp Bhawan.' I had read Geetawali and Ramcharitmanas a number of times earlier, and I remember some of the shlokas.

On this point the learned advocate cross-examining the witness draw attention of the witness to 'Pad' No 3, Page No 28 and 29 of Geetawali Paper No 46 C-1/1. After reading it the witness said, it has the description of Chhathi of Shri Ram. The Chhathi Poojan Sthal is related to this chhathi. After reading the fifth line of the same 'pad' the witness replied, its meaning is that there is the chhathi of maharaja in his Mangal Bhawan and the whole world is rejoicing the happiness with them. At the time of birth of God Rama, in the palace of king Dashratha, the three queens- Kaushilya, Sumitra and Kaikaye had their separate palaces. I will say palace to the different rooms. It does not mean with a room but a group of rooms. My last statement in this court recorded on Page no 92 is correct. I would not be in a position to tell whether the rooms of king Dashratha and Kaushliya were adjacent to each other or had any distance.

So for I recollect there is no mention in the Ramcharitmanas whether Kaushliya ji and Ramchander ji had separate palaces or not. And if there were separate palace, were they at a distance or nearby. Similarly we do not find any reference in Ramcharitmanas about having the separate palace of other queens viz. Kaikaye and Sumitra. In the 24<sup>th</sup> doha of Ayodhya kand in Ramcharitmanas, there is a reference of king Dashratha having gone into the palace of Kaikye. In the first chaupai after 24<sup>th</sup> doha there is mention of Koup Bhawan. This Koup Bhawan was situated in side the palace of Kaikaye. According to me the reference of palace of Koup Bhawan that had been made in the 24<sup>th</sup> doha and in the first

Chaupai thereafter were only cells. These cells too were called palace, as I had already told.

To my knowledge there was Bhawan known as Raj Bhawan or Raj Sadan in the palace of king Dasharatha. The king used to perform his duties by sitting there. On Page 19 of Geetawali Paper No 46-c-ill under the title 'Ragjatshee' it has been mentioned. That Kaushliya ji had given birth to a worthy son on that very day, on Page 23 of the same book. The meaning of 20 pad, according to me is incorrect. To me the correct meaning of this pad is all the ceremonies were performed in the cell of Kaushliya ji and in that palace 'Sohar Geet' were sung on the birth of a son.

Question: On Page 21, Pad 23 of the above said book 'Geetawali' the 'Bhupati Bhawan' words had been used. Does it mean the palace of king Dashratha or some other palace?

Answer: The meaning of 'Bhupati Bhawan' is the palace of king Dashratha.

On Page 28 and 29 pad 3 of the same book the description of chhathi night of Ramchanderji had very beautifully been described. On Page 45 of the same book in the second pad under the heading 'Ramvillawal' it has been mentioned that Kaushliya ji called Shanker ji to her palace. Pad No 39 on page 72 of the same book has the meaning that all the boys were standing in the cell of Kaushliya Bhawan waiting for child God. The meaning of the 1<sup>st</sup> pad, which had been given on Page 73, according to me it is wrong. In my opinion it is the literal meaning. The meanings given by the writer in this whole book are not literal, but he has given the substance of it. The writer Munni Lal, whose name is published on page 7, had written



the substance. I cannot say whether any other writer in any other book had given the correct substance of Geetawali or not. I had not read the book written by any other writer except Munni Lal on Geetawali. The Geetawali is in Awadhi. I had not studied Awadhi properly. I can understand the Awadhi language or the original Geetawali very well as per my knowledge. Tulsidas used Awadhi besides Bundelkhandi, English, Sanskrit, and typical language of the eastern village in Ramcharitmanas. It has a word of English language "Near I" meaning near by which is equalized to it. I had read Ramcharitmanas, several times and I can understand its meaning and substance to the best of my wisdom. There is a reference related to the birth of Ramchander in Balkand of Ramcharitmanas but it has the reference in some other chapter also, that I do not have in my mind, in my view Tulsidasji had originally written the Uttarkand of Ramcharitmanas. The meaning of the sixth chaupai after Doha 32 (b) of Balkand, in my opinion is Tulsidas studied several Ramayanas and he has mentioned about the several birth of Lord Rama, written in them. It means Shri Ram Chander ji took many avtar and the Ramayanas are 100 crores and even innumerable. In my opinion it was the last incarnation of Ramchanderji in the disputed building as had been narrated by Kagbhusandi to Garur ji in Uttarkand. it has also been said in Uttarkand that before the present incarnation I had 27 kalp avtars and this was the 28<sup>th</sup>. I do not know exactly, but as had been told by the scholars and as per my knowledge one kalp is equal to several lakhs of years in which 'Brahama' takes 100 births and goes to end 100 times. In my view there had been 100 crore Ramayanas of the God. I do not remember the name of any other Ramayana except Valmiki Ramayana. I do not remember whether Ramcharitmanas had the reference of any other Ramayana or not I had heard it from my

Gurus that whenever Rama takes birth, he takes his birth in Ayodhya.

I do not know the time and year on which Ayodhya was ruined. Whether it was ruined during the period of Ramchanderji or some time later. I do not know whether Ayodhya remained inhabited after Ram Chander ji and before king Vikramaditya. It has been written in Ramcharitmanas that when Rama went to saket, the entire public, animals and birds, all want to saket with him and only Hunuman ji remained behind. I therefore, do not consider Ayodhya was ruined. I do not know whether after Ramchander left Ayodhya, his - Sons Lav and Kush remained there or not or had ever ruled Ayodhya after coming there or not, since Ramchander ji left the kingdom of Ayodhya to Hanuman ji therefore the question of coming his son to Ayodhya does not arise. Hanumanji is alive even today and his kingdom still exist there.

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey

5.12.2003

Under my orders the stenographer typed in the open court. In continuation to it be present on 8.12.2003 before the suit commissioner.

Sd/-

Narender Prasad

5.12.2003

**Dated : 08.12.2003**

**D.W 3/5, Shri Raghunath Prasad Pandey.**

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

(Appointed as Commissioner under the orders  
passed by the Hon'ble Full bench on 5.12. in other original  
suit NO 3/89 (original Suit No 26/59) — Nirmohi Akhara  
Versus Babu Priya Dutt Ram and others.)

(In Continuation of 05.12.2003 on behalf of  
defendant No 9 — Sunni Central Board of Waqfs, Uttar  
Pardesh, cross-examination on oath of D.W 3/5 Shri  
Raghunath Prasad Pandey by Shri Zafaryab Zilani,  
Advocate continues.)

I had heard from my ancestors that all the Purans  
had been written by Ved Vayas ji. It is also considered  
that Ved Vyas had also written Skand Puran. I do not know  
the period of Ved Vayas. It has been referred that Ved  
Vayas was in the Dwapar period. Whether he was before  
that or not, I have no information about it. It is kalyug at  
present. Since when Kalyug started, I have no knowledge  
about it. So far I recollect, king Vikramaditya was in  
Kalyug. I had heard from the scholars that all the 18  
Puranas had been written before the period of king  
Vikramaditya. I had heard the story of falling milk from the  
nipples of kamdhenu from scholars. I had not heard,  
whether this story is given in Skand Puran or not.

The learned Advocate cross-examining the witness  
showed the witness the extracts of his statement on Page  
104-105 'I had heard the falling of milk from the nipples of

Kanudhenu ji..... A magnificent building was built by Vikramaditya at that place and was asked whether your above statement, had gone wrong.. After seeing the above, the witness said, my above statement is correct.

Question: When you are saying that Skand Puram had been written before the period of king Vikramaditya, Then how in the period of Vikramditya can be described in it?

Answer: What I had heard from the saints and the Mahatmas that I am putting before the Hon'ble Court.

Question: Today you had made a statement that you had heard the story of falling of milk form the nipples of Kamdhenu ji from the scholars and not heard about its being written in Skand Puran, Then "how can you claim that your statement recorded on Page 104-105 that this story is given in Skand Puran" is correct?

Answer: My statement recorded on Page 104-105 is correct. My today's statement that 'I had no heard whether this story is given in Skand Puran or not' had gone wrong, The fact is that I had heard that the story is in Skand Puran.

Question: Is it possible that the incident which took place during the period of Vikramadiya can be published in a book written before that period?

Answer: It is not possible.

Question: Then how it is possible that the incident of falling milk from the nipples of Kamdhenu ji had written in Skand Puran, Which as per your

version had been written before the period of Vikramadiya?

Answer: Our saints were future tellers; so it is possible that the incidents to take place during the period of Vikramaditya, may had come as a forecast.

I had heard this incident in Ayodhya from Shri Prem Das ji Maharaj who was bestowed upon with the title of "Manas Makrand" I had heard from him about the incident of Kamdhenu in Skand Puran" I can not read Sanskrit. I do not know whether Ayodhya Mahatmya is a part of Skand Puran or any other Puran.

Question: Your statement written on Page 105 that 'Ayodhya Mahatamaya' is a separate book, on what basis you had said?

After seeing his statement on Page 105 above the witness replied whatever the story we had heard from saints, on that very basis I had given the statement.

Question: I am to say that you had stated on Page 105 that Ayodhya Mahatmya is a separate book and it is in Hindi, both the statement are wrong. What have you to say in this regard?

Answer: After seeing his both the statements the witness replied, I had already said that I had not read Ayodhya Mahatmya, and only heard the story. I can not say whether Ayodhya Mahatmya is in Sanskrit or in Hindi. I can not say this also that Ayodhya Mahatmya is a separate book or a part of Skand Puran.

The learned advocate cross-examining the witness showed the witness Paper No 107-C-I/S Submitted in other original suit No 5/89 and asked.

Question: Is it a part of Ayodhya Mahatmya or Skand Puran?

Answer: After seeing the above, the witness said, I cannot tell because neither I can read Sanskrit nor English!

I had not seen any book in Hindi with the title 'Ayodhya Mahatmya' or 'Skand Puran'. The pillars of a building are its load bearing.

Question: If 8 pillars are the load bearer of a roof, then similar type of 64 pillars will bear the load bearer of 8 roofs?

Answer: I will not be able to reply it. I will also not be able to tell the height of the disputed building, because I had never cared to notice it.

The learned advocated cross-examination the witness showed Picture No 68 and 69 of the black and white album Paper No 201-C/1. After seeing it , the witness said I will not be able to tell whether these are the picture of ceiling of the disputed tomb building or not, because I had never seen towards the ceiling. I had not seen the ceiling as seen in picture No 69 in the disputed building, because I had never paid attention towards ceiling. I do not remember whether I had ever felt the need of fan in the disputed building. The witness after seeing Picture No 77 and 78 replied that, the picture are of disputed building and appears to be of the outer part of the disputed tomb building.

Question: I am to say that picture No.77 and 78 are of the inner part of the disputed tomb building what have you to say about it?

Answer: I have no idea, whether these are of the inner part or of the outer part of the tomb building.

A clock is seen in both these pictures. I had never noticed this clock in the disputed building.

The learned advocate cross-examining the witness showed Picture No. 128 of the colored album Paper No.200-C-1 and the witness after seeing it said, I am seeing a photograph on the wall in this picture. I am not able to make it out, whose picture is it. I am seeing a fan in this Picture No.128. I had never noticed fans in the disputed building. I had been going there for darshan and not paid attention towards fans etc. The witness was shown picture No.129 of the same album and after seeing it the witness said the photograph of picture No. 128 is also seen in this picture and it appear that the photograph had been fixed on the same wall on which it is in Picture No.128. I had never seen the photograph that had been fixed in picture No. 128 and 129 in the disputed building. Thakur Guru Dutt Singh had been written below the photograph seen in Picture No. 129. I had heard the name of Thakur Guru Duff Singh but do not know who he was. I had never gone to the portion below the north and south tomb of the disputed building.

The learned advocate crossexamining the witness showed the. witness Picture No. 131 of the colored album Paper No. 200. After seeing it the witness said something like idols are being seen in this picture. This is the picture of disputed buildings. It can be the picture of West side wall of the disputed building. The wall being seen in this picture appears to be of the West wall of the middle tomb

of disputed building. The pictures seen on the walls are not the idols, but are the photographs. I had never seen this photograph on the wall of the disputed building, because I never paid attention towards it. The witness was shown picture No. 130 and 132 of the same album. After seeing the pictures the witness said that these are of the disputed building, but I will not be able to tell whether the said Picture No. 130 and 132 are of the inner part or of the outer part of the disputed tomb building. After seeing Picture No. 87 and 88 of the same album, the witness said that these are of the disputed building, because I used to go there for darshan.

Question: Is it prohibited or considered sinister to see the door and walls of a place going for darshan?

Answer: That is not so. But I had never paid attention to it. Because I had never seen it with the view point that I will have to appear for evidence.

I had seen the outer portion of the door of the middle tomb disputed building, but do not remember this time. I had not seen the outer part of the doors under the north and south tomb. The witness was shown Picture No. 89 and 90 of the same colored album and after seeing it the witness said that these are the pictures of disputed building and it seems that these are the pictures of outer part of the middle tomb of the disputed building. I do not remember the height of the wall seen in Picture No. 90. I can't say the height of the wall was 8-10 ft. or 40-50 ft. After seeing Picture No. 85 and 86 of the same colored album the witness said that these are of disputed building, but I will not be able to tell the part to which these relate. Picture No. 84 and 79 of the same album, were shown to the witness and after seeing it, the witness said, these are of the disputed building but I will not be able to tell to



which part of the building they relate. After seeing Picture No. 80 of the same album, the witness said that the picture is of the disputed building, but I will not be able to say the part to which it relates.

Question: Does Picture No. 79 and 80 are not related to that part of the disputed building where you had said about the existence of Ramchabootra?

Answer: It appears that these are the pictures of nearby site of Ram chabootra.

A tree behind the disputed building is seen in Picture No. 79. I do not remember the name of the tree. I had seen the tree at the spot. I had seen this tree near the middle tomb of the disputed building. I do not remember the number of times I had seen this building from the door of the middle tomb building. I can't say that I had seen the trees once or twice or fifty-sixty times or 100-200 times. It seems that the tree was in the south side of the disputed building. The witness was shown Picture No. 81 of the same colored album, the witness after seeing it said, I am seeing a tree in it. The photo of this tree is different from the photo of Picture No. 80. I do not remember whether I had ever seen the tree shown in picture No. 81 or not. After seeing Picture No. 81 it appears that the tree being seen in this picture was in the south of disputed building. After seeing picture No. 82 of the same album the witness said a tree is visible to me in this picture. It appears that the tree seen in this picture is the same one which is visible in Picture No.81. The tree of Picture No. 82 is different than the tree of Picture No.79 and 80. The witness was shown Picture No. 83 of the same colored album, After seeing it the witness said this picture is also of the disputed building, but I will not be able to tell the part of the disputed building to which it relates. The

witness was shown Picture No. 77 of the same colored album. The witness after seeing it, said that the bar wall in this picture is seen from the outer side. The bar-wall in this picture also consist of a gate. So far I remember the bar wall is having three gates. One of the gate among them was the main gate, One was in the right side and the other in the south of the inner side.

The gate which is seen in Picture No 77, that is the middle gate i.e. the gate in front of Hanumant Dwar. I am seeing very big tree in this picture. In 1949 I entered from the gate seen in this picture. I do not remember at present the name of the tree that is being seen in this picture. The witness was shwon Picture No 73 of the same album. The witness after seeing it said it was of the disputed building and it appears that it is the picture of the place of Rasoi, one tin shed is being seen in this picture and a stair case is also visible, but there is no gate. The witness was shown picture No 76 of the colored album and after seeing it the witness said that the picture is also of the disputed building. I am not able to make it out the part of the disputed building to which it relates. Picture No 78 of the same color album was shown to the witness and after seeing it the witness said it is of the disputed building and it appear that the picture is of the inner part of the disputed building. By inner part, I mean the outer part of the tomb. I am finding some thing like Ramjanambhoomi in the picture. It appears that it is of the middle door of the disputed building. The witness was shown Picture No 75 of the same colored album and after seeing it the witness said, it is the picture of the outer part of the disputed building i.e. the picture of nearby area of Ramchabootra. On the west side of the tree a wall is seen. I will not be able to tell by seeing this picture wall seen in this picture is bare wall or not. The witness was shown Picture No 68

of the same colored album and the witness after seeing it said it is of the disputed building. If we move from east to west then it is of the left side. A tree is being seen in picture No 68. It seems that the tree which is being seen in this picture, is on the north of the wall. The wall visible in picture No 68, is the bar wall. Many white stone with black writings on it are visible in this picture, but it is not known, when these stones were fixed here. I can not say whether these stone were fixed before 1950 or after 1950. After seeing Picture No 67, the witness said, it is of the same part to which picture No 78 is I do not know the tree which is visible in Picture no 68. Whether there was any gate in the west side of the bar wall or not. The Bar wall was in three sides i.e East, West and South. Some part of the east side of the Bar wall is visible in Picture No 68. The east side which is visible in the bar wall in the remaining portion of the bar wall and the third gate was in the south side of the wall.

Question: The part of the Bar wall which is visible in Picture No 68 of the aforesaid coloured picture, in which direction of it i.e. the Bar wall you had said there were two gates either in the north or in the south?

Answer: One gate was in the north and one was in the south of the wall visible in picture. The witness was shown Picture No 69 of the same colored album. The witness after seeing it said that the picture is of the disputed building. It appears to be of the inner part of the disputed building. I will not be able to tell by seeing the picture, whether it is the picture of north side or of any other sides. A part of Bar wall is visible in this picture. The east side of the bar wall is visible in this picture. On entry from Hanumat Dwar,

the Sant Niwas and Bhojanalaya are seen towards north in this Picture. The witness was shown Picture No 62 of the same colored The witness after seeing the picture said that the picture is of the disputed building. This picture is of the nearby area of Hanumant Dwar. The witness was shown picture No 65 of the same colored album and after seeing it the witness said, it is the picture of the inner side of the bar wall of the disputed building. On seeing the picture it appear that it is of the east side of the bar wall. It appear from viewing the picture, that the bar wall seen in this picture is of the side of Sant Niwas. The witness was shown Picture NO 102 of the same colored album he after seeing it said it is the picture of the disputed building. It is of the eastern side of the outer portion of the bar wall. The witness was shown Picture No 97 of the same colored album. The witness after seeing at said it is of the disputed building and it seems to be of some wall of the disputed building, but I am not able to tell the side to which it belong. The witness was shown Picture No 98, 99 and 100 of the same colored album. After seeing the same the witness said that these are of the disputed building. All these three picture appear to be the picture of middle tomb in the disputed building. The upper part of the tomb is also seen in Picture No 98. It seems that the door below the middle tomb is visible in Picture No 98 and 100. The witness was shown Picture No 91, 92 and 93 of the same color album. The witness after seeing the picture said, these appears to be of the disputed building and appear to be of the upper side of the

middle door in disputed building. Then said these are of the middle door or north, south doors, that I can not tell. The witness was shown Picture No 117 of the same colored album. After seeing it the witness said that it seems to be of the inner part of the disputed building. I will not be able to name the door to which this picture relate. I will not be in a position to tell about the pillar in disputed building seen in this picture. The witness was shown Picture No 116 of the same color album. After seeing it, the witness said, this picture is also of the disputed building and I am seeing a pillar and a photograph in this picture. It appears from the picture as the wood framed photograph of Ra Lalla ji is hanging on a wall, But I will not able to name the wall where this picture was hanging. I had never seen the photograph of Ram Lalla ever hanging on the spot as shown in Picture No 116. The witness was shown Picture No 149 of the same colored album. After seeing it the witness said it is of disputed building. It appears to be of the inner part of the disputed building, It seems that it is of the inner part below the middle tomb because it contains a Chhatri. I am finding a face of a mahatma in this picture and a framed picture of Ram Lalla is also seen in it. The face of mahatma that is visible in the picture, it seems that I must had seen him. But I do not remember whether I had seen him in the disputed building or not. I do not know the name and address of this Mahatma. The witness was shown Picture No 156 of the same colored album. After seeing it the witness said

it is of the floor of disputed building, but I will not be able to tell the area of the floor. I had seen the same floor in other temple also as is seen in Picture No 156, but do not remember the name of the temple. But I do remember definitely that I had seen in same other temple in Ayodhya.

Verified after reading the Statement

Sd/-

Raghunath Prasad Pandey

8.12.2003

Under my orders the stenographer typed in the open court, present on 9.12.2003, in continuation for further cross-examination. The witness may present.

Sd/-

Narendra Prasad

Commissioner

8.12.2003

**Dated: 09.12.2003**

**D.W. 3/5 Shri Raughtnath Prasad Pandey**

Before Commissioner, Shri Narender Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed as commissioner under orders passed by the Hon'ble Full Bench on 5.12.2003 in other original suit No.3/89, (original suit No. 26/59) — Nirmohi Akhara Versus Babu Pnya Dutt Ram and others.)

(In continuation of 8.12.2003 on behalf of defendant No 9 — Sunni Central Board of Waqfs, Uttar Pradesh, cross-examination on oath of DW 3/5 Shri Raghunath Prasad Pandey by Shri Zafaryab Zilani, Advocate, continues.)

The learned advocate cross-examining the witness showed the witness Picture No 151 of the colored album Paper No 200 C-1. The witness after seeing it said, it is of the disputed building, but I will not be able to tell the part of the disputed building it relates, then said tomb above is visible. The witness after seeing Picture No 168 of the same album, said, it is of the disputed building and it seems that it is of the west side wall of the disputed building, but I will not be able to say to which tomb this wall is related. The witness was shown Picture No 169 lagayat 175 of the same album. The witness after seeing it said, it is of the disputed building, but I can not say to which part of disputed building this picture is. After seeing picture No 201 of the same album, the witness said, it is of the disputed building, It appears that the picture is of the east side bar wall. I will not be able to tell whether it has been photographed from the east side of the wall or from the west side, I will not be able to tell, whether east

side of the bar wall is visible in the picture or it is the west side. One courtyard is also seen in this picture. From the picture I will not be in a position to tell whether it is the inside court yard or the out side courtyard of the disputed building. One door is also seen in the picture. On seeing Picture No 201 it appears that the door visible in this picture is the north door of the east side bar wall. It is wrong to say that the door visible in this picture is south door of the east side bar wall and people are not coming out of it, but are entering through it. The witness after seeing Picture No 11 and 12 of the same album said that these photographs seems of outer wall of the disputed complex. It appears that these pictures are of the east side outer wall of the disputed complex. But I will not be in a position to say whether these are of the outer east wall or south wall of the disputed complex. The witness after seeing picture No 10 of the same album said that it is of the disputed complex. Singh Dwar is seen in this picture, As such it will be the picture of north wall.? The witness was shown Picture No 13 *lagayat* 16 of the same colored album and the witness after seeing it said that it looks like the south wall of the Hanumat Dwar, because Varaha Bhagwan is also seen in it. I had never tried to find it out of what the Varsha Bhagwan is made of i.e. whether of stone or mud or cement. It is either made of bricks or of some metal. The idol of Baraha Bhagwan is visible in these pictures, which was of the outside position of east wall of the disputed complex. I do not remember whether the idol of Braha Bhagwan was at that place or not where the people are seen standing near the tree, I do not remember whether the path seen in Picture No ii and 12, was of Gumma- Eatonka Khadanja or not. I had walked on this path. I had walked on this path till 1992 but I had not cared to see that the path is of Gumma Eatonka Khadanja or not. The witness after seeing Picture No 13 and 15 of



the same album said the idol of Braha Bhagwan is seen in this picture. It is not over 'khadanja', but fixed on the wall. I will not be able to tell the length and breadth of this idol. This idol was on the east side of the wall itself. It was never seen in the west side of the wall. I do not remember whether there was any chabootra in the East, North or South of this idol or not. I had seen people bowing before this idol and presenting flowers etc. on it. Whenever I went there I presented whatever was with me. I had never presented money or sweets on this idol of Baraha Bhagwan only presented flowers etc. and no priest was ever there. The shape of the idol of Baraha Bhawan is like an ordinary pig. I do not remember whether I had seen the idol of pig like shape idol anywhere in Ayodhya or not. Baraha was the incarnation of God Vishnu Baraha Bhagwan took birth before Ramchander ji. I do not know the place where Baraha Bhagwan appeared. I do not know the name of his birth place. I had heard that there is a story in Puranas about it. But I do not know the name of that Puran. It is wrong to say that the idol being seen in Picture No. 13 *lagayat* 16 of the colored album was not an idol but it was an embankment of a wall by cutting it and efforts had been made to make an idol of it. After seeing Picture No. 17 and 18 of the same colored album, the witness said both these pictures appear to be of the outer east side wall of the disputed complex. The witness after seeing Picture No. 19 of the same colored album said the picture seems to be of the outer east side wall of the disputed complex. Then said this is the picture of south side of the east wall. I might have done the parikarma of disputed complex many times. During parikarma we moved South from Hanumat Dwar then towards West and again towards north and then towards east. I had never noticed to see the path below the south wall of the disputed premises was made of cement or 'Gumma'. But that was

not a mud path. On way from west to north at the north corner there was a upside passage for moving to east. It was not necessary to come down to road for it. The witness was shown Picture No. 7 and 8 of the same colored album. The witness after seeing the same said the north corner of the disputed building is seen in the west side, from where the passage take turn for moving towards east. The witness after seeing picture No. 25 and 26 of the same album said, I am seeing the north side corner of the west side of disputed building in it, where there was a turn for moving towards east. The witness after seeing Picture No. 36 of the same album said I am seeing a passage in this picture; but I will not be able to tell the width of this passage. The witness after seeing Picture No. 55 of the same colored album said, this is the picture of disputed premises but, I will not be able to tell the part of the disputed premises to which it relates. The witness after seeing Picture No. 29 and 30 of the same color album said that these are the pictures of disputed premises, but I will not be able to tell the part of the disputed premises to which they belong. The witness after seeing Picture No. 31 lagayat 35 of the same colored album said the picture is of the disputed premises, but I will not be able to tell that part of the disputed premises to which it relate. The witness after seeing Picture No. 20, 27 and 28 of the same colored album said that these pictures are also of the disputed premises but I will not be able to tell the part of the disputed premises to which they relate. The witness after seeing Picture No. 40 of the same colored album said, this is the picture of disputed premises and 'Singh Dwar' is visible in the north of it. I can not quote the height of Singh Dwar. I can not tell even by guess the height of Singh Dwar i.e. 10-20 ft. or 40-50 ft. The witness after seeing Picture No. 83 of the same colored album said. I am viewing stairs in this photograph and this is the

photograph of disputed premises, but I will not be able to tell the part of the disputed premises it relates. Stairs are seen in the picture. Therefore it looks like the picture of north side i.e. Dwar. The witness after viewing Picture No. 81 *lagayat* 82 of the same colored album said I am not seeing stairs in it, but 2-3 stairs are seen near the tree. So the stairs may be for ascending. I cannot say that the stairs seen in Picture No. 81 and 82 are the same that of Picture No. 83 or not. The witness after seeing Picture No. 104 *lagayat* 127 of the same colored album said I am seeing black stone pillars in these pictures, but I will not be able to tell the part of the disputed premises to which these are related. I will also not be able to tell that of the pillars seen in these picture whether any one of them was in the Hanumat Dwar or not. Because all the pillars look different. On the pillars seen in Picture No. 104 figure of Hanuman ji, Ganesh ji, Devi ji and a shape or peacock is visible. I will not be able to name the Devi whose figure is visible on the pillar. In the middle in Picture No. 104 the idol of Hanuman ji is visible and below it near the lotus flower the idols of Devi ji and Ganesh ji are visible and the peacock like figure is by the side of Hanuman ji. In this picture where red color is seen i.e. where there is Sindoor, the idol of Hanuman ji is visible. Where there is sindoor, below it are the pictures of Ganesh ji and Devi ji. Above sindoor there are idols but are not clear, whose idols are these. In Picture No. 105, where there is sindoor, there is the idol of Hanuman ji and idols of Ganesh ji and Devi ji below it near the lotus flower and the figure like peacock is seen by that side. Idols are also visible on the pillars in Picture No. 106 and 107, but are not clear. In the middle of these picture in the upper side an idol is visible. In picture No.108 the idol of Hanuman ji is where there is sindoor and peacock more like shape is visible by its side and the idol of Ganesh ji and Devi ji are seen below

Hanuman ji. On the pillars, where red color is seen that is sindoor. On pillars in Picture No. 108, the idols which I had said are visible, other pictures are also visible on it, but are not clear. These pictures are in the upper side of the red color. I am not finding the picture of Jai and Vijay in Picture No. 108. The idols being seen at the sindoor mounted place and below that on the pillars in Picture No. 108, besides that I am finding three idols in the upper part of it. The idol of Hanuman ji is on the pillars where there is sindoor in Picture No. 109 and that idol which is in the middle is also visible, but the God-Goddess, whose idols are these is not clear. Ganesh ji's and Devi ji's idol are below the idol of Hanuman ji and a peacock like shape is visible by the side of idol of Hanuman ji and lotus flowers. Two to three idols are visible over the idol of Hanumanji but the 1 are not clear to name them.

Verified after reading the statement.

Sd/-

Raghunath Prasad Pandey.

9.12.2003

Under my orders the stenographer typed in the open court. Be present for further cross examination in continuation on 10.12.2003. The witness may present.

Narender Prasad

Commissioner

9.12.2003Y

**Dated 10.12.2003**

**DW 3/5 Shri Raghunath Prasad Pandey**

Before Commissioner, Shri Narender Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed as Commissioner under the orders passed by the Hon'ble Full Bench on 5:12.2003 in other Original suit No. 26/59- Nirmohi Akhara versus Babu Priya Dutt Ram and others)

(In continuation of 9-12-2003 on behalf of Defendant No. 9- Sunni Central Board of Waqfs, Uttar Pradesh cross-examination on oath of D,W, 3/5 Shri Raghunath Prasad Pandey by Shri ZafaryabZilani, Advocate continues).

The learned advocate cross-examining the witness showed Picture No. 110 *lagayat* 114 of colored album Paper No. 200-C. 1 to the witness. The witness after seeing the picture said the figures of Hanuman ji, Ganesh ji, Devi and a peacock are visible in it. Where there is sindoor on the pillars the idol of Hanuman ji is there and the idol of some God is by its side. The God whose idol is it is not clear. The shape of peacock is visible by its side and the stomach like that of Ganesh ji is visible. Below the idol of Hanumanji the idol of Devi is seen but it is not clear who is that Devi. The face and hands and feet of Hanuman ji are visible in this idol. The side of Hanumanji sees the Devta in full human body, but the face is not clear. The peacock like figure is by its side. The face of the peacock and its feet are visible in it. Below the idol of Hanuman ji the upper body part of Devi is seen. It has the face of Devi, which looks like Durga. The photograph of Hanumanji

fixed on a wall is clearly seen in Picture No 111. Half Body of Hanumanji is visible on the pillar seen in this picture and the idol of some Devta is by its side in between, but the face is not clear and the figure of peacock is seen by its side. The full body of Devta is visible by the side of Hanumanji. The face, feet and feather of Peacock are visible. The idols of Devtas are seen on the pillars in Picture No 112, but I cannot name them. These idols can be of Devis, but I cannot say whether these are of Devi or Devtas. From stomach to I-lead of the Devi- Devtas are seen in these idols but the faces are not clear. Without seeing the face I can say that it is the body of Devi Devtas. Because I had seen this pillar at the time of my visit for darshan. So I am saying with confidence that these are the idols of Devi—Devatas. I will not be able to tell the location of the pillar in disputed building shown in Picture No 112.

Question: When you are saying that at the time of darshan at disputed site you had had a look at the pillar seen in Picture No 112 and because of it you are saying about the idols of some Devi-Devta, then please let us know where the pillar had been fixed?

Answer: I will not be able to tell where the pillar seen in this picture was fixed. But when I looked at the pillars, I found the idols made on it and on that basis, I am saying the above.

Question: Then can you say that you had seen the idols of Devi on the pillar shown in picture No. 112 or you are saying only on the basis of your imagination?

Answer: Yes it is correct, I am saying on the basis of imagination.

The figure of Hanumaji, Ganeshji and peacock are not visible in Picture No 112. Where there is sindoor in Picture No 113, the idol is being seen by its side and that is of some Devta and not of Devi. But it is not clear who is the Devta. The face is not clear in this picture. The whole body is seen and after seeing the body I had come to the conclusion that it is of some devta and not of devi. Where there is sindoor on this pillar, half body of Hanumanji is visible in it. Where there are lotus flower below the idol of Hanuman ji and the idol of Ganesh ji is visible there. His face and stomach is visible. The idol of devta, which is by the side of Hanumanji the figure of peacock is visible by its side. In picture No 113 where there are lotus flowers the idols of some Devi-Devta are visible in. the left of it, but it is not identified. The idol of Hanumanji is visible in Picture No 114, where. there is sindoor on the pillars and it is the idol of his full body. The idol of some Devta is by its side but the face is not clear to identify him. The rest of the body from foot is visible. The full figure of peacock is visible by the side of the idol of this devta.

I do not see the idol of Laxmiji in Picture No 114, but the idol of Ganesh ji is visible. The Devta is by the side of the idol of Hanumanji and the figure of Peacock is by its side and its side sees the idol of Ganesh ji from knee to upper body.

The witness after seeing picture No 109 *lagayat* 114 said that I am seeing the idols of Laxmiji, Ramchander ji or Laxmanji in it. The witness after seeing Picture No 115 *lagayat* 120 said that that full body of Hanumanji is visible on the pillar in Picture No 115 and the figure of some Devta is by its side but it is not clear whose figure is it. Full body of the Devta is seen, but the face is not clear

and the figure of peacock is by the side of devta. Full body of peacock is visible. The idol of some other Devta is below the idol of devta but the face is beyond identification. Rest of the body is visible. By viewing the body alone I am telling that it is the picture of some Devi and not of Devta. The idol of Ganesh ji is not seen in this picture and some idol like figure is visible in the left side of lotus flowers, but I will not be able whether it is of Devi or Devta, In Picture No 116 on the pillars where ever the sindoor is seen, full body of Hanuman ji is seen there. Below the idol of Hanumanji towards right the figure like that of some Devta is seen. But I cannot name the Devta. Full body of Devta is visible, but the face of Devta is not visible to identify him. I am not seeing the idol of Ganesh ji clearly in this picture, so I cannot say whether the idol of Ganesh ji is in it or not. It seems that the pillars in Picture No 118 and 119 are of the same type, but the difference is only in color and both the pillars are separate.

The lion like shape is seen in Picture No 118. The idol of some Devi or Devta is seen in the right side and left side in the middle part but I will not be able to name the Devi or Devta. Full body in sitting posture of some Devi or Devta is seen but the face is not clear. I had said about lion above, by that lion, I mean Nar Singh Bhawan.

The position of pillars seen in Picture No 119 is similar to that of pillars in Picture No 118. The idol and figure in Picture No 119 are at the same place as are seen in Picture No 118.

Full body of Hanuman ji having garland in his neck is seen in Picture No 120 and the peacock like figure is in its right side, but the figure of peacock is not clear. The figure of peacock is in sitting position. Its feathers and



beak is visible. Below the idol of Hanumanji in the picture seen on this pillars above lotus flowers the idol of Ganesh ji is visible with a trunk. So we accept it the idol of Ganesh ji. I am not viewing the idol of Saraswati ji or Shri Krishna ji on the pillars in Picture No 115 *lagyat* at 120.

The witness was shown Picture No 121 *lagayat* 127 of the same album, the witness after seeing it said that the idol of Hanumanji is clearly seen in Picture No 121 in which his full body is visible and sindoor is pasted in the right side, that is only half.

So I will not be able to say whether it is the idol of Hanumanji or not. The figure of peacock is seen in between both the sindoor pasted places, which is in the sitting position, the feathers and beak is visible. The idol of Ganesh ji is seen below the idol of Hanumanji. His trunk like figure is visible. So I am taking it as the idol of Ganesh ji. There is an idol below the figure of peacock, but it is not clear, whether it is of Devi or Devta. Then said, the hand is seen in this idol, I can therefore say, it is the idol of Durgaji. The face in it is not clear but rest of the body is clear.

In picture No 122 where ever the sindoor is seen on the pillars, Hanumanji in standing position is seen and in its right on the middle pillar the idol of some Devta is seen. Because the posts down from foot to the upper part of the body are visible, but the face is not clear. I can not name the Devta. There are lotus flowers below the idol of this devta and in the right side of louts flower the idol like that of Nar Singh Bhagwan is seen. The shape of his face is seen in it and the idol of any other Devi Devta are not clear on this pillar. The idol of any Devi—Devta are not visible to me on this pillar.

In picture No 123 the Devi-Devta and Hanuman ji are at the same places where these are in Picture No 122. The face of Nar Singh Bhagwan is visible on the pillars in Picture No 124 and one more figure below it is also seen. I am not finding the idol of any other Devta on this pillar. The idol of Nar Singh Bhagwan which is being seen on this pillar, that is of his full body. I am not seeing any idol on the pillar in Picture No. 125. Full Body of Hanumanji is visible, where sindoor is seen on the pillar in Picture No 126. On the right side of the idol of Hanuman ji idol the figure of peacock in sitting position is seen. Beak and feathers are visible, In Picture No 127 where there is sindoor on the pillars. I am finding the idol of Hanumanji in standing position and one idol is visible by its side. But it is not clear, whose idol it is. The idol of any other Devi-Devta is not clear from the pillar seen in Picture No 127.

I am not finding the idol or figure of Yaksh, Dev Kanya or Saraswati in the said Picture No 121 *lagayat* 127.

The learned advocate cross-examining the witness showed Picture No 47 *lagayat* 54 of the same colored album and the witness after seeing the same said, the idol of Hanuman ji is visible in Picture No 47 and some Devta like figure is by its side. But it is not clear who is that Devta. Below the idol. of Hanumanji the face of Nar singh Bhagwan is visible. One more idol is visible below the idol of Hanuman ji. The open mouth idol of Nar Singh Bhagwan is visible. The idol below the idol of Hanumanji is from foot to mouth. From viewing the body of this idol, it is not clear whether it is of Devi or Devta. The idol of Hanumanji is clearly seen on the pillars in Picture No 48. The lotus flowers are seen rest on this pillar. No other idol is visible. The face of Nar Singh Bhagwan is visible on the upper

side of the pillar in Picture No 49. No other idol is visible to me on this pillar. In Picture No 50, where there is sindoor there is the idol of Hanumanji and the figure of peacock in sitting position is on its right. The beak and feathers are visible in it and in the left of the idol of Hanumanji the idol of some devta is seen; but I can not name that devta. In the right of this idol the idol of Nar Singh Bhagwan is visible and the idol of Ganesh ji in sitting position is seen in the left of Lotus flowers and his trunk is visible. No other idol is seen on the pillar. In picture No 51 where there is sindoor on the pillars, the idol of Hanumanji is seen and in his left the figure of sitting peacock is visible in which beak and feathers are seen. I do not find any other idol in the remaining part of it. The shape like the mouth of Nar Singh Bhagwan is seen on this pillar. No other idol is visible. On the pillars seen in Picture No 52, where there is sindoor, the full standing idol of Hanumanji is visible there and in the right side of it the peacock like figure is visible in which feathers and beak is seen. The feet of the peacock figure are not seen in this picture. The figure of some other devta is seen in the left of the idol of Hanumanji, that is of some devta, but whose idol it is that I can not say.

The witness after seeing picture No 53 of the same album said I am not viewing the idol of any Devi— Devta on the pillar seen in this picture. The witness after seeing picture No 54 said that the idol of Hanuman ji is visible at the places where there is sindoor and the figure of peacock is seen by the side of idol of Hanumanji. Whose feathers and feet are visible. The head of peacock is seen and none other idol is visible ,on this picture. In this picture No 47 *lagayat* 54 I am not finding the pictures of Ramchanderji, Laxmanji and Ram Darwar or idol of any other Dev on the pillars.

The witness after seeing Picture No 136 *lagayat* 147 of the colored album said that in Picture No 136 on the pillars bearing sindoor I am seeing is idol of Hanumanji and non- else. I am seeing two pillars in Picture No 137. I am not seeing any idol in the right side first pillar and on the second left-side pillar idol of Hanumanji is visible on the sindoor pasted out and no other idol is visible to Picture No 138 and 139. In picture No 140, the idol of Hanumanji is visible the pillar bearing sindoor. The idol of Hanumanji is seen in that post. There is an idol in the left side of it, but that is not clear.

There is an idol below the left side idol, but I will not be able to name the idol, because only eyes, mouth, nose and something like crown is visible and the part below it is not visible. I am not finding any idol on this pillar.

Full size standing idol of Hanumanji is visible in this picture No 141. No other idols are visible on this pillar. In picture No 142 and 143 the idol of Hanumanji is visible in the sindoor-covered part. I do not find any idol in rest of the pillar. Similarly I am not finding any idol in Picture No 144 and 145. The idol of Hanumanji in the sindoor covered part is visible on the pillars seen in picture No 146 and 147. In the right side of the idol of Hanumanji a peacock like shape in the sitting position is visible. The feather and beak of it is visible. I am not seeing any other idol on these pillars. I am not seeing the idol of Krishna ji, or Brahama ji on the pillars in Picture No. 136 *Lagayat* 147.

The witness was shown Picture No 157 *lagayat* 167 of the same colored album. After seeing it the witness said in Picture No 157, 160, 161, 162, 163, 166, 167, wherever sindoor is seen on the pillars, the idol of Hanumanji in a

standing position is visible there. In picture No 157, 160, 161, 162, 163 I am finding the idol of Hanumanji on the pillars and none else.

In picture No 166 of the same album in the right side of the idol of Hanumanji a peacock like shape in a sitting position of a dance posture is being seen. No other idol is visible on the pillars in Picture No 166 and 167. I am not finding any idol on the pillars in Picture No.158 and 159. I am not seeing any idol on the pillars in Picture No 164 and 165. I am not seeing the picture of Vishnu ji, Dev—Kanya or Yaksh, in Picture No 157 *lagayat* 167.

The witness was shown Picture No 176 *Lagayat* 200 of the same color album by the arguing learned advocate. The witness after seeing Picture NO 176, 177, 180, 181, 183, 185, 186, 187, 188, 189, 190, 193, 194, 195, 196, 199 and 200 said that on the pillars in these pictures, I am seeing the standing idol of Hanumanji where ever sindoor Red color is seen. No idol is visible in Picture Nos. 178, 179, 184, 191, 192, 197 and 198. I am seeing the idol and Hanumanji and the figure of peacock on the pillars seen in Picture No 176, 177 and 180. No other idol is visible in these pictures. Similarly on the pillars seen in Picture No 181, 182, 183 185 and 186 the figure of peacock besides the idol of Hanumanji is visible. None other idol is seen on the pillars shown in the pictures. In Picture No 187 *lagayat* 190, I am viewing the figure of peacock with the idol of Hanumanji. No other idol is seen on the pillar in this picture. I am seeing the figure of peacock besides the idol of Hanumanji in Picture No 193 *lagayat* 196. I am not seeing any other idol on the pillar in this picture. The figure of peacock and the idol of Hanuman ji is visible on the pillars in Picture No 199 and 200. No other idols are visible in these pictures. Picture No 176 *lagayat* 200 the

picture where the idol of Hanumanji with the figure of peacock has been stated, the figure of peacock on that pillar is by the side of Hanuman ji. Somewhere it is on the right and the other in the left. I do not find the idols of Ganesh ji, Laxmi ji and Durga ji in picture No 176 lagayat 200. I am also not seeing any picture of Dev Kanya, or Yaksh Kanya or Saraswati ji or Vishnu ji in the above picture.

The learned advocate cross examining the witness showed Picture No 26 and 27 of black and white album Paper No 201 — C-1, and the witness after seeing said I do not find my idol in these pictures. After seeing Picture No 55 lagayat 66 of the same album, the witness said I am finding a figure of peacock in Picture no 55 and no other idol is visible on the pillars seen. The lotus flowers are seen in the left side. The figure of peacock is like that of a dancing peacock. The beak, feather and feet of the peacock are seen. The crown is not visible. No idol is visible on the pillars, seen in Picture No 56. The figure of peacock is visible on the pillar in Picture No 57 and 58 and no other figure is visible. The figure of peacock is below the lotus flower in the middle. I am not seeing any idol on the pillars seen in Picture 59 and the figure like of peacock over the lotus flower is seen in Picture No 60 and there is some idol, on both side of it but I will not be able to name it. The figure of dancing peacock is visible to me over the lotus flower in Picture No 61. No other idol is visible. I am not seeing any idol on the pillars seen in Picture No 62. Dancing peacock is seen in Picture No 63 and 64. The idols of any Devi- Devta are not seen. I am not seeing any idol on the pillars seen in Picture No 65. Dancing peacock is seen in the middle of the pillar shown in Picture No 66. No idol is visible on the pillar shown in Picture No 66. I am not finding the idol of Ramchandra ji

Shri Krishna ji, Dev Kanya, Ram Darbar, Ganeshji or Laxmi ji in the above Picture No 26 and 27 and the pillars seen in Picture No 55 *lagayat* 66.

The witness was shown Picture No 71 *lagayat* 76 of the same black and white album. The witness after seeing the picture said I am seeing the figure of a dancing peacock on the pillars shown in Picture No 71. No other idol is visible. I am not seeing any picture on the pillars shown in Picture No 72. The Picture of a peacock above the lotus flowers is seen on the pillars in Picture No 73 and none else is visible. The idol of Ganesh ji over the lotus flower is visible on the pillars in Picture no 74. It appears that his whole body is in this idol. A figure of dancing peacock is visible on the left side of his idol. I am not seeing any other idol in this picture. I am not seeing any idol on the pillars in Picture No 75. The idol of Ganeshji and the figure of a dancing peacock by his side is visible and no other idol is visible to me on the pillar in this picture. The idol of Ram Darbar is not visible on the pillar in picture No 71 *lagayat* 76. The witness was shown Picture No 86 *lagayat* 91 of the same black and white album and after seeing it the witness said. In Picture No 86, some idol by the side of lotus flowers is visible on the pillars, but it is not clear whose idol it is. The idol is in a head down position and the hand of the idol is in sitting position, but the face is not clear. Except this idol no other idol is visible on the pillar shown in this picture. A 'Ghanta' 'Ghadiyal' is seen hanging on the pillar in Picture No. 180 and a 'Ghanta' by its side is visible on the pillar. The pillar shown in this picture is of the middle tomb disputed building, where the God was shown sitting, it was fixed at that place. I do not remember whether it was fixed in the front side or in the backside. The pillars seen in Picture No 87 and 88 are different than the pillars seen in

Picture No 86. I will not be able to tell the tomb under which the pillars shown in Picture No 87 and 88 were fixed. I am not finding or viewing any figure or idol on the pillar seen in Picture No 87. On the pillars seen in Picture No 88 some Dev Murty is being seen with a head down and hands up in a sitting position. It appears that he is sitting in 'Padamasan'. One Ghanta on the left side and some round shape thing like pitcher is seen placed on the right side on the pillar in this picture. This pitcher is also visible in the right side of the pillar in Picture No 86, after seeing Picture No 89 and 90 the witness said that a dancing figure of a peacock over the lotus flower is seen in Picture No.89 and no other idol is clearly visible to me on this pillar. Something like an idol is visible in the left side of the peacock on the pillar. But I will not be able to name it. The entire body of the idol is visible but the face is not visible. In Picture No 89 a Ghanta had been seen placed in the left side of the pillar and wire- plug etc. are seen in the right side of the pillar. I am not seeing any idol on the pillar in Picture No. 90 wire-plug etc. are seen in the right side of the pillar. The dancing figure of peacock on the right side above the Lotus flower are seen in Picture No 91 and in between, the idol that of Ganesh ji seen, No other idol is clearly visible on the pillar. I am seeing the idol of Brahamaji or Shri Krishnaji on the pillar in Picture No 86 *lagayat* 91.

The witness was shown Picture No 95 *lagayat* 106 of the same Black and White album. The witness after seeing it said that the dancing figure of the peacock in the middle of lotus flower are seen on the pillar in Picture No 95. No other idol is visible to me on this pillar. I am not finding any idol or figure on the pillars seen in Picture No 96. In Picture No 97 the idol over the lotus flower is seen but can not be identified. No other idol is visible on this pillar. The



figure of dancing peacock in the left side of the lotus flower is seen on the pillar in Picture No 98. No other idol is visible. No other idol or figure is visible on the pillars seen in Picture No 99. The figure of dancing peacock is visible on the left upper side of the louts flower in Picture No 100, and no other idol is visible. In picture No 101 the dancing figure of the peacock above lotus flower is seen on the pillar and an idol is being visible on the right side of the peacock but I am not able to make it out whose idol is it. The idol which is seen on the pillars face is not visible only shapes of hands and feet are visible, I do not find any figure on the pillar seen in Picture No 102 and even no figure can be visualized. The position of pillars in picture No 103 is like that of the pillars seen in Picture No 101 and idol of some devta is there, but only the lower port is visible in it. Head and face is not visible.

Question: You had just in your statement while making a mention about Picture No 101 had deposed that the idol which is being seen in this picture, you can't not say about whose idol it is but just after few moment while referring to Picture No 103 you had deposed in your statement about the same picture that idol of some Devta is visible in this Picture, although only its lower port is visible. What have you to say about this?

Answer: I am to say that the idol, which is visible to me in Picture No 101, that is very dim and the idol that is being seen in Picture No 103 in it the lower part of the body is visible and eyes are also visible. My submission is therefore; whatever is the figure in Picture No 103 that is also in Picture No 101.

Question: About Picture No 103 you had just deposed that only lowers part is visible. Head and face is not visible, but now you are saying that eyes and body top to bottom is also visible from. Please let us know which of the two statements, is correct?

Answer: My recent statement, in which I had said from head to bottom are visible is correct and the earlier statement had gone wrong.

I am only viewing lotus flower and leafs and flowers on the pillars in Picture No.104 and no idol or figure is visible. I am not seeing any idol or figure on the pillars shown in Picture No.105. I am finding on idol in Picture No. 106, but I can not clearly say, whose idol it is. The lower part and hands of the idol are clearly visible in this picture but the face is not visible. I am not finding any picture of Hanumanji, Shri Krishan or any Dev Kanya on the pillars in the above picture No. 95 lagayat 106. The pillars which I had seen in the black and white album, I can not say where these were fixed in the disputed premises. The pillars which I had seen in colored album, I can not say, where these were fixed in the disputed premises.

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey

10.12.2003

Under my orders the stenographer typed in the open court. For further cross examination the witness to present on 11.12.2003. The witness may present.

Narender Prasad

Commissioner

10.12.2003

**Dated 11.12.2003**

**D.W, 3/5 Shri Raghunath Prasad Pandey**

Before commissioner, Shri Narendra Prasad, Additional District Judge/Officer on special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed as Commissioner under the orders passed by the Hon'ble Full Bench on 5.12.2003 in other original suit No 3/89(original suit No 26/59) Nirmohi Akhara and others Versus Babu Priya Duff Ram and others.)

I remember very well the things that happened between 1937 to 1950. I do remember the things of 1986 to 2003. I had never read newspaper. After retirement I listen transistor, since when I got it. I had not been listening radio or transistor before retirement. I do not see television even today. When the lock of disputed building was opened. I heard this news over the radio. I had not heard the news of demolition of disputed building on the radio. On November 18, 2003, when I came to Lucknow for giving my evidence, at that time I heard the name of Babri Masjid for the first time. I had never heard the name of Babri Masjid before that on Nov 18, 2003 I heard it for the first time that Muslims treat the disputed building as Masjid.

The learned advocate cross-examining the witness showed paragraph 16 of his Affidavit for main examination and asked that which masjid you had referred in this paragraph.

(On this question the learned advocate of plaintiffs Shri Ranjit Lal Verma raised an objection that the name of

the masjid had not been given in the affidavit of main examination. So the question is not relevant and permission should not be granted to ask it.)

After seeing the above the witness replied that I had referred that masjid to whom the muslim brother call Babri Masjid.

Question: As per your version, your above affidavit had been typed at Faizabad on November 17, 2003, and it was dictated 3-4 days before that. Should it be presumed that you were aware about the fact of saying the disputed building as Masjid by Muslim, when you were in Faizabad, when your affidavit for main examination was typed?

Answer: The affidavit was prepared rough and then the lawyer got it typed some where. On Nov 18, 2003 when I was given this affidavit to read again, I will take that day as the day of reference of Babri Masjid, which is correct, Because I had signed the affidavit on that day.

Question: Whether your statement recorded on page 45 'that after the affidavit was typed F had read it at Faizabad..... before attestation I read it at Faizabad ..... I had read it on November 17, 2003----- this affidavit was typed on November 17, 2003, had gone wrong?

(On this question the learned advocate of Plaintiff Shri Ranjit Lal Verma raised an objection that several questions had been mixed in this one question and the context in which it is being read in that context the question can not be asked. The word Masjid had been written by ink in para 16 of the Affidavit.)

Answer: The witness after seeing the above replied that the intention of my above statement is this that on November 17, 2003 the lawyer got the Affidavit typed. We had to come to Faizabad in the morning. I had not read it in the way. I read it on November 18, 2003 before attestation

Question: Whether your above statement on page 45 has been written by mistake that you had read the above Affidavit in Faizabad after getting it typed and before attestation?

Answer: Yes Sir, It had gone wrong.

The witness was shown Paragraph 17 of the affidavit of his main examination by the learned advocate and was asked, what was his intention to say about not reading namaj in the disputed building from the day you to under things Does it means from 1937?

After seeing above the witness said, Yes Sir, It is correct.

The Muslims used to read namaj in the masjid and out side it. Namaj is not read in Mandir.

Question: While writing above paragraph 17 of your affidavit were you aware that in 1937 the muslims used to call masjid to the disputed building?

Answer: No Sir,

It is not true to say that may statement that I had been going to disputed building since 1937 is wrong. It is also not true to say that I had never gone to disputed building before 1950. It is also wrong to say that till December 23, 1949 there were been no idol in the

disputed building. It is also wrong to say that till December 22, 1949, five times Namaj were performed in the disputed building or Jumma and Namaj of Taradeeh were performed. It is also wrong to say that the disputed building had been used as masjid since the day of its construction. It is also wrong to say that till December 23, 1949, there had been no darshan, pooja etc, in the disputed building. It is wrong to say that to give benefit to Nirmohi Akhara, because of my old relation with them, I am giving wrong statement.

(cross examination by Shri Zafaryab Zilani Advocate on behalf of Defendant No. 9 Sunni Central Board of Waqfs concluded.)

(Plaintiff No 7 in other original suit No 4/89 and Defendant No 5 Moh. Hashim in order original suit No 5/89, on his behalf cross- examination by Shri Mushtaq Ahmad Siddique, Advocate starts.)

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The incident of my first to visit to disputed building in 1937, which I had said, is in my memory. I had not written it any where, I was of tender age, when my father died. At the time of death of my father, my age was about 6 year. My mother had also died. So far I remember my mother expired in about 1994-1995. After the death of my father my education was under the guidance of my mother. I had three sons. One of them had expired. I had three daughters

Parikarma is still in vogue in Ayodhya. Parikarma is of two types. One is 'chaudha kosi' and other is 'Panchkosi'. Due to old age I can not perform chaudha kosi Parikarama but do Panch kosi Parikarma. Both these parikarma, are required to be done on foot not by any ride,

one who start from a point finishes at the same point. I had not performed chaudha kosi Parikarma for about 9-10 years. The last chaudha kosi Parikarma, which I had done was started from Naya Ghat and finished there. Naya Ghat is in Ayodhya. First I came to Naya Ghat from home. I started pankarma from there, I finished it at the same point, i.e. Naya Ghat, went for darshan etc. I went back home after darshan. I had started chaudha kosi Parikarma mostly from Naka Muzaffar Hanuman Mandir. As I had not done chaudha kosi Parikaram for 9-10 years, so I do not know that passage has become very good and arrangements of light etc, had been or not. The passage of Panchkosi Parikarma had become better now than the earlier days when I performed that parikarma, now the Damar Road is there. In early days the panch kosi parikarma passage was a concrete road and the passage at number of places was kaceha and concrete used to prick into the foot at the time of performing panch kosi parikarma. Lastly when I performed chaudha kosi parikarma most part of the road was a damar road. The entire chaudha kosi Parikarama passage was a kachha Marg, before independence of the country. Some where it was also a concrete passage and some where totally kachha. I had been a pilgrimage. I had gone to four Dhams. I had not traveled all the seven Pun's. Seven Pun's had been mentioned in a couplet. I know that couplet. I do not know the name of the book from which that couplet is. I had heard this couplet from the saints. I had not read it in any book. I had gone the Four Dhams twice. The rule of performing Four Dham yatra is either it should be performed in one attempt or in two. The Four Dham yatra can be done more than two times. The Yatra of "Gaya Dham" can be done only in those circumstances, when any body in the family had died and 'Pind Dan' had to be performed for peace of soul of the departed person. After

completing the yatra of four dhams, on return a person arranges for a Bhoj and gives donation. The Bhoj is called 'Braham Bhoj'. Brahm Bhoj can also be arranged on return from Yatra of one dham 'Dham' means the abode of Bhagwan (God).

Question: By Bhagwan you mean here Ramchanderji ?

Answer: Here by Bhagwan I do not mean only Ram chanderji, but it means Shri Krishna ji, Shankerji, Kedarnath ji and Jagannath puniji.

The four Bhagwans live in these four dhams. No other bhagwan live in these four dhams. The dham of Shri Ram chanderji is apparently in Ayodhya and his abode is not in the four dhams. The name of the four Dhams are Jagannath Pun, Badrinath, Kedarnath, and Rameshwaram. People say Gaya Dham, but it is not considered a Dham. All the above four Dhams are not in Uttar Pradesh. At present Badrinath Dham is in Uttranchal. Badrinath Dham is at Badrinath Dham place. Kedarnath Dham is also in Uttranchal and it is also at a place known as Kedarnath Dham. I do not know whether Badri Nath Dham and Kedarnath Dham both are in the same district or not. I can not tell the distance between both these dhams. But to my knowledge both these dhams are in Uttranchal State.

Question: Were both these Dhams were in UttarPrasesh before the creation of a separate state of Uttranchal?

Answer: I had heard that these both were in Uttar Pradesh and now after division, they had gone to Uttranchal state.

I think Jagannath Pun is in Orissa State and Rameshwaram is ahead of Madras, but I do not know the



name of the state, according the couplet and my information the seven puri's and the four Dhams are separate.

I had done the yatra of all the four Dhams, two times. I had not done the Yatra in one attempt, but had gone to the four Dhams, separately. First of all I had gone to Jagannath Dham. Around 1965-66, I had gone to Jagannath Dham on yatra. Lastly I had gone to Badrinath Dham. So for I remember I had done this yatra in 2001. I had gone on this yatra alone. Family member were not with me. I had done the yatra of all the Dhams all alone. The temple of Shri Jagannath is very big. Mandirs are in other dhams also but not as big as of Jagannath ji, Shanker ji abode in Kedar Nath Dham and Shanker ji also live in Rameshwaram. In Badninath Dham he lives in the form of Nar and Narayan. Nar is Arjun and Narayan is Shri Krishna. Similarly Jagannath Pun is the abode of Shri Krishna, Balbhadra and Subhadraji.

The Rameshwaram Dham is called. Rameshwaram.

I had only gone to two Pun's out of the seven. One is Ayodhya that is at the top of all the Puns and the other is Kashi. I had also seen Dwarika Pun. I had not gone to any other Puns, Kashipuri has its importance. Here one who leaves his body, Bhagwan Shankar tells sermon of Ram Mantra in his right ear and he receives salvation.

Question: Does you mean to say that if a person dies in Kashi, he will get salvation i.e he will not take re-birth?

(On this question the learned advocate of the plaintiffs Shri Ranjit Lal Verma raised an objection that this question had already been replied and it can not be asked in such a manner.)

Answer: It is correct that he will attain salvation and will not have to take birth again in the world.

The mahatamya of Dwarika pun is with the darshan of Bhagwan. And a person 'having darshan gets salvation. Bhagwan Shri Krishna is there. If anybody by going Dwarkapuri have darshan of Bhagwan Shri Krishna, he will get salvation. Our saints says so, Mathura too have the same mahatamya, where Bhagwan Shri Krishna took birth. By his darshanas there one attains salvation. Shiv Kanchi — Vishnu kanchi which is also called Dhanush koti had submerged in sea. I do not remember the name of two more Puris. Those two Puris had also Mahatamya, they give salvation. I had never seen those two Puris, so I had no knowledge, of the darshanas there which grant salvation. The Puns that had been submerged in the sea, I am not aware for whose darshana people used to go there and I had also not heard about it.

Question: The importance of leaving body in Kashi, which you had described, whether Ayodhya had also got the same status?

(On this question the learned advocate of Plaintiffs Shri Ranjit Lal Verma raised this objection that the statement about Kashi is in the context of Shankar ji and Ram mantra is given by him so this specific fact for every Pun or Ayodhya, by saying that Salvation like Kashi can also be attained in Ayodhya, can not be asked.)

Answer: Chhari Khani Jag Jeev apara, Avadh Taje tanu Nahi Sansara,

There are four type of creatures in the world. The four types of creators, who leave his body in Ayodhya did not take birth in the world but is merged in Shri Ram.

These are the views of saints and my self too. This very name, which is 'Ram Nam', Shanker ji tells in the right ear of the creature and he attains salvation. It is the mahatamya of Ayodhya and Shri Ram that had its importance.

Himself said, "Kashi Maratu Janau Avioki, Jasu Nam Ba! kanau Visoki." It has a meaning that Bhagwan Shankerji is explaining the importance of name to Parvati ji that the name here by preaching, it we can grant salvation to the creatures is Shr i Rama who is living in Ayodhya. The four types of creature that had mentioned I cannot name them. I do not remember their names. To tell their name is not religiously prohibited. I had read and heard the mahatamya of Ayodhya and Kashi. The above-referred chaupai is from Ramchartmanas. So far I recollect these both are from Balkhand. After consulting Ramchanitmanas, written by Tulsi, I can quote where these chaupai exist. I had read about Kashi Mahatamya only in Ramcharitmanas and rest heard the story. I had not read about it any where. I am not a katha wachak, but if the devotees ask for katha, I recite that much, that I remember. I had heard many stories from saints. The saints from whom I had heard the stories, one of them is Prem Das ji 'Rarnayan' of Ayodhya, who had been awarded the 'Manas Martand' title by Shri Rajendra Prasad, the first President of India and Shri Sitaram Sharan Das ji and Abhiram Das ji 'Manas Kokil'.

Shri Baldev Das ji was not a Kathawachak, but used to preach Dharma. To my belief and what I had heard from saint, Kashipuri is situated on the Trishul of Bhagwan Shanker. Similarly Ayodhya is situated on the Sudarshan chakra of Bhagwan Vishnu. In the same dynasty Mahanaja Harish Chandra was born. He in his dream had

donated the whole Ayodhya and treasury to Vishwamitra and he was considered as Chakravarti king. When he donated the entire treasury to Vishwamitra ji at that time some coins were left balance to be paid to him. Maharaja Harish Chandra then worked in at a cremation ground in Kashipuri and paid his debt by earning the coins from that service, I had heard this story from the saints.

Question: My question was that for attaining salvation as per your version if at a specific place Shanker ji say a man for attaining salvation, the name of Shri Ram Chander ji in the ears of a person he gets salvation. Please let us know if Shanker ji at any other place the name of Shri Ram Chander ji in the ears of some one, will he get salvation or not?

(On this question the learned advocate of Plaintiffs raised an objection that 'other place' is a broad term, which can not be asked as a fact without indicating the name of that particular place.)

Answer: At Kashi by making sermon of the name of Shri Rama in the ears of living beings by Shankar ji, the creature gets salvation. This I had read in Shri Ramcharitmanas and heard from saints. I had neither read nor heard about other places.

The worshipper of Vishnu Bhagwan will be called Vaishrav. The worshiper of Bhagwan Shiv are called Shavya, but they all are Sanatandharmi, I had no knowledge about the other Sanatandharmis. other than Vaishnav and Shavya. It is correct that the worshiper of Bhagwan Shri Krishna are called Sanatandharmi. By Sanatandharmi, I mean, since the creation of this universe, Sanatandharmi is in vogue.

Hanumanji had many appearances. It has been said about Hanumanji that he can take the shape according to its requirement viz.

(1) 'Masak Saman Roop Kapi Dhari, Lankeshi chalao Sumiri Nar Hari. It means he took the shape of mosquito.

(2) 'Bipr Roop Dhan Kapi Tahan Gayao Brahiman has been described in it.

(3) When Janaki ji asked Hanumanji whether the people like him are in the array of Sugriva, I can hardly believe that they can conquer the demon, then "Kanak Bhoodharakar Sarira." It mean Hanumanji expanded himself like a golden mountain and when the fact to jump over the sea arose, at that time Hanumanji took expanded himself so big that people looked terrified by seeing him and Hanumanji asked Jamvant ii, if you say I can make the sea dry, or if you say I can kill Ravana with his army on that Parvat, where Lanka is situated. The shape which Hanumanji assumed might be the monstrous proportions Besides, other shapes of Hanuman ji had also been described, But I do not remember at present. The above forms of Hanumanji mentioned by me is on the basis of Ramcharitmanas. The Kands where it had been referred, that I can till after referring Ramcharitmanas.

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey

11.12.2003

Under my orders -the stenographer typed in the open court. For cross — examination in continuation to it, be present on 12.12.2003.

S/d

Narendra Prasad  
Commissioner

11.12.2003

**Dated: 12.12.2003**

**DW 3/5. Shri Raghunath Prasad Pandey**

Before Commissioner, Shri Narendra Prasad,  
Additional District Judge/Officer on Special Duty, Hon'ble  
High court, Lucknow Bench, Lucknow.

(Appointed as Commissioner under the orders  
passed by the Hon'ble Full Bench on 5.12.2003 in other  
original suit No 3/89 (original suit No 26/59) — Nirmohi  
Akhara and others Versus Babu Priya Duff Ram and  
others.)

(Plaintiff No 7 in other original suit No 4/89 and  
Defendant No 5 Moh. Hashim in other original suit No.  
5/89 — on his behalf in continuation of 11.12.2003 cross  
examination of D.W — 3/5 Shri Raghunath Prasad Pandey  
By Shri Mushtaq Ahmed Siddique Continues.)

I had seen the idol of Hanumanji in Ayodhya and at  
other places. I had seen the idol of Hanumanji in the form  
of meditation of God and also in the humble posture in the  
Gods Darbar, the idol bringing Sanjeeveni Herb and in the  
brave posture having 'Gaddai'. The other forms of the idol  
of Hanumanji, which I had seen, is not in my mind at  
present. In the Naka Muzaffara temple of Faizabad there  
is an idol of Hanumanji, In Ayodhya at Hanumangarhi  
temple, which is a main spot, there is only one idol of  
Hanumanji and there are three more idols in its back. In  
the temple of Naka Muzaffara, Faizabad and in the temple  
of Hanumangarhi the idol of Hanumanji is that of bringing  
Sanjeevani Herbs Mountain. The idol at the main spot in  
Hanumangarhi temple, Ayodhya it is in meditation posture.  
There are two- three more idol in the back of the main  
spot and those are in the form of bringing Sanjeevani Herb

is like a monkey (Banar). It is some where small, somewhere big, some where bending his head politely before Bhagwan and somewhere in a violent form.

'Banars' are of two types one with red face and the other with black face. The shape of Hanumanji is that of red face 'banar'. I had seen only one idol of Hanumanji in the three tomb disputed building and that idol was in humble sitting posture. In the disputed building where there was the silver throne of Bhagwan in the lower stair Hanumanji was sitting. It was a three stair throne. On the top most stair Bhagwan Shri Ram and Laxman were sitting and Hanumanji was sitting in the lower stair and pots for the pooja of God were placed in the last stair. I had been seeing this position from 1937 to 1992 till Dec 6, 1992. Bhawan Shri Ram and Laxmanji were sitting in the Ram Chabootra and Hanumanji was sitting below the idol of Laxmanji, Sitaji was not there.

The 'Asthadhatu' idol of childhood form of Bhagwan Shri Ram was on the Ramchabootra and the idol of Shri Ram Chandra ji which was in the disputed building that too was of his child idol of Hanumanji at Ram Chabootra was also in the polite sitting posture. I had seen the same position at Ram Chabootra since 1937 till Dec 6, 1992. I will not be able to tell the width and length of the idol of Hanumanji which was on Ram Chabootra. I will also not be able to tell exactly the width and length of the idols of Ramchander ji and Laxman ji which were on Ram Chabootra. I will not be able to tell the width and length of the idols of Ram Chander ji Laxmanji and Hanumanji, which were in the three tomb disputed building. I do not think it proper to tell the width and length by guess as guess work can be wrong also.

There were two courtyards in the disputed building. One was in the inner side and the other in the outer side. Ram Chabootra was no the outer courtyard. The length of the Ram Chabootra would be about 21 ft and the East West breadth about 17 ft. I had only seen two idols of Hanumanji. One at the Ram Chabootra and the other in the disputed building. Except these two I had not seen any idol of Hanumaji, in the disputed building. The arguing learned advocate showed the witness Picture Paper No 154/13 Submitted in other original suit No 1/89 and asked whether these were the same stairs which you had referred above just now in which you had said, about placing on pot on the last stair and placing idols of Ram ji, Laxman ji on the top stair and the idol of Hanumanji in the middle stair, After seeing it the witness said that the stair seen in this picture are the same, which I had mentioned above.

The exit door in the disputed building was in the east. By entering in the disputed building from that door the Ram Chabootra was in the left side. The distance of Ram Chabootra from that door would have been about 20-21 ft. The Shankar Chabootra was in the south of Ram Chabootra, where Shanker ji was shown sitting and Parikarma was made around the Ram Chabootra. I had performed the parikarma. It depends upon the sweet will of devotee that he performs the parikarma of Ram chabootra one time or several times. The Sant Niwas and Bhojanalwaya were in the right side of the entrance from east side doors and water pot for drinking water for devotees were there. The rooms of Sant Niwas were made of wood with tin roof. The Sant Niwas was spread in North South side. By the side of Sant Niwas, there was Blojanalaya and its too was situated in the same position, having tin roof and it was in North—South. Tin roof and



grass chhaper was at the Drinking water spot. The Drinking water spot was spread up to the north wall of the disputed complex. There was no vacant space between the north wall of the disputed building. The North—South length of the Sant Niwas might be about 10-11 ft, and thereafter the north—south length of Bhojanalaya would be about 9-10 ft, and the length of Drinking water space would be 5-6 ft. north — south. To my knowledge there was no construction between the Sant Niwas and the north wall of the disputed building in the outer courtyard.

The 'Singh Dwar' is in the north of north side wall of the disputed complex and space for parikarma is there. The stairs were in the north of space for parikarma and the road was at a lower level. People used to visit by that road. That was the road that leads to Hanumangarhi from Dorahi Kuana. The Janamsthan Mandir was in the north to the road that was in the north of Sinh Dwar. It is also known as Janamsthan. The place that is called Janamsthan is a open space and temple is there. The idols of all the four brothers Rama, Laxmana, Bharat and Shatrughan are there. The idol of Hanumanji is also there. The idol of Rama at Janamsthan mandir of his youth time. I had not seen the idol of Sanker ji at the Janamsthan Mandir, Sitaji is also known as Janki ji, Ram Chander ji is known as Dhanushdhari. The idols of Ramchanderji are not only of childhood and dhanushadhari Roop but are of other forms also. I had also seen the idols of Ramchanderji of other forms; I had not seen Sita Rasoi at Janamsthan Mandir. I will not at all be able to tell the area of Janamsthan Mandir. I often visited the Janamsthan Mandir for pooja and darshan. Whenever I visited that Janamsthan Mandir, poojaris were there. I saw Bhaskar Das ji as poojari in Janamsthan Mandir. Bhaskar Das ji also met me at Ram Chabootra as poojari. In the disputed

building also I saw him as a poojari. I can not quote the number of time Bhaskar Das ji met me as poojari in the disputed building, since 1937 to 1992. Whenever I visited the disputed complex, I saw Bhaskar Das ji as poojari, some time at disputed building and some time at Ram Chabootra.

The Astha Dhatu idols of Hanumanji was in the disputed building and Ram Chabootra.

“Ayodhya, Mathura Maya, Kashi , Kanchi, Avantika, Pun Dwarawati chav Sapteta Mokshdaika”. It means that all these seven puns give salvation to the living beings. This couplet is not in Ramcharitmanas. I had heard this couplet during the sermons given by saints. I had not read the couplet anywhere. None of the Puns had Submerged in the sea, Yesterday in my evidence the reference of submergence of a Pun in sea was due to mistake., It is wrong to say that I am giving wrong statement at this stage. It is wrong to say that among Puns, Ayodhya is at number 4 Ujjain is called Avanthika pun. I had gone there, Haridwar is called Maya Pun, I had gone there too. I had also gone to Dwarka pun. I had gone to Kashi, But had not visited Mathura and Kanchi. The arguing learned advocate showed the extracts of statement of the witness at page 178 that “out of the Seven Puns I had only seen two”. And asked whether your above statement is correct or it is wrong? The witness after seeing the above said, that my above statement had gone wrong, but the position is that I had not seen only two Puns. Due to forgetness this mistake had been committed yesterday.

My mother told me about Nirmohi Akhara that it is a Trust. It is Panchyati Group and the panchas who make decision to appoint its Mahanta. The Mahantas are

appointed by the decision of Panchas and they carry out all the work of Akhara with the approval of Panchas and Mandir also works under their guidance in the manner they decide.

Question:- Your mother might have told you something more about the management, property of Nirmohi Akhara, the management of its temples and their maintenance and control?

Answer: The things had gone too old that I had forgotten what she had told me. But whatever my mother told me about Nirmohi Akhara that I have deposed before you above. I had come to know from Baldev Das ji that Nirmohi Akhara is the owner of disputed building and that Akhara looks after the pooja and other arrangements. I had got no information about the temple at Ramghat from Baldev Das ji. Baba Baldev Das ji told me that the Hanumangarhi temple at Naka Muzaffara works under the directions of Nirmohi Akhara at Ramghat. The main location of Nirmohi Akhara is at Ramghat. It is a very big place and temples are also there. I had no knowledge whether Nirmohi Akhara had any other temple other than the above three mandirs or not. I had no information when and how Nirmohi Akhara got the ownership of the disputed property. But it is my firm belief that it is the property of Nirmohi Akhara. I had never tried to know when and how Nirmohi Akhara got the property of disputed building.

Dwarka Puri is the last Pun out of the five Puns I had seen. I had gone to Dwarka Pun recently after retirement. I had been to Dwarka Puri earlier too, but I do not

remember the time and date of it. For the first time. I had gone to Dwarka Pun during my service period. I had for the first time seen Dwarka Pun about 20-25 years ago. I do not remember at present which other Pun I had seen for the first time. There is a very big temple in Dwarka Pun. It is known as Dwarkadheesh Mandir. In that Mandir I had not seen the idol of Hanumanji with the idol of God. Lord Shri Krishna is present in Dwarkadheesh Mandir. I had not seen the childhood idol of Ramchanderji in any other Mandir except the disputed building. The idol of Ranichanderji other than childhood, are the idol of Sita ji somewhere with Rama and somewhere not with him.

Question: Which is that temple where you had seen the idol of Ramchanderji other than of his childhood?

Answer: I had not seen such mandir anywhere. The learned advocate cross-examining the witness showed the witness the extracts of his today's evidence "The idol of Ramchander ji other than childhood, which are in the mandir, the idol of Sita ji is somewhere with Rama and somewhere not with him." And asked whether his today's statement is correct or the statement which you had given just now that "I had not seen any such mandir where except the childhood idol of Ramchanderji, the idol in any other form are not without the idol of Sitaji." Is it correct? After seeing above the witness said that my today's earlier statement had gone wrong. Due to sentimental I had committed such a mistake.

The learned advocated cross-examining the witness showed the witness the extracts of his today's! Statement "The idol of Rama at Janamsthan Mandir is of his youth time. I had not seen the idol of Jankiji at Janamsthan

Mandir.” Is your this statement is correct? The witness after seeing the above said, my above statement had gone wrong. In Janamsthan Mandir the idols of three queens Kaushliyajji, Sumitraji and Kaikayee, and Shri Ramchanderji, Laxmanji, Bharatji, Shatrughanji and Sita ji are there. Neither there is Sita kitchen nor Kaushliya kitchen at Janamsthan Mandir. Sita kitchen and Kaushliya Rasoi is one.

Shankerji is also called Maheshji and by religious belief, people view them as God. Badrinathji is also viewed with as the abode of God. I know Badrinathji by this name only. I do not know it by any other name. Badrinathji is not the other form of Ramchanderji but they are in the form of Krishanji. Badrinathji is himself a God and they are not in the form of any other God. Kedarnathji is also called Shankerji. The witness in his statement at Page 178 had stated that in the Badrinath Dham is abode of both human being and Narayan (God). The witness said his abovesaid statement is correct as Arjun is human while Krishanji is Narayan (God). Arjun is not any Devta or God but his is disciple of God. Balbdhara was the elder brother of Krishanji while Subdharaji was his wife.

The learned counsel cross-examining the witness while referring to witness's stated at page 180 had drawn attention to his statement that those who breath their last in Ayodhya merge with Shri Ram and they do not take birth in this world again and they get salvation. The witness was asked whether 'salvation' means that a person do not again take birth and merge with Shri Ram. The witness replied in affirmative but added that his above statement that Subdhrarji is wife of krishnaji is wrong as in reality she was the sister of Krishnaji. There is special importance of Ramchanderji's idol which are placed after deification. The paper photograph type and other type of idols had hardly any importance. This principle applies in

the case of other Gods and Devtas also. After deification in the idol they are treated as God.

The learned advocate cross-examining the witness showed the witness his statement on page 180, the chaupai given in 3' line and the chaupai given in 10 and 11 line on the same page and asked where these both chaupais are given in Ramcharitmanas? The witness after seeing both the chaupais of his statement on page 180 and the original Gutka of Ramcharitmanas Paper No. 258-C-1/2 replied that I will not be able to tell at present to cite the location of these chaupais, which came in my evidence on page 180, because I had not traced it out. The arguing learned advocate showed the witness the extracts from his statement on page 182 "In Kashi by chanting! Ram Nam! In the ears of living beings the creatures attains salvation. This I had read in Ramcharitmanas" and asked the witness to cite where does it appear in Ramcharitmanas? After seeing his statement on page 182 and original Gutka of Ramcharitmanas Paper No. 258-C-1/2, the witness said that it is 3<sup>rd</sup> chaupai from bottom after 18<sup>th</sup> Doha in Balkhand of Shri Ramcharitmanas. It is in "Mahamantra Joi Japat Mahesu, Kasi Mukuti Hetu updesu." In Ramcharitmanas references about salvation had been made at other places also, besides above chaupai the reference about salvation is only for Kashi. The arguing learned advocate showed the witness the 3<sup>rd</sup> line of the chaupai came in page 182 of his statement and asked the location of the chaupai in Ramcharitmanas? After seeing the said chaupai and original Gutka of Shri Ramcharitmanas Paper No. 258 C-1/2 the witness replied this is the first chaupai below Doha No.3 of Sundarkand in Ramcharitmanas. The arguing learned advocate showed the last line of the chaupai given on page 182 of his statement to the witness and asked the location of the chaupai in Shri Ramcharitmanas? The witness after seeing

the chaupai given in the last, on page 182 of his statement replied that it is the fifth chaupai of earlier first Doha of 'Kishkandha Kand.' The learned advocate cross-examining the witness showed the witness the extract of the chaupai which came in the 4 line of his statement that "Kanak Bhoodhara Sareera" and asked where this chaupai came in Ramcharitmanas? After seeing the said extract of his statement and Ramcharitmanas, the witness said the above extract of the chaupai is the second chaupai from bottom above Doha No. 16 of Sunderkand in Shri Ramcharitmanas.

The learned advocate cross-examining the witness showed the witness the extracts Of-his statement on Page 183, "when the fact about crossing the ocean came, Hanuman ji enlarged his body to such an extent that people were terrified by seeing him." And asked where it had been referred in Shri Ramcharitmanas? After seeing the above extracts of his statement and original Gutka of Shri Ramcharitmanas Paper No. 258-C-1/2 the witness said, it has come in seventh chaupai under doha No.29 of Kiskandha Kand in Ramchamtmanas that 'Kanak Baran Tan Tej Biraja, Manahaun Apar Girihin Kar Raja." Enlarged form and horrible forms are two different forms. The horrifying shape of Hanuman ji has been referred in second chaupai from bottom before Doha No. 16 of Sunderkand of Shri Ramcharitmanas, "Kanak bhoodharakar Sareera, Samar bhayankar Atibal Beera."

Verified after reading the statement  
Sd/-

Raghunath Prasad Pandey  
12.12.2003

Under my orders the stenographer typed in the open court.  
For cross — examination in continuation to it, be present  
on 1.12.2003.

Sd/-  
Narendra Prasad  
Commissioner  
12.12.2003

**Dated 15.12.2003**

**DW 3/5, Shri Raghunath Prasad Pandey**

Before Commissioner, Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High court, Lucknow Bench, Lucknow.

(Appointed as Commissioner under the orders passed by the Hon'ble Full Bench on 5.12.2003 in other original No 3/89 suit No 26/59) — Nirmohi Akhara and others versus Babu Priya Dutt Ram and others.)

(Plaintiff NO 7 in other original suit No 4/89 and Defendant No 5, Moh. Hashim in other original suit No. 5/89 — on his behalf in continuation of 12.12.2003 cross examination of D.W — 3/5 Shri Raghunath Prasad Pandey by Shri Mushtaq Ahmed Siddique Continues.)

I had only seen the childhood and youth time idols of Shri Ramchander ji. In the youth time idol of Shri Ramchanderji he is with bow and arrow. Sita is seldom with the youth time idol and seldom not. As Sita ji Maharani is not with the idol of Shri Ramchander after 'Sita Haran' and till the end of battle. I had not seen any idol in the temples where the youth time idol of Ramchander ji is without the idol of Sita ji. In Photo etc. I had seen the youth time battle photo of Ramchander ji and the photograph of Sita ji was not in the photo. The photograph of Ramchander ji will be treated as an idol. The photographs of Ramchander ji whether it is in a book or in a photo frame on wall or as an idol established in the mandir. It will be called as an idol. The idol with deification has a specific importance. This principle applies to the idol of other Devi Devtas. The idol with deification can not be removed whereas the idols in a photo- frame etc. can be removed. Then said himself the idol shown in the album and which was of 'Grabh Grah', that idol is be sittted on the throne and swing on a bridal. It is the belief of our Rishis. We had heard and read about



such a belief. This I had read in Geetawali as well as in Ramcharitmanas. I had read in Ramcharitmanas that:

Kabhun Uchhang Kabhun Barpalna,.  
Maatu Dulari Kahi Priya Lay na,  
Lay Uchhang Kabhunk Halravein,  
Kabhun Paine Ghalee Zhoolawane.” .

The learned advocate cross-examining the witness showed Shri Ramcharitmanas original Gutka Paper No. 258-C-1/2 and asked where does the above chaupais are in Shri Ramcharitmanas. After seeing the above Shri Ramcharitmanas the witness replied that the first of the above chaupai is first and second chaupai from above under Doha No.198 of Balkand and first chaupai from above under Doha No. 200.

Question: Does above both the chaupai had a meaning that how a mother gives meal with affection to her child, that has been described?

Answer: Yes, it is the meaning, but according to our Sanatan Dharam, where the God had appeared that will be treated as deification. The above chaupais are in the same context where the God appeared.

Question: Please indicate that word or phrase which gives the above meaning?

Answer: The references of the above chaupais are about the appearance of Bhagwan Shri Ram. As in this chaupai----- Bhaye Pragat Kirpala Deen Dayala, Kaushliya Hitkari'

Question: Is there any indication of a place in the couplet 'Bhaye Pragat Kirpala'? If it is there, please let us know that word in the couplet?

Answer: The God appeared in the cell of Kaushliya ji where there is a Maternity home and that place had a reference in this couplet.

Question: Should it be taken that you have said it on the basis of hear say and there is no such word in the couplet?

Answer: It is the belief of ours and our saints that the God appeared in the cell of Kaushliya ji so all the above quoted examples are accepted of that place where the God appeared

Question: Is there no such word in the above couplet to indicate any place?

Answer: I will not be able to tell the specific word in this regard in this couplet.

There has been a tradition to swing Bhagwan Ramchander ji during the month of Sawan. When God appeared, mother Kaushilya used to swing him in her own Bhawan. This tradition is still followed by our saints and devotees to swing the God during the month of Sawan.

The practice to sway swing Bhagwan Ram in Ayodhya is still in vogue. For sway swing, the idol of Ramchander ji is brought from the throne and placed on the swing. This practice is going on at the disputed site since 1992. The arguing learned advocate showed extracts from page 189 of his statement that, "There are idols of other forms of Ramchanderji besides, childhood and Dhanurdhari form. I had seen the idol of other forms of Shri Ramchanderji." And his today's statement that "I had only seen the child hood and youth time idols of Bhagwan Ramchander ji." And asked which of your statement is correct. The witness after seeing the above replied that my today's aforesaid statement is correct and my statement of page 189 too was correct in reply to the question asked for.

The learned advocate cross-examining the witness showed Geetawali Paper No. 46 C-I/i, the witness after seeing it said today I had said about the bridal that had been mentioned in the said Geetawali at page 49 Pad 22

line 1. This line too had the same indication that Maharani Kaushliya used to sway swing Ramchander ji during his childhood in her Bhawan. Bhagwan Ram where gave appearance that was the Bhawan of Kaushliya ji and the tradition to sway swing to Ramchander ji is still followed by our saints and devotees and they had decided to continue the tradition of sway swing during the month of Sawan. But there is no mention that sway swing will only be done during the month of Sawan, but it depends upon the sweet will of devotees.

The learned advocate cross-examining the witness showed the witness third line of the chaupai given in his statement on page 180 that "Chari Khani Jag Jeev Aparā, Awadh Taje Tanu Nahin Sansara" and asked where the above chaupai has been given in Ramcharitmanas. After seeing his aforesaid statement on page 180 and Shri Ramcharitmanas original Gutka Paper No. 258-C-1/2 the witness replied that the aforesaid chaupai is the 4 chaupai under Doha No.34 of Balkand in Ramcharitmanas.

The learned advocate cross-examining the witness showed paragraph 9 of the affidavit of his main examination and asked, you had written that the disputed building is in two parts, is it correct. I had seen the disputed building in two parts from the very first day I had been seeing it.

I had heard that due to the mutual dispute in Nirmohi Akhara the same poojari is performing pooja in the inner as well as in the outer part of the disputed complex. The poojari who used to perform pooja in the 'Grabh Grah' inside began to perform pooja in the outer part also.

Question: When the poojari of inner part began to perform pooja in the outer part were there some other poojari to perform pooja in the outer part earlier?

Answer: No sir, there is no such reference.

I do not know the mutual dispute of Nirmohi Akhara and I also do not know when the dispute started. Mahant Baldev Das ji did not tell me about the mutual dispute of Nirmohi Akhara. I had heard in Ayodhya about this dispute I do not know whether the other office beans of Nirmohi Akhara had a dispute with Narotam-Das. I do not remember the name of the Mahant of Nirmohi Akhara who was in 1937. I do not know whether Narotam Das ji was attached with Nirmohi Akhara in any manner or not. I had not heard about any such incident in which Narotam Das ji lost his eyes due to explosion of a bomb. I do not know whether Shastri ji lost his life due to any such incident of explosion of bomb.

The learned advocate cross-examining the witness showed the witness 4 line from bottom under Doha No 34 of Balkand from Shri Ramcharitmanas original Gulka Paper No 258-C-1/2, which reads "chhari khani Jag Jeev Apra, Awadh Taje Tanu Nahin Sansara" and asked whether the word Khani means Parkar. The witness after seeing the above said here 'Khani' means 'Parkar'.

Question: Whether in the above chaupai explanation of 'Chari Khani' means of four type (char parkar)?

Answer: Yes Sir, the meaning of this chaupai is four types of creatures are in this world which are 'Andaj' Pindaj , 'Ushmej' 'Swedaj'.

Question: Whether the meaning of these four types is Andaj, Swedaj, Ubhidij and Jarayug?

Answer: May the commentator had explained the four types in his own words. But I had explained above 4 types which are in my views.

!Andaj! means birds etc. !Pindaj! means Human beings, cow etc. By !Ushmaj! means as chillar and bed bug etc. Swedaj means born with sweat as lice etc. !Udvij! means born with human and cow etc. and !Jaryuj! means

bed bug etc. I do not know the meaning of !Udvij! and !Jarayuj!.

The learned advocate cross-examining the witness showed the witness the extract from paragraph 9 of his main affidavit that 'My knowledge about Nirmohi Akhara had been considerably increased by visiting Mandir Hanumangarhi Naka and by meeting Baba Baldev Das is there'. The witness after seeing it said that my statement given in paragraph is correct, Shri Baldev Das ji told me about Nirmohi Akhara that it is a trust and there Mahant is appointed on the basis of the decision taken by the Panchas. The entire work is executed according to the decision of Panchas, Mahant cannot execute any work without the decision of the Panchas, I got this information from Baldev Das ji between 1937 to 1948. Some dispute arose with in the Nirmohi Akhara after 1950. When I came on leave in January 1950. Baldev Das ji told me about it at that time Baldev Das ji had passed away before 1960. Before 1960 I had been meeting Baldev Das ji. He told me that a civil suit had been lodged in the court about the disputed property. He told me about the parties involved in the suit and also the other details. But I do not remember the same at present. I recollect that Baldev Das ji told me that the suit is about the inner part of the disputed complex. I did not get any other information about Nirmohi Akhara and deputed property form Baldev Das ji.

I did not get any such information about disputed property from my mother, as the type of suit had been lodged. But about Nirmohi Akhara, my mother told me that the work of pooja, archana is being performed under their supervision. It remained continue from 1937 till her death. I had never tried to gather any information in this regard from my mother. Whatever information I had got about the Nirmohi Akhara and disputed property form my visit to Hanumangarhi Naka Muzaffara that I had revealed above.

I had no other information except that which I got by visiting there. The information what I got about Nirmohi Akhara and disputed property from saints that too, I had disclosed above and included in it. My information about disputed property besides above is also based on the books. My information about the disputed property is also based on Ramcharitmans and Geetawali written by Tulsidas ji. Besides my information about disputed property is based on the facts told by saints, I do not remember at present what information I got from saints about disputed property. Since 1937 till date about Nirmohi Akhara, From 1937 till date I had got only information from saints that the Nirmohi Akhara had been offering pooja, Archana in the disputed property. I did not get any other information from saints about Nirmohi Akhara. I in my statement above had already disclosed what information from whom I got about the Nirmohi Akhara. I had no other source of information to know about the disputed complex and Nirmohi Akhara.

The devotees recite the aarti that had been told to them by their Gurus. They recite it before their God. Both Poojari and devotee recite the aarti. There is no restriction that devotee should not perform aarti by going near the idol in a temple. Aarti is performed before the God and only poojari goes near the idol of God and the devotee stand at a distance from him. The poojari perform the aarti and the devotees do not do so themselves. The arguing learned advocate showed the witness the extract of his today's statement that both poojari and devotee recite aarti. There is no restriction that devotee should not perform aarti by going near the idol and his subsequent statement of the day that aarti is performed before the God and only poojari goes near the idol of God and the devotee stand at a distance from him, and asked which

one of your statement is correct? After seeing above the witness replied that his later statement is correct, because at the end of aarti the poojari and devotee both together recite the eulogy and with that intention I had given the later statement.

I had never been a poojari in the disputed site. I had never performed aarti at the disputed site as a poojari. Aarti is a sanskar and it has no connection with Bhojanalaya. Bhojanalaya is that place where the food is cooked. It is also called kitchen. The place where people take their meal that place is at a distance from the Bhojanalaya or kitchen. It has no name.

The learned advocate cross-examining the witness showed the witness paragraph 7 of his main examination that ---- At the disputed Shri Ramjanambhoomi ----- I had been seeing the others coming for "darshan" and asked that the reference of aarti that had come in this extract, your intention to it is performing aarti by him self or by seeing it. The witness said that the aarti used in this context is from taking the aarti performed by poojari. The Poojari after performing the aarti shows it to all and that aarti is touched to head and that is my intention.

Verified after reading the statement

Sd/- Raghunath Prasad Pandey

15.12.2003

Under my order the stenographer typed in the open court.  
In continuation to it be present on 16-12-2003.

Sd/

Narendra Prasad

Commissioner

15. 12.2003

16.12.2003

**DW3/5 Shri Raghunath Prasad Pandey.**

Before commissioner, Shri Narendra Prasad Additional District Judge/Officer on special Duty, Hon'ble High Court, Lucknow bench, Lucknow.

(Appointed as commissioner under the orders passed by Hon'ble Full bench on 5.12.2003 in other original suit No 3/89 (original suit No 26/59) Nirmohi Akhara and other Versus Babu Priya Dutt Ram an others)

(Plaintiff No 7 in other original suit No 4/89 and Defendant No 5, Mohd Hashim in other original suit No 5/89 on his behalf in continuation of 15.12.2003 cross examination of DW 3/5 Shri Raghunath Prasad Pandey by Shri Mustaq Ahmad Sidique continues.)

My father was in military service. I have agricultural land also. Consolidation of holdings had been done in my area. Holdings had been done twice. I do not remember when the consolidation of holdings for the first time was started and concluded in my area. At the time of first consolidation my holdings were made. I also do not remember when the second consolidation of holdings was started and completed in my area. My holdings were made separate from the consolidation of my family members. At the time of first consolidation it was joint with my brothers and other family members. The other family members were my uncle and cousin brothers. My name at the time of first consolidation came due to the death of my father. We are three brothers the name of my other two brothers also came at the time of first consolidation. At the time of second consolidation the property was divided among my brothers, family members and my self. I had heard that there was zamindari practice earlier, but I had no knowledge about it. I do not know whether we were zamindar or Riyaya at the time of zamindari practice I do



not know when this practice came to an end. There was no case against me for consolidation. No suit of any kind was registered against me in which I was supposed to present myself in the court other than this court. There was a suit among we three brothers for the division of a house and in that connection I was to present in the court but a compromise in that case was filed and the case was finalized on the basis of that compromise. That suit was filed in the civil court of Faizabad and remained pending for about six months.

There is a temple known as Badasthan in Ayodhya. I had no information whether that Badasthan temple had huge property. I also do not know whether Kanak Bhawan had the property or not. I had no information whether the janamsthan mandir that is in the north of the road, that is in the north of disputed complex, had property or not. I had also no information whether Nirmohi Akhara had the property or not.

It is not in my mind whether the three tombs of the disputed building were in the straight line or not. Tomb and peak is one and the same thing. Some tombs are circular and some are long. It is up to the devotees. Pinnacles etc. are fixed at the top of the tomb. I do not know the meaning of the words 'Bijora' and 'Kalgı'. To my knowledge only pinnacles are placed at the top of the tomb and nothing else.

I consider Baldev Das ji as the Director of Nirmohi Akhara, because I came to know all about Ramjanambhoomi from him and from my mother. Whether Baldev Das ji was the Mahant of Nirmohi Akhara or not, this I do not know but he was definitely the Punch. I met Ramcharan Das ji at Hanumangarhi Mandir, Naka Muzaffara. I met him long ago. Ramcharan Das ji might have been attached to the Nirmohi Akhara. I-k may be a member. Shri Baldev Das ji had not told anything. about

Shri Ramcharan Das ji to me. Baldev Das ji only told me that the disputed building is a temple and is under the control of Nirmohi Akhara.

It is wrong to say that disputed building ever remained as masjid. It is wrong to say that till December 22, 1949 Zameti Namaz was performed till the five times and Azan had been called till December 22, 1949 from the disputed building. It is wrong to say that till December 22, 1949 the Zuma Namaz and Taraweeh Namaz during Ramjan were performed. It is wrong to say that there was no idol in the disputed building since 1937 to December 22, 1949. It is also wrong to say that there were graves of Muslims in the east ,south and north of the disputed building and it wrong to say that the dead bodies of the Muslims were buried there.

(Other original suit No. 4/89. Plaintiff No. 7 and other original suit No. 5/89 Defendant No.5 on behalf of Moh. Hashim the argument by Shri Mustaq Ahmad Siddiqi, Advocate, concluded)

(On behalf of Defendant No. 6/1- Shri Fazie Alam, Advocate, on behalf of Defendant No. 6/2- Shri Irfan Ahmad, Advocate, other original suit No. 5/89-Defendant No. 26- Shri T.A. Khan, Advocate adopted the arguments made by Shri Abdul Mannan, Advocate, Shri Zafarya , Advocate and Shri Musta Siddiqui, Advocate.)

Cross-examination of all Defendants/Parties concluded

Verified after reading the statement

Sd/-

Raghunath Prasad Pandey

16.12.2003

Under my order the stenographer typed in the open court.

Sd/-

Narendra Prasad

Commissioner

16.12.2003