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

**OTHER ORIGINAL SUIT NO. 3/1989
(REGULAR SUIT NO. 26/1959)**

**PANCH RAMANANDIYA NIRMOHI
AKHARA AND OTHERS PLAINTIFFS**

VERSUS

**BABU PRIYA DUTT
RAM AND OTHERS DEFENDANTS**

STATEMENT OF D.W. 3/6

SHRI SITA RAM YADAV

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

OTHER ORIGINAL SUIT NO. 3/1989

NIRMOHI AKHARA PLAINTIFFS
VERSUS
PRIYA DUTT RAM DEFENDANTS

Main statement of the witness on Affidavit
D.W. 3/6 under Order 18, Rule 4 C.P.C.

I, Sita Ram Yadav, son of Dhanpat Yadav, aged about 60 years, resident of Mohalla Vashishtha Kund, Pargana Haveli Awadh, Distt. Faizabad City Ayodhya, affirm on oath as under:

1. That I was born in the year 1943 and my father Dhanpat Yadav had expired about 8 years ago. I came to my senses at the age of 8 years.
2. My father was 75 years at the time of his death.
3. My father used to sell 'Prasada' in a basket to the devotees of the lord near the wall close to the north of the eastern gate right from the beginning. Later on, he sold this Prasada in the form of 'Batashas' and 'sweets' On a 'Takht' (wooden structure of planks). After that I also continued selling 'Prasada' till December 1992 until the structure was raged to the ground.

4. My father had apprised me fully well about the Ram Janam Bhoomi complex and the Nirmohi Akhara. I had also been getting knowledge by myself about the facts relating to Ram Janam Bhoomi shrine and other temples in Ayodhya through different Sadhus & Mahants.
5. I had been told by my father that the inner portion which is upto the wall made of bars under the three pinnacles had been attached in December 1949. I had also been told that Lord Rama continues to be Virajman (installed) at the inner portion, which is also called 'Garbha Grih', even before the attachment. There is an idol of Lord Rama. This idol is made of 'Ashtadhatu' (eight metals). I had been told by my father that this 'ashtadhatu' idol was installed by some Mahant or Panch of the Nirmohi Akhara long-long ago.
6. My father had this information to his knowledge from his ancestors.
7. Apart from the idol of Lord Rama Lala, there is also an 'ashtadhatu' idol of Lakhanpal which I have been seeing ever since I came to senses. This idol stands on a one-and-a-quarter-feet wide and about one-and-a-half-feet high silver throne alongside the Ram Lala Bhagwan. There is an idol of Hanumanji alongside the stone wall. I have been seeing this idol since my tender age. Salig Ram Bhagwan also adorns the silver throne.
8. The 'Pooja-Path' utsav samaiya of the inner portion before the attachment used to be done by the Nirmohi Akhara as told by my father. The

management of the inner portion was with the Receiver but that of the outer portion including Ram Chabutra, Shiv Darbar, Chhathi Pooja Sthal, Charan Chinh, Bhandar Grih etc. was with the Nirmohi Akhara until the outer portion had also been attached in February 1982.

9. After the above attachment, Shri K.K. Verma was appointed Receiver of both the portions i.e. inner as well as outer portion. The Receivers had been changing from time to time and the entire structure demolished on 6th December, 1992 by the crowd. I also lost my shop there. Presently, I am running my shop in front of Amawan Mandir.
10. From the times of my father, the 'Balbhog', milk etc for Lord Ram Lala was supplied from our shop.
11. Even after the structure having being demolished, I continue to supply milk.
12. I regularly have 'darshan' of Lord Ramalala which I used to have even before the demolition of the structure.
13. The Ram Chabutra Mandir of the outer portion consists of the idols of Lord Rama Lala, Lakhan Lal, Bharata and Kaushalya Mata and Hanuman in the cave-temple. The Ganga Jamuni Chabutra of Kath Ka Mandir was at Ram Mandir. The Shiv Darbar was under the pipal tree in the south-eastern wall of the outer complex. The Shiv Darbar was made of marble stone. The idols of Shiv, Parvati, Ganesha, six-faced Shankar & Nandi had been installed there. At the 'Chhathi Pooja Sthal' there had been a 'Chakia' (a

circular wooden board for spreading dough into a bread), a belna (a roller for rolling kneaded flour into flat round bread/cakes) and the Charan-Chinh (foot-prints) of the four brothers - Rama, Laxman, Bharat & Shatrughan. I had seen the Nirmohi Akhara priest in these shrines. As far as I remember, I have seen these three sacred places in possession of the Nirmohi Akhara, Ayodhya. At the time of my coming to senses since Jyestha 1950, I have been seeing Mahant Bhaskar Das as Pujari there until 1962. After him, Siyaram Raghav Saran of Nirmohi Akhara was the priest till the time of attachment in 1982.

14. As far as I remember, devotees from every nook and corner of India continued to visit the Ram Janam Bhoomi complex for Darshan through the eastern gate. During mela days, the northern gate was also used.
15. The Nirmohi Akhara is a 'Panchayati Math' and is in itself a religious body and a religious trust which has a few temples like Vijay Raghav temple in Ramghat Mohalla and Ram Janam Bhoomi temple in Ramkot Mohalla, under its control. The Nirmohi Akhara has been the proprietor of the disputed complex and has been in possession thereof. The Akhara is managed by the 'Panchs' (the elected representatives) and the Panchs are the supreme body. The Mahant (the head priest) functions by the majority decision of the 'Panchs'. The Mahant has no powers to either sell the property of the Akhara or transfer it. This I have known from the Sadhus of Hanuman Garhi in Ayodhya which is under Hanuman Garhi Nirwani Akhara. The customs of all the Akharas are alike.

16. My father had briefed me about the civil case going on in the matter when in the month of Jyeshtha 1950, a lawyer had come to take some measurement on the site. The Nirmohi Akhara is main party to the case against the Sunni Central Wakf Board. The Sadhus of Nirmohi Akhara had been staying in 'Bhandar Grih' until the attachment in 1982. The Surnitra Bhawan temple to the south-east corner of the Ram Janam Bhoorni mandir belonged to Panch Mahant Ram Dass and it existed even before I came to my senses. The small Ram Lala Temples near the sita kup belonged to other sadhus of Nirmohi Akhara which were acquired & demolished by the Govt. of Uttar Pradesh in October, 1991.
17. I had seen Mahaht Raghunath Das, Golki Ram Lakhan Das and Pujari Baldev Das and their disciples Mahant Bhaskar Das and other Panchs Rajaram Chandracharya, Ramdas, Ram Kewal Das etc. Mahant Bhaskar Das is the Sarpanch of Nirmohi Akhara and is Mahant of Naka Hanuman Garhi Faizabad.
18. The inner and outer portion of the disputed site is a sacred place belonging to Ram Janam Bhoomi temple. It was never used as a mosque and I had never seen any Muslim offering Namaz there.
I, Sita Ram Yadav, witness, affirm on Oath and certify that the affirmation made by me from Sr. No. 1 to 18 is true to the best of my knowledge and that nothing has been concealed. May God help me.
Verified this day on 6.1.2004 in the High Court Complex at Lucknow.

Sd/-

Witness

(Sita Ram Yadav)

I, Tarunjeet Verma, Advocate, have known the witness Sita Ram Yadav who has appended his signature on the affidavit in my presence.

Sd/-

Tarunjeet Verma

Advocate

6.1.2004

Seal of the Commissioner for Oaths
High Court of Allahabad

Sd/-

Shailendra Kumar

Advocate for the...

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In the court of: The Commissioner Shri Narendra Prasad,
Addl. District Judge / Officer on Special
Duty, Hon'ble High Court, Lucknow Bench,
Lucknow.

(Appointed as Commissioner vide order
dated 5.12.2003 of the Hon'ble Full Bench
of Lucknow Bench)

Other original Suit No. 3/1989
Regular Suit No. 26 /1959.

Nirmohi Akhara & others Plaintiffs
Versus
Babu Priya Dutt Ram & Others Defendants

Dated: 6.1.2004 **D.W.-3/6 Shri Sita Ram Yadav**

Affidavit of the main examination page nos. 1-3, in
respect of Sita Ram Yadav, son of Shri Dhanpat Yadav,
aged about 60 years, resident of Mohalla Vashishtha Kund,
Pargana Haveli Awadh, Distt. Faizabad, Ayodhya City,
taken on record.

Cross examination by Shri Vireshwar Dwivedi,
Advocate on behalf of Defendant No. 17 and Defendant No.
22 in suit No.4/89 begins:

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My shop was located on the left side of the main
Eastern gate of the disputed complex. The shop was used
to run by my father about fifty years before I started
running that shop. My father used to tell me that he had
been running the shop for the last fifty years. I did not sell
tea at my shop, I only sold 'Batashas', flowers etc. Initially

we used to sell our articles in a basket, then on leaves. There used to be a wooden plank in the very beginning and the Prasad, flowers and garlands were kept on it. I have gone through carefully and understood the contents of the affidavit of the main examination filed by me in the court today. In my opinion, if some ten-twenty people jointly form a trust, it can be called a 'Nyas'. I do not remember if any Nyas (trust) had been formed for the disputed complex or not: There is a Hanuman temple in Ayodhya which is known as Hanuman Garhi. There is a Vamdev Maharaj temple also in Ayddhya. All temples of Ram-Janki are in Ayodhya. A 'Kali Devi' temple is also there where the idol of the goddess has been installed. The owners of these temples are not the deities installed in the temples, the owners are the person(s) or the trust, which manage the affairs of these temples. The devotees visited the temple, outside which my shop was located, to have darshan of the God and not to have a look at the property of the managers. Same is the case with other temples. I came to senses at the age of seven. My father used to tell us about the various temples and I still remember his words.

At the time of demolition of the disputed complex, Nirmohi Akhara was the head of all the Akharas. At that time the outside was attached and the inside portion had already been attached. I have not seen Mahant Raghunath Das Ji. After the Mahant Raghunath Das, Mahant Ramkewal Das was the Mahant of Nirmohi Akhara. Mahant Ramkewal Das has passed away about 8- 10 days ago. Nirmohi Akhara is a Panchayati Akhara. The Mahant of this Akhara is elected by the Panchayat. Once I had been there to see the election of a Mahant. I have not seen the process of election of Mahant Ramkewal Das. When Sarpanch of Nirmohi Akhara, Baskar Das, was elected I

could not see that election process. When a Mahant or a Sarpanch is elected, all the 'Panchs' get assembled and they elect the Mahant or the Sarpanch. After Ramkewal Das, Ramdas was elected Mahant of Nirmohi Akhara. The process of election of Mahant of Nirmohi Akhara was carried out in Ayodhya as well as in the disputed complex. By disputed complex I mean the temple where the idol of the God had been installed. The process of election of Mahant has always been carried out there but I never went to see the process.

I did not keep at my shop anything to drink. Then said, drinking water used to be there to cleanse hands & mouth. It is wrong to say that whatever I have told about the Panch, Sarpanch and the trust is not true. It is also not correct that I have said so at the instance of someone else. If some 5 to 10 people together constitute a committee to manage something it is called an Akhara. But if they constitute a committee to manage some 'Madarsa' it is not called an Akhara, rather it is called a school. The Akhara is a sect which is prevalent from the olden times. There are four Akharas in Ayodhya but I do not know the number of sects. I do not know if there is any Akhara of the Kabir sect. Out of four Akharas of Ayodhya, two are Nirmohi Akhara and Khaki Akhara. I do not remember the names of the other two Akharas. I do not remember if there is an Ani Akhara or not. It is wrong to say that I am making false utterances about the Akharas. It is wrong to say that I am an old friend of Bhaskar Das. I have known Bhaskar Das since long time but he is not a friend of mine. I have been visiting the Janam Bhoomi right from childhood and Bhaskar Das used to give me 'prasada'. I had only this much dealing with him and this is continuing even today. It is wrong to say that I am making a mis-statement in this regard. I have been running a 'prasada' shop for the last

eleven years at the Amawan Mandir in Ayodhya. There is a temple by the name Naka Hanumangarhi in Faizabad city. Bhaskar Dasji is the Mahant of this temple. The distance between Amawan Mandir at Ayodhya and Naka Hanumangarhi in Faizabad is about seven kilometers. Neither Mahant Bhaskar Dasji comes to see me daily at Amawan Mandir nor do I go to see him at Naka Hanumangarhi Mandir. I had seen Mahant Bhaskar Dasji before being elected as Sarpanch as well as after being elected as Sarpanch. His manner of dressing up after his election as Sarpanch was the same as before his election as Sarpanch.

Mahant Bhaskar Dasji is presently staying at Naka Hanumangarhi temple. I live at Vashishtha Kund, Ayodhya. Vashishtha Kund is the name of the Mohalla I live in. I have 10 bighas of agricultural land. My fields are in Manjha Jamthara. Manjha Jamthara is to the north-west of Faizabad city. I myself and my sons look after our fields. We are two brothers. Earlier my brother used to run a sweet shop near the Janamsthan. After acquisition of the land, he ran a sweet shop at Naya Ghat. He has since expired and his sons now run a P.C.O. My brother and myself have separate agricultural lands. My father had separated my brother during his life time. The learned Advocate cross-examining the witness showed him the portion of para 16 of the affidavit of his main examination "My father had briefed me, in the month of Jyaishta, 1950 on the site". Seeing this, the witness affirmed that the above-said statement was correct. It is wrong to say that the above statement of mine is wrong. I had not seen the advocate who had gone to take the measurement. My father had told me about this. My father did not tell me things about this daily. He only told me off and on whenever I enquired. My old shop was there so I

used to enquire from him (my father) about the Akharas, suits and 'Panchs'.

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

(Shri Puttulal Mishra was given a chance to cross-examine on behalf of the Plaintiff in other original suit No. 1/89, but he. refused to cross-examine the witness.)

I have read the statement and verify it.

Sd/-

Sita Ram Yadav

6.1.2004

Typed by the stenographer in the open court on dictation by me. Asked to be present again on 7.1.2004 for further cross-examination in this connection.

(Narendra Prasad)

Commissioner

6.1.2004

Dated: 7.1.2004

D.W. 3/6 Shri Sita Ram Yadav

In the court of: The Commissioner Shri Narendra Prasad, Addl. District Judge/Officer on Special Duty, Hon'ble High Court, Lucknow Bench , Lucknow.

(Appointed as Commissioner vide order dated 5.12.2003 of the Full Bench)

(Cross-examination on oath of Shri Sita Ram Yadav D.W. 3/6 by Shri Ajay Kumar Pandey, Advocate on behalf of the plaintiffs in Other Original Suit No. 5/89 begins today, after 6.1.2004.)

I am the original resident of Ayodhya. My house is situated towards south-west about one furlong away from the Ram Janam Bhoomi temple. I am still the resident of this house. When I used to go to my shop I also went inside for the 'darshan'. I have done 'Parikrama' (gone round the place) also of the disputed complex. The 'Parikrama' was done only outside the complex. The Sadhus & Saints of Ayodhya used to do Parikrama of the disputed complex in the evening. The Parikrama was done during morning time also but this Parikrama was generally done by the Devotees and others coming for 'darshan'. The Parikrama in the evening was done by Sadhus and Bairagis. Sadhus used to do Parikrama in the morning also and those coming for darshan did Parikrama in the evening as well. Traditionally, Hindus believe that the disputed site was Janam Bhoomi of Ram Chandraji. It is, therefore, known as 'Ram Janam Bhoomi'. It is also believed that Ram Chandraji was born at the place below the middle pinnacle of this three pinnacled disputed

building. Ram Chandraji was born 9-10 lakh years ago in 'Tretayug' and from those times that place is known as 'Ram Janam Bhoomi.'

Nirmohi Akhara is a very old Akhara but I cannot tell when was this founded i.e. how many hundred years ago it was established. Besides Nirmohi Akhara there are other Akharas also which are known as Nirvani Akhara, Digamber Akhara, Khaki Akhara, Mahanirvani Akhara and Santoshi Akhara. There is no such specific identification of the Sadhus, Bairagis or Mahants of Nirmohi Akhara as to conclude that one belongs to Nirmohi Akhara. If the Sadhus of different Akharas sit together at the place, it would be difficult to recognise as to which of them belongs to which particular Akhara. If I know a particular person only then I can alone can tell that the person belongs to particular Akhara.

Our family has a 'Kul Devta' (the family deity). My family worships the 'Kul Devta' on the occasion of marriage or on certain specified dates. I have a special place for my 'Kul Devta' at my house. It is the place where a 'Pindi' (small round mass) has been installed, no idol has been installed there. That 'Pindi' is made of clay and is adorable for our family. Similarly, 'Ram Janam Bhoomi' is adorable and pious for the entire Hindu society. The Ramchandra Janmotsa (birthday celebrations) at Ram Janam Bhoomi is celebrated on Chaitra Ram Navami with great pomp and show. Many a devotees come here from outside i.e. from all corners of the country and from outside the country also. Millions of devotees reach Ayodhya. A "Sawan Jhoola Utsav" is celebrated in Ayodhya and a large number of people come to Ayodhya on this occasion. The devotees coming to Ayodhya on both these occasions have darshan and do parikrama also.

I have myself seen them having darshan and doing parikrama. A 'Panch Kosi' and a 'Chaudah Kosi' Parikrama is performed in the month of Kartika and a holy bath is also taken.

There stood twelve 'Kali Kasauti' pillars in the disputed site. The main gate also had two 'Kali Kasauti' pillars. A stone stood pitched outside the eastern gate of the disputed site. 'Ram Janam Bhoomi' was engraved on it. Besides, 'Nitya Darshan' had also been engraved on it. It is also correct that Hindi numeral 1 had been engraved on it. It is also correct that 'Janam Bhoomi Nitya Yatra' had also been engraved on it. I have also seen the northern gate of the disputed complex. Images of two lions on the upper portion and a 'Garuda' in the middle had been carved out on that gate. 'Sita Rasoi' was separate and 'Kaushlya Rasoi' and 'Chhathi Pujan Sthal' was common. It is true that some people call 'Kaushlya Rasoi' as 'Sita Rasoi'. The 'Kaushlya Rasoi' was situated inside the disputed site along the northern gate of the disputed complex. The 'Bhandar' (store house) was situated inside the disputed complex. It was to the north of the eastern gate i.e. to the east of the disputed complex. The Bhandar (store house) stood to the left of the eastern gate. When doing parikrama from the eastern gate one had to proceed to the south. While marching from that eastern gate to the south of the parikrama path, there was an idol of 'Varah Bhagwan' (an incarnation of Lord Vishnu) in the wall. Ram Chabutra was to the south while entering from the eastern gate. There was a 'pipal' tree and a 'neem' tree (margosa tree) in the south-eastern corner and a marble chabutra (a raised platform) had been constructed there. The idols of Shankar, Parvati and Nandi were seated on that platform. There was a wall of bars inside the disputed complex which had big grills. There were two doors in that wall. If

one wanted to go for darshan inside the three pinnacled disputed building, one had to go through these two doors. There was no other door. There were two entry gates in the disputed complex. One was eastern gate, which was called 'Hanuman Dwar' and the other was northern gate which was called Singha Dwar. Apart from these two gates, there was no other gate or way for entering the disputed complex. I have never seen any Muslim offering Namaz in the disputed complex.

I have never seen any Muslim entering the disputed complex. My father had told me that no Muslim had ever entered the disputed complex and also told that no Muslim had ever offered Namaz in the disputed complex.

The learned Advocate cross-examining the witness showed him the portion of paragraph-4 of the affidavit of the main examination "I had been getting through different Sadhus & Mahants", and enquired from him that by famous temples mentioned in the above portion he means which temples. At this, the witness replied that by famous temples he first of all means Ram Janam Bhoomi Mandir and thereafter, especially Kanak Bhawan & Hanumangarhi temples. Whosoever comes to Ayodhya, takes bath in the Saryu and visits Ram Janam Bhoomi, thinks that he would attain 'moksha' (salvation). 'Sitakup' is situated about 100 metres to the south-east of the main gate of Ram Janam Bhoomi.

(Cross-examination by Shri Ajay Kumar Pandey on behalf of the plaintiffs in other original suit No. 5/89 concludes).

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

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I am VIII class pass. I passed my VIII class examination from Maharaja school, Ayodhya. I had appeared in X class examination also, but failed. I can read, write & understand Hindi very well. I cannot read English. My father did a shop near the temple until his death. I also helped him at the shop. At that time about one to two thousand people used to buy 'prasad' from our shop. On the occasions of 'Sawan Jhula', Ram Navmi and other special celebrations, about five thousand people used to buy 'prasad' from our shop. On the days of 'Sawan Jhula', Ram Navmi and on other special occasions my father used to earn about Rs. 500/- per day. At that time, there was no other shop selling 'prasad' near my shop. If one wants to enter someone's house, one has to take permission from its owner. No permission was required from anyone for entering for darshan of Ram Lalaji. Presently, my shop is near Amawan Mandir. Refreshment, tea & sweets etc. are available at the shop. Even 'Pedas' & 'Laddus' are also available. If one needs them for prasad, one can take them. I have known Mahant Jagannath Dasji. He has been a Mahant of Nirmohi Akhara. He was Mahant of the Nirmohi Akhara prior to Ram Kewal Das. At present Mahant Jagannath Dasji is the Mahant of Nirmohi Akhara.

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

(No learned Advocate on behalf of the other Defendants in other original suit No. 4/89 and no learned Advocates other than those on behalf of Defendants Nos. 4,5,6 & 26 are present for cross-examination. Therefore, Cross-examination by Shri Abdul Mannan, Advocate on

behalf of Shri Mohammad Farooq, Defendant No. 11 in this suit, begins.)

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When I was studying in X class, I studied English also. I had failed in X class. I do not remember in which year India became independent. I do not remember whether India attained freedom in 1947 or not. I am about sixty years of age. I do not know when our country got freedom. So I cannot tell as to what was my age at the time of independence. There was no mosque near my shop. There were three domes in the temple. One of the domes was comparatively bigger than the other two. Below the middle dome was Ram Janam Bhoomi Mandir. The length & breadth of the side domes was 20' x 20'. The middle dome was 30' x 30'. The length & breadth I have told is approximate. You must be having the measurement.

Question: How big was the courtyard outside the verandah?

Answer: The courtyard must have been about 80 feet long and 40 feet wide.

This courtyard was open and had no roof over it. It was only a courtyard. There were two exit doors in the disputed building and each was about three feet wide. Both these doors were to the east of the disputed building. One of these two doors had an obstruction for coming and going to the disputed building. But one gate used to remain open. The door which used to remain open was closed by the priest after him. But that door did not have any latch. The priest just shut the door. Then said, the priest did not close that door. That door remained open twenty-four hours. That was not locked. The policemen used to be on duty at that door. The policemen used to stay under the southern dome in the disputed building. There was temple in the portion below the middle dome.

The priest used to keep his belongings in the portion below the northern dome. The policemen stayed there on duty day-night. During night time one of the policemen used to be on duty at the main gate outside, the other at the middle gate and a guard of 15-20 men remained on duty inside and they used to be on rotational duty. I have been seeing the disputed building since 1951-52 i.e. since I came to my senses. I must have been about eight to nine years of age in 1951-52. I used to accompany my father to his shop at that age of 8-9 years. I did not stay at the shop during night. Our shop remained open till 9.00 pm when it was the time for 'aarti' (the ceremony performed in adoration of a deity). Thereafter, the shop was closed. The 'aarti' was held daily and there used to be no such day when aarti was not held. The last aarti used to be held at night at the time of closing of the temple.

Aarti used to be at seven-eight O' clock also in the morning. 'Bhog' to the God was performed at eleven O' clock in the morning. The temple was closed at twelve noon and reopened at three in the afternoon. The priest, i.e. Bhaskar Dasji used to close the temple at 12'O clock. Earlier, he was the priest at the temple and he alone used to close the temple. After Bhaskar Dasji, Siya Raghav Saran became the priest of the temple. Then he used to open and close the temple. Siya Raghav Saran had been the priest of the temple till 1982. Siya Raghav Saran is still alive. There was some trouble in 1982 and Shri K.K. Ram Verma was appointed as Receiver. The Receiver employed his own priest inside and outside. Shri K.K. Ram Verma was appointed Receiver around 1949. Then said, earlier there had been someone else as Receiver. In between, Receivers were changed once or twice. Shri K.K. Ram Verma was the Receiver in the year 1982. After 1982, the priests changed two-three times. I do not remember their names. The receiver appoints any person as the

priest whom he thinks suitable. A litigation had been going on in the High Court in regard to the disputed building, but I do not know since when. My father had told me that a litigation was going on in the High Court. I was nine-ten years of age then. The litigation has not ended as yet.

Question: Had there been any litigation in the High Court in regard to the Receiver?

(Shri Ajay Kumar Pandey, learned advocate for the plaintiffs in other original suit No. 5/89 objected to this question saying that the witness was neither a party to nor a pleader in any case in connection with Ram Janam Bhoomi. Therefore, it was irrelevant to put such question. It is only a wastage of court's time. Such questions should not be allowed.)

Answer: Yes, Sir. There had been a litigation in this regard.

That litigation had been there some twenty years ago I do not remember exactly when it was. When I used to accompany my father to the shop, I generally stayed there for ten to fifteen minutes. Some times, I stayed there for twenty to twenty-five minutes and thereafter left for my school. At that time my father sold flowers and 'prasad' etc., I did not sell those things. I only studied then. My shop which was situated near the disputed site had been there till 1991-92. Whenever I had a chance, I had been accompanying my father to the shop since 1950. This shop was situated near the disputed complex. At the time of demolition of the disputed complex, our shop had also been demolished. After that there had been no shop.

The disputed building was demolished in 1992. There had been idols in the disputed complex right from the very beginning. Since, the idols had already been there. Therefore, there is no question of the idols having been

placed afterwards. I came to senses in 1951-52. At that time, my shop was outside the disputed complex. In 1951-52, I seldom stayed at my shop, I only used to go there because I was studying in a school. At that time I was studying in Primary School Ramkot. After the school, I used to go back to home. I do not remember in which year I passed eight class. I also appeared in X class examination i.e. I studied two years after having passed VIII class. According to the date sheet for class X examination, there were different dates for different subjects. I do not remember as to what were my subjects in X class examination. I do not remember in which year I appeared for the X class examination. I appeared in the X class examination from Maharaja School, which is Ayodhya. I do not remember the X class examination lasted for how many days and in how many papers did I appear. When I appeared in the X class examination, my shop was situated outside the disputed complex. My father had told me that the shop was opened between eight to nine in the morning and closed at nine in the night when the temple also closed. I accompanied my father to the shop everyday. We had no servant at the shop at the time. The disputed building was demolished in 1991-92. That building had been demolished, being an old one I do not remember people who demolished the disputed building was not there when the building was being demolished.

I was at home at that time. My house was situated downwards to the south-west of the disputed building in Vashishtha Kund Mohalla. The distance of my house from the disputed site must be about half a furlong. Now my house is at a distance of about one furlong as I have now to take a circuitous route. Vashishtha Kund is situated downwards the west of Kuber Tila. My house is adjacent to that. That is my ancestral house and I am also living in that house. I do not know since when my ancestors had

been living in that house. When the disputed building was being demolished, I was at my home at that time. My home is situated about one furlong away from the disputed site. I had an inkling of the disputed site being demolished as people were passing that way (my house) and telling that the disputed building was being demolished as it was an old one. Later on, I saw the demolished portion. I had been to the site following the day the building was demolished. There was huge debris at the site of demolition. There were large number of people at the site when disputed building was being demolished, but I cannot tell their number. I cannot guess as to the number of people gathered at the time of demolition of the building. cannot tell whether police personnel were present there or not.

I cannot tell whether four hundred police personnel were present there at that time.

I have read the statement and verify it.

Sd/-

Sita Ram Yadav

7.1.2004

Typed in the open court by the stenographer on dictation from me.

Asked to be present again on 8.1.2004 in connection with this case.

Sd/-

(Narendra Prasad)

Commissioner

7.1.2004

Dated: 8.1.2004

D.W.3/6 - Shri Sita Ram Yadav

In the court of: The Commissioner, Shri Narendra Prasad,
Addl. District Judge/Officer on Special Duty,
Hon'ble High Court Lucknow Bench,
Lucknow.

(Appointed as Commissioner vide order
dated 5.12.2003 of the Hon'ble Full Bench)

(Cross-examination, in continuation of
7.1.2004, on Oath of Shri Sita Ram Yadav,
D.W. No. 3/6 by Shri Abdul Mannam,
Advocate on behalf of the Defendant No.
11 in this suit, Shri Mohd. Farooq,
continues)

When the disputed building was being demolished, I
was at my home at about a distance of one furlong from
there. For this reason, I could not heard any such voice.
The disputed building was not visible from my house
because Kuber Tila was situated in between which was
very high. I do not know that the demolition of the
disputed building continued for 5-6 hours or not. The
disputed building was demolished on 6th December, 1992
and this fact became known the same evening at 6.00 pm
when people were returning from the disputed site. I asked
the people, then they told me about the demolition of the
disputed building. Those returning at six p.m. were
strangers and not known to me. None of them was
acquainted with me. I do not know whether the people took
with them the pieces of the demolished structure or not.
When I went to see the disputed building the next day I
saw the debris strewn around the place where the building

stood the day before. The idol of the God was lying in the middle and debris lying around it.

It is wrong to say that the disputed building was Babri Masjid. It is also wrong to say that the disputed building had been constructed as Babri Masjid. It is also wrong to say that the disputed building was being used as Babri Masjid. It is also wrong to say that the disputed building was being used as Babri Masjid for offering Namaz. I know Hindi.

The learned Advocate cross-examining the witness showed him the paper included in the file pertaining to FIR No. A-193 u/s 145 Cr.P.C. and enquired whether he know anything about that report?

(Shri Ranjit Lal Verma, the learned Advocate of the plaintiffs and Shri Ajay Kumar Pandey, the learned Advocate of the plaintiffs in other original suit No. 5/89 objected to this question saying that the witness is not a party to this case, neither this report has been got registered by him nor is there any mention of him in the report. Therefore, no question can be put to him in this regard. He cannot even be asked that this report has been got registered and is available on record or not)

Seeing the above report, the witness replied that he knew nothing about this report.

I do not know if the above said FIR was got registered by the S.O. Ayodhya or not. The learned Advocate Cross-examining the witness showed him the FIR and enquired whether this report was got registered by the S.O. Ayodhya?

(Shri Ranjit Lal Verma, the learned Advocate of the plaintiffs objected to this question saying that by showing the report to the witness, he cannot be asked as to who got registered this report when the witness has already deposed that he has no information about it)

(Shri Ajay Kumar Pandey, Advocate of the plaintiffs in other original Suit No. 5/89 objected to this question saying that it was irrelevant to ask questions about the contents of the records because the witness has told once that he knew nothing about the FIR. It is, therefore, wastage of time of the court to repeatedly ask questions in this regard and it amounts to unnecessary harassment and puzzlement of the witness. Therefore, such questions should not be permitted)

Seeing the above report, the witness told that he was unable to understand it and cannot tell as to who has got it registered. This report is in Hindi and I know Hindi.

The learned Advocate cross-examining the witness showed him an FIR sheet No. A-193 and enquired him whether it is written in this report that the mosque was desecrated by use of force & interference and by installing an idol in it.

(Shri Ranjit Lal Verma, the learned Advocate objected to it saying that under the Evidence Act no question can be put to the witness regarding the contents of the record).

Having seen the above document, the witness replied that it was so written in this F.I.R. By showing this very FIR to the witness, the learned Advocate cross-examining

the witness asked if the report was dated 23.12.1949 at 1900 hrs.

(Shri Ranjit Lal Verma, the learned Advocate of the plaintiff and Shri Ajay Kumar Pandey, the learned Advocate in other original suit No. 5/89 objected saying that the witness has no concern with this report then why question is being asked again & again regarding the contents of the report. Such type of questions should not be permitted).

Seeing the above-mentioned report, the witness replied that he was unable to understand if the report was got registered on 22.12.1949 at 19 hours, or not.

There were no minarets in the disputed building.

Question: Who got built the Babri Masjid?

(Shri Ranjit Lal Verma, the learned Advocate of the plaintiffs objected to this saying that when the witness does not know anything about the Babri Masjid then why ask him this question).

Answer: I do not know where the Babri Masjid is situated.

I have heard that the disputed building has been a temple since the times of king Vikramaditya. Then said, this temple had been renovated during the time of Vikramaditya.

Question: Whether the above-mentioned F.I.R. suggests that the disputed building was a mosque and has been a mosque?

(Shri Ranjit Lal Verma, the learned Advocate of the plaintiffs objected saying that no question can be put in regard to the contents of a record and here the it is being

asked repeatedly. The intention being expressed through this question also cannot be enquired).

Answer: Filing an F.I.R. does not authorize someone, until the court's decision becomes known.

There is a road to the west, north and a little distance away to the east of the disputed building. The road to the west of the disputed building is at a distance of about twenty to twenty-five metres to the east of my house. I had not seen anyone carrying any portion of debris of the disputed building. I had also not asked anyone whether he was carrying any portion of the debris of the disputed building or not.

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

(Cross-examination by Shri Zafaryab Gilani, Advocate on behalf of Sunni Central Board of Waqf, Uttar Pradesh, begins).

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Bhagwan Ram is our household deity. Shri Krishna is also our household deity. I have not read 'Ramcharit Manas' by Tulsidas. I have not read even Balmiki Ramayana. I have not read Srimad Bhagwat Gita also. I have read some religious books about Shri Ram Chandraji & Shri Krishnaji. But I do not remember the names of those books right now. I also do not remember as to who are the authors of those books. I must have read those books about ten to twelve years ago. All those books which I have read were of about ten-twenty pages. I do not remember whether I had myself

purchased those books or borrowed them from someone. At present, I do not have those books with me. I append "Yadav" with my name because it denotes my caste. "Yadavs" are the descendants of Shrikrishna. The learned Advocate Cross examining the defendant showed him the portion of his statement at page 11" Our family has a 'Kuldevta' (the family deity) and enquired whether by Kuldevta he means Shrikrishna or any other deity. Seeing the portion referred to above, the witness replied that by Kuldevta he means the deity whom his family worships on the occasion of marriage etc. or on special dates. That Kuldevta is 'Balraja'. This 'Balraja is my family deity. I have not seen any of his idols. Perhaps there is no idol of Him. I do not know whether the said 'Balraja' is incarnation of some God or not. I have pictures of Ram Chandraji and Krishnaji at my house but no idols of them. The idols of Laxmanji, Ganeshji and Hanumanji are also there in our house. These idols in my home are in the same very room where I do live. I worship these three idols and the pictures daily. While worshipping, I light 'agrabatii' (an incense stick) and do 'aarti' and garland the idols/pictures. The picture of Ram Chandraji and that of Krishnaji are hung on the wall. The three idols are kept in an open almirah. On Diwali every year, all the three idols are changed. The old ones are immersed in river Saryu. The pictures of Ram Chandraji and Krishnaji are not changed every year. I had hung these pictures of Ram Chandraji & Krishnaji some three-four years ago replacing the earlier ones hung there. The old pictures are still available in my home and hung separately. I have been seeing the above-said three idols of Ganeshji, Laxmiji and Hanumanji and the pictures of Ram Chandraji and Krishnaji in my house since my childhood. I have been seeing my father worshipping these idols and pictures every day in morning.

Since, my childhood I have also been worshipping these idols since about 10-12 years of age. The pictures of Ram Chandraji and Krishnaji, hung in my house, had been purchased by me from Ayodhya. I do not remember for how much price had I bought these pictures. The idols

of Ganeshji, Laxmiji and Hanumanji were purchased by me on the occasion of Diwali just gone by. At that time I had purchased two sets of the idols - one for my home and the other for my shop. The total price of these idols was forty rupees. All the six idols are made of clay. The idols of Ganeshji and Laxmiji are of the same size but that of Hanumanji is of bigger size. When on the day of Diwali these idols were brought home, we had a special pooja of these idols. This special pooja was performed by me. A priest (panditji) was called to perform pooja and he chanted certain mantras which I do not remember now. That Panditji was named 'Barkau Panditji' and he lived in Katra Mohalla. He is not a pujari of some temple, he is a 'panditji and purohitji. On the day of Diwali when I change these idols I generally invite this Barkau Panditji. If he is not available I call another panditji for the pooja. I do not remember the name of any other panditji whom I had called for performing pooja at my home on Diwali day. For about thirty to forty years, I have been inviting this Barkau Panditji for pooja. On the day of Diwali when Barkau Panditji comes to my house for Pooja, he remains there for about one to one & a half hour. The same Panditji comes to my shop for the pooja of idols there. I also replace the idols at my shop on the day of Diwali each year. The picture of Ram Chandraji has been hung on the wall at my shop but the picture of Krishnaji is not there. The picture of Ram Chandraji at my shop is also replaced every year on the day of Diwali. The picture of Ram Chandraji hung on the wall of my shop on this Diwali has not been bought by me. It was presented to me by someone. I have not had any pooja of this picture. I had performed the pooja of the pictures of Ram Chandraji and Krishnaji at my home alongwith pooja at the idols of Ganeshji, Laxmiji and Hanumanji.

In addition to a 'prasad' shop of mine outside the disputed complex, I had another shop opposite the Janam Sthan Mandir at a corner to the north-east. My brother used to look after that shop. That shop belonged to me but I did not sit there, therefore, my brother used to sit there. Till 6th December, 1992, I sat on that shop which was outside the disputed complex and where we used to sell 'prasad' since the times of my father. In my that prasad shop, there were only the idols of Laxmanji, Ganeshji and Hanumanji. I replaced those idols by the other ones on Diwali day every year. When I used to replace those idols, I always invited Barkau Pandit to perform pooja. When my father was alive, he too had these three idols in the shop and worship them. He also used to replace these idols on Diwali day every year.

Read and verified the statement

Sd/-

Sita Ram Yadav

08.1.2004

Typed by the stenographer in the open court on dictation from me. Asked to be present on 9.1.2004 for further cross examination in the case.

Sd/-

(Narendra Prasad)

Commissioner

8.1.2004

Dated: 9.1.2004D.W.3/6 - Shri Sita Ram Yadav

In the court of: The Commissioner, Shri Narendra Prasad,
Addl. District Judge/Officer on Special
Duty, Hon'ble High Court Lucknow Bench,
Lucknow.

(Appointed as Commissioner vide order
dated 5.12.2003 of the Hon'ble Full Bench)

(Cross-examination, in continuation of
dated 8.1.2004, on Oath of D.W. No. 3/6
Shri Sita Ram Yadav by Shri Zafaryab
Gilani, Advocate on behalf of Sunni
Central Board of Waqf, Defendant No. 9).

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The disputed building had been unlocked on 1st February, 1986 and even before that I had been to the three domed building. I had been there for the first time about 10 years before 1986. Thereafter, I had gone there two-three times more. When I had first gone to the disputed building one of the doors of the wall of bars had been unlocked. That lock always remained open. Police always remained on duty there. The policeman on duty did not allow people going that way. When I had for the first time gone to the disputed building, I had gone there to receive my outstanding dues & having told this the policeman allowed me in. When I had gone there for the first time no 'darshan' or 'pooja' were performed. Only the money was being counted. The Receiver was also present at the time of counting of money. Shri K.K. Ram Verma was the Receiver then. When I had first gone to the disputed building, it was 12 0' clock and the temple had

been closed. On that day, I had gone to the place below the northern dome. The persons who were counting money were all Receivers' men. None other than myself and those persons, was present there at that time. After I had gone to the disputed building for the first time, and thereafter in 1986 till the day of unlocking the door, I had gone there to receive my dues. Once or twice when I had gone there and the temple was opened I did have 'darshan' also. I had not gone there with the intention of having 'darshan' only during the days when the door was locked. I had entered the disputed building at 7.00 pm on the day when the door was unlocked. At that time, the light was there in the disputed building. Besides me, thousands of people had gone there for 'darshan'. When on 1st February, 1986, the day when the door was unlocked, I had gone into the disputed building, at least three-four hundred people must have been there in the disputed building. At that time, Pujari Lal Dasji was there inside the domed portion of the disputed building. Lal Dasji has been murdered before the demolition of the disputed building. I do not remember as to how many days before the demolition Lal Dasji had been murdered. A few days before unlocking of the doors, Lal Dasji was the priest (pujari) at the disputed building. The Receiver had appointed him as pujari. I do not remember as to who had been the pujari at Ram Chabutra when Lal Dasji was pujari at the disputed building.

When I was 9-10 years old, I had performed pooja and had darshan for the first time at 'Ram Chabutra'. I had darshan of Ram Chabutra for the last time, the day before the disputed building was demolished. At that time, the idols at Ram Chandraji, Laxmanji, Bharatji, Shatrughanji and Kaushlya mataji were there.

The learned Advocate, cross-examining the witness, showed him the photo No.57 at page 200 C-1 of the coloured album. Seeing this, the witness told that the three doors visible above in the picture are the doors of Ram chabutra. When I had gone for darshan at Ram chabutra for the last time, the idols of Ram Chandraji, Laxmanji, Bharatji, Shatrughanji and that of mata Kaushalyaji were there. Then said, that when I had gone there for the last time, the idols of Ram Chandraji, Laxmanji and another small idol of Ram Chandraji two silver idols of Hanumanji, Saligram Bhagwanji had been kept at the door visible in the above-mentioned photo No.57. Some small toys made of silver and metal had been kept at this middle door.

A short while ago, when I had gone out, with the permission of the court and all the parties, to urinate, I happened to meet Mahant Bhaskar Dasji.

It is wrong to say that Mahant Bhaskar Dasji had told me that the idols of Hanumanji were also there on the Ram Chabutra, but it is true that this had itself struck my mind. Just now, I have told about some idols having been there on the three-door Ram Chabutra. There were no other idols at that time. One of the idols of Ram Chandraji that were kept on the Ram Chabutra, was one 'bitta' high and the other one and a half 'bitta' high. I could not be able to tell as to how many inches form a 'bitta'. I know inches and feet. I also know that 12 inches make a foot. I know yards, but cannot tell how many feet make a yard. The one & a half 'bitta' idol was of Ram Chandraji's youth and not of Childhood. Then said, the one and a half 'bitta' long idol was of Ram Chandraji's childhood.

The learned Advocate cross-examining the witness showed him the photo No. 116 at page 200 C-1 of the coloured album. Seeing this, the witness told that the picture of Ram Chandraji visible in this album belongs to his childhood.

The learned Advocate cross-examining the witness showed him photo No. 261 C-1/1/3 at page No. 261 C-1/1 of first part of Shrimad Balmiki Ramayan. Seeing this, the witness told that this contains the picture of Ram Chandraji's and Laxmanji's youth. The learned Advocate cross-examining the witness, showed him the photo at page 258 C-1/2/18 of the page No. 258 C-i/2 of the original book of Ram charitmanas. Seeing this, the witness told that this picture portrays Ram chandraji as an archer (Dhanurdhari). The one 'bitta' idol of Ram Chandraji which I had seen on the Ram Chabutra for the last time was of the same form which appears in photo No. 116 at page No. 200 C-1 of the coloured album. The one and a half bitta idol I had seen was of the childhood of Ram Chandraji. It was in standing posture. The idol of Laxmanji that I had seen on the Ram chabutra for the last time was of his childhood and in standing posture. It was more than one bitta high.

The idols of Ramchandraji and Laxmanji that had been kept on Ram Chabutra were made of Ashtadhatu (eight metals). The two idols of Hanumanji kept on the Ram Chabutra were small idols made of silver. Both these idols must be less than one 'bitta' high. Both the idols of Hanumanji were about four inches high.

The learned Advocate cross-examining the witness gave him a one foot scale and asked him to measure and tell how many inches form his 'bitta'. After measuring with

the scale, the witness told that nine inches formed his 'bitta'.

The learned Advocate cross-examining the witness showed him photo No. 57 at page 200 c-1 of the coloured album. Seeing this, the witness told that the three doors appearing in this picture are made of marble. The idols of Ram chandraji, Laxmanji and Saligram, Hanumanji were kept in the middle door as appearing in the picture. Two caves are visible on both sides of the doors in this picture. Some idols were kept in both these caves. In the eastern cave, Ram chandraji was lying in the lap of Kaushalya Mataji. This was the only idol in this eastern cave. In the western cave, there were idols of Bharatji and Shatrughanji and 'Kharaun' (wooden sandals) were kept in front of them. These (Kharauns) were of Bharatji and were two in number. The Kharauns were made of wood and covered with silver. Both these 'Kharaun' must have been six inches long. The witness was shown photo No. 58 of this coloured album. Seeing this, the witness told this pertains to the lower portion of the Ram Chabutra. This photo is of the same cave temple below the Ram Chabutra I have made mention of. This photo belongs to the western cave below the Ram Chabutra. These pictures show there were idols in the cave. The photo is not very clear. So I would not be able to tell as to whom these idols belong to. As per my memory, there were only two idols in the western cave below the Ram Chabutra.

Question: According to your above statement, there were only two idols in the western cave. While three idols are visible in the above said photo No. 58. Can this picture be of a place other than the cave? What have you to say in this regard?

Answer: This photo seems to belong to the western cave itself.

Question: Whether it is possible that there had been three idols in the above said western cave and you incorrectly remember only two idols.

Answer: I correctly remember that there had been only two idols.

It is wrong to say that I had not been going for the 'darshan' of the idols and, therefore, do not remember as to the number of the idols there in the cave. In photo No. 58, a white stone, with some writing in black, is visible under the cave. I had seen this stone since long but I do not remember since when. I had seen that stone long after I came to my senses. I do not remember whether both these stones were pitched there or not when I first went for 'darshan' at the Ram Chabutra. In my presence white stones with black writing were never fixed there. When I started going to Ram Chabutra, the three dome disputed building had been attached by that time. When I started going to Ram Chabutra, none other than the 'pujari' and police personnel were allowed to enter the three domes building.

The learned Advocate cross-examining the witness showed Photo No.31 at page 201 C-1 of the black & white album. Seeing this, the witness told that the photo belonged to the western cave below the Ram Chabutra. This cave was about one feet deep and it had a grilled door. This door must have been about three feet high. The white stone in black writing below the cave in photo No. 31 depicts the date 12.2.1976. Since it shows date and year,

it is believed to have been fixed on the same date. In the cave visible in this photo, three idols seem to have been kept. No red colour is visible on these idols. Seeing this picture, I cannot tell as to whom these idols belong because these are not clearly visible. Then said, the idol of Bharatji is visible. The smallest of the three idols is that of Bharatji. The idol seems to be kept on the extreme west among the three idols. The three idols visible in this picture do not include any idol of Ganeshji, but idol of Hanumanji is somewhat visible. It is visible in the middle.

The learned Advocate cross-examining the witness showed him photo No. 66 at page No. 200 c-i of the coloured album. Seeing this, the witness told that this belonged to the disputed structure and is of the back portion i.e. the southern portion. The witness having seen the photo No. 61 of the same album told that the photo belonged to the south-eastern portion of the disputed building. The idols that are visible in this photo No. 61 are those which I have been seeing ever since I started going to the disputed building. But I do not remember when and where had I seen those white stone in black writing. In this photo, I see three idols in sitting posture. One idol of Nandiji and one 'argha' of Shankarji is visible. Thus, five idols were visible to me in this picture yesterday. The chabutra on which the idols are visible in this picture is known as 'Shankarji ka Mandir'. This site i.e. 'Shankarji ka Mandir' existed till 6th December, 1992. Ever since I have started seeing this site, I have seen only five above-named idols until 6th December, 1992. This Chabutra was covered with tin-roof. Though I had not seen, I think the tin-roof on the Chabutra might have been replaced when got spoiled. The learned Advocate cross-examining the witness showed him photo Nos. 59 & 60 of this coloured album. Seeing them, the witness told that tin visible in

these photo was in the same very condition as he had seen ever 'since he started going there. I had started going to this Chabutra also since 1951-52. Some of the white stones in black writing existed then also when I started visiting the place. Some of them were added later on. It is wrong to say that the white stones in black writing appearing in photo 59 & 60 were all fixed after the year 1950. By 'Shankarji ka Nandi and Shankarji Ka Chabutra I mean the same thing. The chabutra visible in this photo was so called 'Shankarji Ka Chabutra' as Shankarji's pooja was performed there and that the idols of Shankarji, Parvatiji and Nandiji were installed there. I have heard nothing about the 'Shankar Chabutra' visible in this picture having been mentioned in any religious book. My father had told me the importance of the Shankar Chabutra but he did not tell if mention of it had been made in either Ram Charitmanas or Balmiki Ramayan or not. I have never heard anything about this Shānkar Chabutra visible in photo No. 59 & 60 nor did I ask anyone about it. The learned Advocate cross examining the witness showed him photo No. 56 at page 200 C-1 of this coloured album. Seeing this, the witness told that he was seeing a tin-shed and a thatched-roof. The thatched-roof was covering the Ram Chabutra while 'Kirtan' was performed in tin- shed. I have seen the tin-shed in the same condition ever since I have started going to the disputed building. This tin-shed was adjoining the wall of bars to the south. The witness was also shown photo Nos. 63, 64 & 65 of this coloured album. Seeing them, the witness told that he was seeing the same wall of bars. The eastern & southern portion of the wall is visible in photo No. 64. The southern & eastern portion of the wall is visible in photo No. 63. Seeing the photo No. 65 & 66, the witness said that only eastern portion of the wall is visible to him. The learned Advocate cross- examining the witness showed him photo No. 62 of

this coloured album. Seeing this, the witness said that west-southern portion of the Ram Chabutra was visible to him. The tree which is visible is called the 'Chandan' (sandalwood) tree. I do not know if the tree visible in this picture exists or not. I am able to see three walls of the disputed complex in this photo No.62. Two of the walls are part of the wall of window bars. One wall is the southern wall of the disputed complex. It is wrong to say that only one portion of wall of window bars is visible in photo No.62. The wall of window bars was visible from the eastern, northern and southern side. It is wrong to say that only southern portion of wall of window bars is visible. In fact, I am able to see the western portion of the wall of wooden bars. Then said, not only the western portion but also the eastern portion of the wall of wooden bars is also visible.

www.vadaprativada.in

Read and verified the statement

Sd/-

Sita Ram Yadav

09.1.2004

Typed by the stenographer in the open court on dictation from me. Asked to be present again on 12.1.2004 for further cross examination in the case.

Sd/-

(Narendra Prasad)

Commissioner

9.1.2004

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Dated: 12.1.2004

D.W.3/6 -Shri Sita Ram Yadav

In the court of: The Commissioner, Shri Narendra Prasad,
Addl. District Judge/Officer on Special Duty,
Hon'ble High Court Lucknow Bench,
Lucknow.

(Appointed as Commissioner vide order
dated 5.12.2003 of the Hon'ble Full Bench)

(Cross-examination, in continuation of
dated 9.1.2004, on Oath of D.W. No. 3/6
Shri Sita Ram Yadav by Shri Zafaryab
Gilani, Advocate on behalf of Sunni
Central Board of Waqf Uttar Pradesh,
Defendant No. 9).

Both the doors of the wall of bars were to the east of
the disputed building one of which was to the north and
the other to the south of the wall.

The learned Advocate cross-examining the witness
showed him the photo No. 68 at page No. 200 C-1 of the
coloured album. The witness told that the same wall of
bars was visible to him in this photo. In this photo, the
northern portion of the wall of bars and a tree is also
visible. A door was also attached to wall of bars. Seeing
the photo Nos. 75 & 77 of this very album, the witness told
that the same northern gate near the tree is visible.
Seeing the photo No. 201 of the same coloured album, the
witness told that the door that is visible is not the same as
it appears in photo No. 77. The door appearing in photo
No. 201 is the southern door of wall of bars. Photo No.201
has been taken from the internal courtyard i.e. from the

western side. Seeing the photo No. 73 of the same coloured album, the witness said the photo is a part of disputed complex. This photo belongs to northern gate of disputed complex and the tin-shed, which is visible in this photo belongs to Kaushalya Rasoi/Shasthi Poojan Sthal. Seeing the photo No. 75 of this coloured album, the witness told that the courtyard outside the wall of bars is visible in the photo. The width of this courtyard must have been about 30 feet and its length to the north-west 125 feet. The store-house is visible in photo No. 75. The store-house was to the east of the portion of the disputed complex visible in photo No. 75. The learned Advocate cross-examining the witness showed him photo Nos. 70, 71 & 72 at page 200C-1 of the same coloured album. Seeing them, the witness told that all these three photos were of the same site. This site is known as Kaushalya kitchen/Shasthi Poojan Sthal. Some people call this site as Sita kitchen also. The majority of people call it Kaushalya kitchen. My father had told me that this site was Kaushalya kitchen but some people call it Sita Rasoi as well. I have not read anything about this site in any religious book. It is wrong to say that this site came to be known as Kaushalya kitchen after 1950. It is also wrong to say that prior to 1950, this site was known as Sita kitchen. But actually, it was called Kaushalya kitchen at a very early stage. My father had told me that the idol of Ram Chandraji, which was kept under the middle dome inside the three-dome disputed building, had been kept there since earlier times even before he (father) came to his senses. My father told me that this fact was told to him by his father i.e. my grandfather. My grandfather was not a literate person, but my father was. My father did not tell me any such thing about this place which he would have learnt from a book. But he used to read books.

I do not remember who was the Mahant of Nirmohi Akhara when I started visiting the disputed site. I do not remember. I do not know as to who had founded the Nirmohi Akhara. But it had been founded long long ago. I also do not know how many years ago. The Nirmohi Akhara was founded. The disputed building had been got built by Nirmohi Akhara. I do not know in the regime of which king or emperor the disputed building had been constructed. It cannot be guessed whether it was built some 500 years or 1000 years ago or 2000 years ago. I have not heard anything about this fact either from my father or from anybody else. My father had told me that this building had been in dilapidated condition during the reign of King Vikramaditya and he had got it renovated. My father had not told me that the idols which were been kept in the disputed building had been kept during the reign of King Vikramaditya, or after, or before him.

My father had told me in 1962-63 that there was a dispute between the Hindus & the Muslims, therefore, the disputed building had been attached. He told me that this building had been attached in 1949. The idols of Ram Chandraji, Laxmanji and Hanumanji were kept in the disputed building. The idols of Bhagwan Saligram were also kept there. The idol of Ram Chandraji in the disputed building belonged to his childhood. That idol was about one 'bitta' high i.e. about nine inches. The idol of Laxmanji was also of his childhood. The idol of Laxmanji was also about one 'bitta' high. The idol of Hanumanji was higher than those two idols. It was about one & half bitta to about two bitta high. The idols of Saligram Bhagwan were smaller in size. But I do not remember the number of these idols. About three-four such idols were there. The idols of Saligram Bhagwan were made of stone. These were kept on a throne. There was a Chabutra to the north

of the middle dome at the edge of the staircase. The throne was kept on that platform and the idols were kept on this throne. The idols of Bhagwan Saligram were kept a little below the idol of Ram Chandraji. The idols of Ram Chandraji and Laxmanji were kept together and the idol of Hanumanji was kept alongside.

The learned Advocate cross-examining the witness showed him the photo at page No. 154/13 filed in other original suit No. 1/89. Seeing the photo, the witness told that the stairs appearing in this photo are those on which these idols were kept. Those stairs were made of stone. Till 1992, the idols were kept in the disputed building in the similar manner in which they have been shown kept on the stairs in the photo. Whenever, I went to the disputed building for 'darshan', I found the idols kept on those very stairs. Sometimes, the idol of Ram Chandraji was shifted to the 'Jhoola' also. Every day, the idol was placed in the Jhoola once or twice and given a swing. That 'Jhoola' was kept in the centre of the middle dome to the south-east of these stairs.

The learned Advocate, cross-examining the witness, showed him photo No 152 *Lagayat* 155 at page 200 C- of the coloured album. Seeing this, the witness told it was the same Jhoola (swing) appearing in this photo in which Ram Chandraji was given a 54 swing. This 'Jhoola' had been kept there before I started visiting the disputed building. This 'Jhoola' (swing) was made of wood. My father had told me that this 'Jhoola' was of earlier times and very old one. This 'Jhoola' was kept about 20 feet away from the western wall of the disputed building. The witness was shown photo No. 156 of the same coloured album. Seeing this, the witness told that it contains a 'Jhoola' and the floor in front of it is visible. This floor was

made of stone. The floor, which is visible in this photo, is in black & white stripes. I have similar floors in the temples of Ayodhya. I have seen such floors in Kanak Bhawan, Hanumangarhi and Rajgaddi also. The witness was shown photo No. 153 of this coloured album. Seeing this, the witness told that a rath (chariot) like thing made of wood is visible to the south of the 'Jhoola'. The Poojari appearing in this photo is not Lal Das. I recognise this pujari, but am unable to recollect his name at the moment. He lived in Ayodhya but now lives outside Ayodhya. It is wrong to say that whatever is visible in photo No. 152 Lagayat 155, which I have said 'Jhoola', is actually not a 'Jhoola' it is a throne. It is also wrong to say that this thing was kept there after unlocking of the door. The idols of Ram Chandraji and Laxmanji amongst the others' that were kept in the disputed building, were made of 'Ashtadhatu' and the idol of Hanumanji was made of stone. All these three idols were kept in the disputed building on a throne on the stairs. This throne was made of wood and covered with silver. The height of the throne was 10-12 inches and width about one and a half feet. Then said, the length of the throne was one & a half feet and the width more than one & a half feet.

The learned Advocate, cross-examining the witness, showed him portion of paragraph 7 of his main examination that which stands on a one and a quarter feet wide and about one and a half feet high silver throne alongside the Ram Lala Bhagwan. The witness was asked to verify which of his statement is true - the one in which he has stated the height of the throne as 10-12 inches or the one in which he has stated the height as one and a half feet. The witness told that the statement made in the affidavit, where the length has been stated to be one and a half feet, is correct. The statement made by me today is

by mistake and due to carelessness. The witness was shown the portion of para 7 of the affidavit of the main examination that "there is an idol of Hanumanji alongside the stone wall" and asked that he had stated in this affidavit that the idol of Hanumanji had been kept alongside against the wall while in his statement made today he has stated that out of the idols in the disputed building the idols of Ram Chandraji and Laxmanji were made of 'Ashtadhatu' whereas the idol of Hanumanji was made of stone. All these three idols were kept on the throne on stairs in the disputed building. That throne was made of wood and covered with silver. So, which of these two statements is true. In view of the above the witness stated that his statement made in the affidavit is true. I misunderstood and therefore, stated that the idol of Hanumanji had been kept on the throne.

The idol of Hanumanji was that in the disputed building stood against the western wall. I have made use of the word 'stone' in the portion of para 7 of the affidavit of the main examination that "there is an idol of Hanumanji alongside the stone wall. I have used the word "pashan" to indicate the wall.

The learned Advocate, cross-examining the witness, showed him paragraph 8 of his affidavit of the main examination where the word "Utsav samaiya" has been used and asked the witness as to what did he mean by the word "Samaiya". The witness replied that it is an "Utsav" like the Ram Navmi in Chaitra, 'Sawan Jhoola' and 'Kartik Poornima' or any other festival falling on a specific date in a month. The witness was shown portion of the same paragraph in the affidavit of his main examination that "the management of the was with the Nirmohi Akhara" and asked as to what had been the arrangement on

“Chhathi Puja Sthal.” The witness, having seen that portion told that a pujari used to be there on Chhathi Puja Sthal who used to give ‘prasad’ to those coming for ‘darshan’. The pujari stayed there from 8 a.m. to 12.00 noon and again from 2 p.m. till 8-9 p.m. until aarti was held. The Pujari used to be there in all seasons whether it be winter, summer or rainy season. I visited this ‘Chhathi Puja Sthal’ for the first time in 1951-52 and after that had been going there regularly after having darshan in the temple. The Pujari used to sit on the Chabutra at ‘Chhathi Puja Sthal’. If any devotee came for offering prasad, he gave him the prasad otherwise he gave it to others near by till the prasad remained with him. When I went to ‘Chhathi Puja Sthal’ for the first time, Mast Ram’s father, whose name I do not remember, lived there. When his father died, Mast Ram started living there. Mast Ram used to sit there till 1992 until the disputed building was demolished. When this portion was attached in 1982, even then Mast Ram used to sit there. After the attachment, the receiver appointed Mast Ram as Pujari of the ‘Chhathi Puja Sthal’. Apart from the foot-prints (charan chihni), ‘Chauka’, ‘Belan’, ‘Chulha’ and throne, made of wood, were there at the ‘Chhathi Puja Sthal’. An idol of Kaushalyaji was there on the throne. There was no idol other than that of Kaushalyaji at the ‘Chhathi Puja Sthal’. There were a number of pictures of the Gods in the throne, but I do not remember of which Gods. I also do not remember as to how many pictures were there in the throne. That throne was open at the front and closed with wood from the back.

The learned Advocate, cross-examining the witness, showed him photo Nos. 71-72 at page 200 C-1 of the coloured album. Seeing this, the witness told that these photos belong to that very Chabutra of the ‘Chhathi Puja

Sthal' and of the throne kept over there. The throne, as visible in these photos, was about 5 feet in length and three and a half feet in breadth. The length & breadth of the chabutra appearing in these photos must have been 11 feet each. The length of the throne as I have told is from north to south. It is wrong to say that the throne appearing in these photos was open from all sides. It is also wrong to say that the throne as visible in these photos was not closed from behind. It is also wrong to say that no pujari did ever sit on the chabutra as visible in these photos. I am seeing a 'Chulha' on the chabutra in these photos, which is made of marble. There were two foot-prints in front of this chulha. Of these two foot-prints, one was of Ram Chandraji and the other that of Laxmanji. These foot-prints were also made of marble. In these photo Nos. 71 & 72, the 'Chauka' 'Belan' are also visible alongside the 'Charan-chinh' on the chabutra. My father used to tell me that the 'Chakia', 'Chuiha', 'Belan' and 'Charan-Chinh' existed on the chabutra at 'Chhathi Puja Sthal' since the early days. By early days I mean from the days of Raja Vikramaditya. These 'Chakla', 'Chulha', 'Belan', 'Charan-Chinh' had never been changed/replaced. The charan-chinh that existed on the chabutra at 'Chhathi Puja Sthal' were smaller in size as if they belong to a child. I do not remember if 'charan chinh' of Bharatji & Shatrughanji were available on this 'Chhathi Puja Sthal' or not. Some of the white stones, in black writing, on the chabutra as shown in photo Nos. 71 & 72 had been fixed earlier while some others were got fixed by the people later on engraving there names on them. Such stones continued to be fixed till 1986. Thereafter, no stones were fixed. Earlier, there had been a thatched roof over the Chhathi Puja Sthal. Later on, a tin-shed was constructed over it. This tin-shed was constructed in 1970-71. The 'Chhathi Puja Sthal' chabutra existed at a distance of 5-7 feet from the

northern gate of the disputed complex. The distance of this chabutra must have been about 5 feet from the northern wall of the disputed building. The Parikrama of Kaushalya kitchen was done from here.

The learned Advocate, cross-examining the witness showed him photo Nos. 69 & 70 at page 200 C-1 of the coloured album. Seeing these, the witness stated that these belong to the portion of 'Chhathi Puja Sthal'.

The learned Advocate cross-examining the witness showed him photo Nos. 38 & 39 at page 201C-1 of the black & white album, seeing which the witness told that these also belong to Kaushalya kitchen /Chhathi Puja Sthal.

Read and verified the statement

Sd/-

Sita Ram Yadav

12.1.2004

Typed by the stenographer in the open court on dictation by me. Asked to be present again on 13.1.2004 for further cross examination in this connection.

Sd/-

(Narendra Prasad)

Commissioner

12.1.2004

Dated: 13.1.2004

D.W.3/6 -Shri Sita Ram Yadav

In the Court of : The Commissioner, Shri Narendra Prasad,
Addl. District Judge/Officer on Special
Duty, Hon'ble High Court Lucknow Bench,
Lucknow.

(Appointed as Commissioner vide dated
5.12.2003 of the Hon'ble Full Bench)

(Cross-examination, in continuation of
dated 12.1.2004, on Oath, of Shri Sita
Ram Yadav, D.W. No. 3/6, by Shri
Zafaryab Gilani, Advocate on behalf of
Sunni Central Board of Waqf, Uttar
Pradesh, Defendant No. 9 continues).

When Lord Ram Chandraji was of 6 days, a Pooja
was held at Kaushalya kitchen/Chhathi Pujan Sthal. For
this reason, we have darshan of this place and do puja.
'Rasoi'(kitchen) is a place where food is cooked. The
place where Kaushalyaji used to cook food in her palace is
known as 'Kaushalya Rasoi'. Kaushalyaji was a queen, so
she had a Mahal (Palace) of her own. The whole of the
Ramkot area was Kaushalyaji's Mahal. The entire disputed
site was included in it. This Mahal was upto Hanumangarhi.
The 'Rasoi' of this Mahal might have been a big one like
the Mahal. The kitchen in Kaushalya palace must have
been eight times bigger than the Chabutra of Kaushalya
kitchen in the disputed complex. This Kaushalya kitchen
must have been about 80 x 80 feet. This Rasoi must have
been bigger than the disputed building. The three domed
disputed building was not included in Kaushalya Rasoi but
it was adjacent to it. The rest of the part of Kaushalya

kitchen must have been situated to the east, west and north of the chabutra of the Kaushalya kitchen in the disputed complex. The disputed building of 'Sauri Grih' (Maternity House) must have been in the then Kaushalya Mahal. Then said, we consider the middle portion of the disputed building as Sauri Grih (Maternity House) even today. We especially consider the portion of middle dome as maternity home. The portion adjacent to it must have been a part of that room. According to my belief, the birth of Ram Chandraji had taken place in the portion below the middle dome of the disputed building. The birth of Ram Chandraji took place about eight-nine lakh years ago. My belief is based on the hearsay of my ancestors. I have not read any book in this connection, I have not read any book to know the location of Kaushalya palace, and that where Kaushalya kitchen and Maternity home were situated in that palace; My father had told me that there were three separate palaces in the entire Ramkot area. These palaces belonged to the three queens of King Dashrath. The learned Advocate cross-examining the witness showed him the portion of today's statement that "The whole of Ramkot area was Kaushalyaji's palace" and asked him whether his statement has gone wrong? Seeing the above, the witness replied that his statement had gone wrong. In fact the entire Ramkot area was the palace of King Dashrath and in the same area there were three different palace of his three queens. According to my belief, Chakravarthi Dashrath's palace must also have been in this entire Ramkot area. There must have been the residence as well as Darbar of King Dashrath in his palace while there must not have been any Darbar in the palaces of his three Queens. The residences of Ram Chandraji, Laxmanji, Bharatji and Shatrughanji must have been in the palace of King Dashrath. They had no separate palaces of their own. When Sitaji got married,

she also lived in King Dashrath's palace. A portion of the same Dashrath palace was Kanak Bhawan also which 'Kekai' had given in gift to Sita. Kanak Bhawan was not a separate palace, it was a part of King Dashrath's palace. Kanak Bhawan was different from Kekai's palace. Kanak Bhawan was at a distance of about two hundred metres to the south-west. My house is situated to the south-west of the disputed building. Kanak Bhawan was to the north-east of the disputed building. The learned Advocate cross examining the witness showed him the portion of this today's statement that "Kanak Bhawan was at a distance of about two hundred metres to the south-west" and asked him if his earlier statement was contradictory to his later statement that "Kanak Bhawan was to the north-east of the disputed building? He further asked him to tell which of these two statements was true. Seeing both his statements, the witness stated that both of his above said statements were true because Kaushalya Bhawan and Kekai Bhawan were to the south-west of Kanak Bhawan. Kaushalya Bhawan & Kekai Bhawan still exist at their respective places but are in dilapidated condition now. The distance between Kanak Bhawan & Kaushalya Bhawan might be about one hundred fifty metres. My father had told me that Kekai Bhawan must have been as big as Kaushalya Bhawan i.e. the area of both must have been the same. Ever since I came to my senses, Kekai Bhawan had existed then and it still exists. I have been to Kekai Bhawan. The Kekai Bhawan complex was adjacent to the disputed complex. But a small temple existed in it. Kekai Bhawan was to the north of the disputed complex. The distance of the southern wall of Kekai Bhawan was about four hundred metres from the northern wall of the disputed complex, which also contained the Singhdwar. The northern wall of the disputed complex has been demolished but the southern wall of Kekai Bhawan is

intact. Manas Bhawan has only one main gate, which opens at the road leading to Hanumangarhi from Dorahi Kuan. Manas Bhawan is situated to the east of the disputed complex. The Kekai Bhawan is at distance of about one hundred fifty metres to one hundred seventy five metres from the main gate of Manak Bhawan which opens at the way to Hanumangarhi from Dorahi Kuan. The road leading to 'Unval Mandir' from Kanak Bhawan is separated at the 'Tiraha' where a barrier has been set up at the road leading to Dorahi Kuan. The road from there turns to the north and leads to the west and then reaches the 'Unval Mandir'. The Kekai Bhawan is about half a furlong from that 'tiraha' where a barrier has been set up. The gate of Kekai Bhawan opens on that road and the direction of that gate is to the south. I have gone into Kekai Bhawan. There are idols of Ram Chandraji, Laxmanji, Jankiji & Hanumanji. The idol of Kekaiji is also there. It is to the west of the gate. While entering through the gate, the idols of Ram Chandraji, Laxmanji, Sitaji and Hanumanji are kept in a room. A huge idol of Hanumanji is there in a big hall to the east. There is an old temple in the room to the west where idols of the entire family of Ram Chandraji, including that of the Kekaiji, exist. Thus, there are idols in all these three rooms of Kekai Bhawan. Apart from these three rooms, there must be some thirty-fourty more rooms in Kekai Bhawan. Pujaris, Mahants and about fifty to sixty sadhus stay in these rooms. At present, Ram Kumar Dasji is the Mahant of Kekai Bhawan. He is the Mahant here for the last twenty to twenty five years. I do not remember as to who had been the Mahant of Kekai Bhawan prior to this. I must have gone for darshan in Kekai Bhawan for about fifty times. I had darshan from outside in the old temple to the west. I had not gone inside. I have had darshan of the idols of Ram Chandraji,

Laxmanji, Jankiji and Hanumanji in the room where these idols are kept.

The room, where the idols of Ram Chandraji, Laxmanji, Jankiji and Hanumanji are kept, is round in shape and bigger in size than the portion under a dome of the disputed building. That room must be equal in size to the portion below the two domes of the disputed building. In that room of the Kekai Bhawan where an idol of Kekaiji exists, there were idols of Ram Chandraji, Laxmanji and Bharatji also. There was a small idol of Hanumanji also. I do not remember what other idols were there in that room. The room where an idol of Kekaiji is kept must be measuring 20 x 20 feet. The round-shaped room where idols of Ram Chandraji, Laxmanji, Sitaji and Hanumanji are kept, is at about 40 metres away from the room where an idol of Kekaiji exists. There is huge idol of Hanumanji in the third room of Kekai Bhawan. That idol of Hanumanji must be about 10 feet high. That idol has been installed on a marble chabutra on the ground. The size of the room where the idol of Hanumanji is installed must be 15 x 15 feet. In this room also, darshan can be had from inside the room. This room is to the eastern part of Kekai Bhawan where the idol of Hanumanji stands. There is empty space for parikrama round the room. The room where idols of Kekaiji and Ram Chandraji were installed is at the farthest end to the west. The parikrama space is inside the room itself. There are other rooms adjacent to that room. The room where the huge idol of Hanumanji is kept must be about 15 metres away from the round-shaped room which contains idols of Ram Chandraji, Jankiji etc. Parikrama is done in a spherical shape from outside that round-shaped room where idols of Ram Chandraji, Laxmanji, Sitaji and Hanumanji are kept. The idol of Ram Chandraji in this round-shaped room must be about 4 feet high. The idol of

Laxmanji is about four and a half feet, that of the Sitaji about four and a half feet and that of Hanumanji about three-four feet. The idol of Hanumanji is in sitting posture and the other three idols are in standing posture. The idol of Ram Chandraji is in the form of an archer. All the four idols in this room are made of marble. The idols are placed on a throne made of marble. The idol of Hanumanji is in the second room and is made of marble. The idols of Kekaiji and Hanumanji that are in the third room are made of 'Ashtadhatu'. All the idols in the room where Kekaiji's idol exists are about one and a half feet to two feet high. All the idols in Kekai Bhawan are very old. I cannot say how old these would be. I cannot tell whether these are a hundred or two hundred years old, a thousand or two thousand years old or a number of thousand years old. Then said, these idols are thousands years old. These idols occupy their present place in that room for thousands of years. Kekai Bhawan was made by use of cement. The new roof of the room where idols of Kekaiji and that of Ram Darbar are kept had been constructed about 25-30 years ago. The old roof had been in dilapidated condition. It was, therefore, demolished and constructed a new. The other rooms of Kekai Bhawan have been constructed some 30 years ago. The round-shaped room which contains idols of Ram Chandraji & Janakiji had also been constructed about thirty years ago. There had been no room at that place. Then said, it was in a damaged condition and if something was there it is not known what was it. When the round-shaped room did not exist some thirty years ago, the idols kept in that room had not been there. They had been constructed about thirty to thirty five years ago. Those idols are not very old. These were not built in Ayodhya, but from outside Ayodhya. I do not know from where these were got built. The huge idol of Hanumanji which has been kept in a separate room in

Kekai Bhawan had also been procured some thirty to thirty-five years ago after the temple had been constructed. That idol had also been got built from outside Ayodhya and I do not know from where. The idols of Kekaiji and Ram Darbar had been shifted to adjacent room of the temple some thirty years ago before the reconstruction of the roof. At the time, the idols of Kekaiji and Ram Darbar had been kept in that very room, the roof of which was in a dilapidated condition.

The learned Advocate cross-examining the witness showed him the portion of his statement made today that, "All the idols in Kekai Bhawan are very old These idols occupy their place in that room for thousands of years" and asked whether by this he means only those idols which had been kept to the west in Kekai Bhawan and the roof of which had been reconstructed some thirty to thirty-five years ago, as stated by him. The witness at once replied that he had told all the idols of that old temple. I did not mean the new temple at the eastern end of the complex which was newly constructed. That was the only old temple in Kekai Bhawan some thirty-thirty five years ago on which a new roof had been constructed. It had rooms adjacent to it. There were about three- four rooms in Kekai Bhawan some thirty to thirty-five years ago. Those rooms were thousands of years old. Their roof was reconstructed thirty to thirty five years ago. But the walls of those rooms are the same very old. Earlier, all those rooms had been plastered with lime. It was removed and again plastered with cement. I had seen the plaster of those walls being broken. The wall had 'Lakhori bricks under the plaster. The walls of these four rooms are thousands of years old. My father and a 'Baba' had told me that the walls of these rooms were thousands of years old. I did not ask either my father or anyone else as to

whether those four rooms have been in existence since the times of King Vikramaditya or had been constructed before or after him.

Read and verified the statement

Sd/-

Sita Ram Yadav

13.1.2004

Typed by the stenographer in the open court on dictation from me. Asked to be present again on 14.1.2004 for further cross examination.

Sd/-

(Narendra Prasad)

Commissioner

13.1.2004

www.vadaprativada.in

Dated: 14.1.2004

D.W.3/6 -Shri Sita Ram Yadav

In the court of : The Commissioner, Shri Narendra Prasad,
Addl. District Judge/Officer on Special
Duty, Hon'ble High Court Lucknow Bench,
Lucknow.

(Appointed as Commissioner vide order
dated 5.12.2003 of the Hon'ble Full Bench)

(Cross-examination, in continuation of
dated 13.1.2004, on Oath, of Shri Sita
Ram Yadav, D.W. No. 3/6, by Shri
Zafaryab Gilani, Advocate on behalf of
Sunni Central Board of Waqf, Uttar
Pradesh, Defendant No. 9, continues).

Kaushalya Bhawan, which has been newly
constructed, is in Ayodhya. The old Bhawan now does not
exist. My father told me that Kaushalya Bhawan which
existed in Ayodhya was constructed 100 years ago.
Kaushalya Bhawan is to the left while moving a little
ahead from Manas Bhawan. Kaushalya Bhawan is at a
distance of 50 yards from Manas Bhawan and Kaushalya
Bhawan is on that road which leads to Dorahi Kuan from
Hanumangarhi. I have never been to this Kaushalya
Bhawan. I have heard that idols have been kept in
Kaushalya Bhawan. I have heard that idols of Kaushalyaji,
Ramji, Sitaji are there in Kaushalya Bhawan. I have heard
nothing about how old are these idols in Kaushalya
Bhawan.

I also do not know as to how many rooms are there
in Kaushalya Bhawan. This Kaushalya Bhawan would be
about 200 yards away from the disputed building.

According to my belief, it is not that Kaushalya Bhawan in which Kaushalyaji used to live in the times of King Dasrath. There is no Kaushalya Bhawan other than this in Ayodhya. I have no knowledge whether there is any Bhawan other than this Kaushalya Bhawan in Ayodhya by the name Kaushalya Mahal. The learned Advocate cross-examining the witness showed him the portion of his statement made on 13.1.2004 that "Kaushalya Bhawan and Kekai Bhawan still exist at their respective places but are in dilapidated condition now" and asked whether his statement made above is true or the one which he had made yesterday. Seeing the above, the witness told that his statement made yesterday was correct. Whatever I have told about Chhathi Pujan Sthal, the earlier Kaushalya Bhawan might have been adjacent to that place. That Kaushalya Bhawan has since been demolished. That Kaushalya Bhawan does not exist now as it had been demolished in 1992. There was no Kaushalya Bhawan Building only Chhathi Pujan Sthal was there until 1992 and the land was lying vacant. Whatever I have stated yesterday was about the old Kaushalya Bhawan. Kaushalya Bhawan did not exist yesterday, i.e. on 13.1.2004, only the vacant land was there.

Question: When you accept as per your statement made yesterday, that there existed no building of the old Kaushalya Bhawan. Rather that Chhabutra, which you call Chhathi Pujan Sthal had also been demolished, then how can your statement be said to be true that "Kaushalya Bhawan and Kekai Bhawan still exist at their respective places"?

Answer: I presume that some portion of Sita Rasoi might have been included in that, for this reason I have stated so.

By Sita Rasoi I mean that Janam Sthan Mandir which is to the north of the northern road of the disputed building. According to my belief, that Janam Sthan Mandir situated to the north of the northern road of the disputed building, must have been a part of Kaushalya Bhawan. That Janam Sthan Mandir is also called Janam Sthan 'Gudartar' mandir. According to my belief that Janam Sthan Gudartar Mandir has been a part of Kaushalya Bhawan since the times of King Dashrath. In a dilapidated condition I mean that condition of the building where some portion of it has fallen down while other is likely to fall.

At present, people presume the 'bada sthan' to be Dashrath Bhawan. There is a temple. There is an idol of King Dashrath but I have not seen that place carefully. I have seen that casually and, therefore, I do not remember as to how big is the idol of King Dashrath. Apart from the Dashrath Bhawan, I had seen the idol of King Dashrath at Janam Sthan Gudartar Mandir. The idol is there even today but that temple is closed ever since it has been acquired. I do not remember if I have seen King Dashrath's idol at any place other than these two places. The Dashrath Bhawan might be about four hundred metres away from the disputed building. I have not seen the idol of Ram Chandraji in Dashrath Bhawan but it must be there. I have not seen the idols of Sitaji, Laxmanji and Hanumanji there. Then said, I do not remember whether I have seen them or not. But the idols must be there. There must be at least 50 rooms in this Dashrath Bhawan building. I have never gone there for worship. I have only seen it from a distance. This Dashrath Bhawan forms part of Dashrath palace during the times of King Dashrath. I know the boundary of King Dashrath palace which I have stated to be covering the entire Ramkot area. I do not

know as to what existed to the north of Dashrath palace during the times of Raja Dashrath. Today Katra Mohalla (street) is situated to the north of Dashrath palace. Gokul Bhawan is situated to the south of that palace, today. What was situated to the south of Dashrath palace during the days of King Dashrath is not known to me. Hanumangarhi was situated to the east of Dashrath palace during the times of King Dashrath. Today also, Hanumangarhi is situated to the east of Dashrath palace. I have no knowledge about what had been situated to the west of Dashrath palace during the times of King Dashrath. At present, Dorahi Kuan is situated to the west of Dashrath palace. Dorahi Kuan is a Mohalla (street) and its boundary is upto the road to the east. Sumitra Bhawan is situated within this boundary. This Sumitra Bhawan had been demolished in 1991. Till 1991, the Sumitra Bhawan stood where it was in the days of King Dashrath, people say so. Earlier, this Sumitra Bhawan might have been very big, but at the time of demolition in 1991, it had been 70 feet long and 50 feet wide. This Sumitra Bhawan was also a temple. I have not gone inside this Bhawan, I have seen it only from a distance. The Sumitra Bhawan had an idol of Sumitraji and that of 'Sheshavtar Laxmanji'. How big these idols had been, I have no knowledge about it as I had not gone inside the Bhawan. This Sumitra Bhawan must have been at a distance of about 100 metres to the south of the disputed complex According to my guess, there might have been four rooms in Sumitra Bhawan. I do not know this exactly because I had not seen the Bhawan from inside. The building of Sumitra Bhawan was very old one. The old portion of Sumitra Bhawan looked like a hundreds of years old building and not thousands of years old. My father had told me about Sumitra Bhawan that it must have been of the times of Dashrathji and contains the idols of Sumitraji and Laxmanji.

My father or any other of my ancestors did not tell me any such thing that there is some Bhawan in the present Ayodhya which has been in existence for the last nine lakh years. My father and my ancestors had told me that Ayodhya had been established & ruined a number of times from the times of Ram Chandraji till the times of Vikramaditya. The present Ayodhya is a town of district Faizabad and a Municipality also. The limit of Ayodhya in the north begins at Saryu river and goes upto Ranopali in the south. The distance of Ranopali from Saryu river must be about three kilometres. The eastern limit begins from maujha Barhata and goes upto Brahmakund Ghat till the bank of river in the west. The distance between Maujha Barhata and Brahmakund Ghat must be about three kilometres. The area of the present Ayodhya is about 9 kilometres. The area of the Ayodhya in Ramayan has been described as much more than that of the present Ayodhya. There are three parikramas in Ayodhya - first 'Panchkosi', second 'Chaudah kosi' and the third 'Chaurasi Kosi'. All these parikramas are of the whole of Ayodhya. The Ayodhya in the time of Ram Chandraji might have been 'Chaurasi Kos' in all directions. It is presumed that middle point or the central point of Ram Chandraji's Ayodhya had been the present Ramkot Mohalla. I do not know whether the name of this Ramkot Mohalla had also been Ramkot during the days of Ram Chandraji or not.

There were no graves near the north or south of the disputed site I have no knowledge whether any case had been filed against my father for demolishing some graves near the disputed site. There is not much difference between a 'samadhi' and a 'grave'. In our family when one dies, his dead body is cremated. Earlier in Ayodhya, the practice of constructing 'Samadhis' of saints was prevalent.

This practice continues even to-day. Ever since I have come to senses, a number of samadhis have been built in Ayodhya, but I do not know their number. The samadhi of the King of Gokul Bhawan has been built in Ayodhya. I do not remember as to how many samadhis 2-4, 10-20, 100-50 or 1000-2000, have been built in Ayodhya. The samadhis which have been built in my presence are that of the Maharaj of Gokul Bhawan and that of saints in Ranopali. I do not remember the names of those saints. One samadhi has been built at Gayatri Bhawan, I do not remember whose samadhi is that. Apart from these Samadhis in Ayodhya, I have seen all the samadhis built on Janam Bhoomi. The samadhis were of various saints.

Question: How many and whose samadhis have you seen near the disputed site ever since you came to senses?

Answer: Ever since I came to senses, I have not seen any samadhi near the disputed site, but my father used to tell me that samadhis were there.

Question: Can you tell the name of such 'Rishi-Munis' about whom it is said that there samadhis have been built at some place in Ayodhya?

Answer: At present, I do not remember the name of such a 'Rishi-Muni'. I have heard the name of Narad Muni. I do not remember if Narad Muni's Smadhi has been built in Ayodhya or not.

The learned Advocate cross-examining the witness showed him photo at page No. 154/5 filed in other original suit No. 1/89 and asked what is that Chabutra like thing visible to the right in this photo? Seeing the above, the witness told that it was a samadhi of some Mahatma, but I do not remember of which Mahatma. It is wrong to say that the Chabutra visible in this photo was a grave and it is

also wrong to say that there were so many graves of the Muslims at this site. It is also wrong to say that there were a number of kutchra & pucca graves of Muslims to the east and south of the disputed complex.

I have heard the names of Garg, Gautam or Shandilya Rishi Muni. I do not know whether samadhis of these Rishi-Munis are there in Ayodhya or not. My father and grand father had told me the places where the samadhis were situated, but I do not remember that now. I do not know if there had been any Rishi Munis by the name Sanak, Sanandan and Sanat Kumar or not. I do not know if there had been any Rishi-Muni by the name Markandey or Angira or not. In Ayodhya one place was famous as Lomash Chaura. I do not remember where that Lomash Chaura is situated. There was one place by the name Tulsi Chaura at Ramghat in Ayodhya. This place was near Digambar Akhara. Digambar Akhara is one kilometre away from the disputed site. It would not be wrong to say that Tulsi-Chaura was near the disputed site. The 'Mandir Vijay Raghav Sakshi Gopal' was away from the disputed site and was not near the disputed site. This temple was about a 100 metres away from the disputed site on the way to south-east. There was a cut on the way that leads from Hanumangarhi to Darahi Kuan. That temple was on that way through which devotees went to have darshan of Janam Bhoomi.

That Vijay Raghav Sakshi Gopal Mandir exists even today. The rooms adjacent to that temple had been demolished, but the temple still stands. There are idols of Sakshi Gopalji, Ramji, Jankiji and Hanumanji in this temple.

The learned Advocate cross-examining the witness showed him again the photo at page No. 154/5 filed in other original suit No. 1/89 and asked what was the width of the stairs visible in that photo? Seeing the photo referred to above, the witness told that the width of the stairs must be about 12 feet north-south and this much wide was the way in front of the northern gate of the disputed complex.

The learned Advocate cross-examining the witness showed him the photo at page No. 154/12 filed in the other original suit No. 1/89, seeing this, the witness told that he was not able to recognise as to who this photo belongs. I cannot tell whether this photo belongs to the western wall of the lower portion of the dome of the disputed building with three domes, or not.

The learned Advocate cross-examining the witness showed him the photos at page No. 154/14 and 154/15 filed in other original suit No. 4/89. Seeing them, the witness told that both the photos belong to some portion of the disputed building. These photos belong to the western wall of the lower portion of the dome of the disputed building.

The learned Advocate cross-examining the witness showed him the photo at page 154/16. Seeing this, the witness told that he was not able to tell if this photo belongs to any part of the disputed building or not. I do not remember that the small wall visible in this photo was made on the Chabutra in the southern portion of the inner courtyard adjoining the southern wall of the disputed complex, or not.

The learned Advocate cross-examining the witness showed him the photo at page 154/9. Seeing, which the witness told that the photo belongs to the northern gate of the disputed building.

The Puja of Chhathi Pujan used to be performed in the 'Rasoi Ghar'. This I say on the basis of what I had seen and heard. I had heard this from my father and other ancestors. I had heard from my father and other learned persons that there had been a maternity home in the three domed disputed building. I had not read this from anywhere. I have been assuming so on the basis of what they had told.

The learned Advocate cross-examining the witness showed him the portion of his statement, dated 12.1.2004, at page 52 that "I visited this Chhathi Pujan Sthal' for the first time in 1951-52" and also the portion of his statement dated 9.1.2004 at page 42 that "I had started going to this Chabutra also from the year 1951-52" and asked him whether the portion of his statement at para 13 of his affidavit that "As per my senses, since Jyeshtha 1950, I have been seeing Mahant Bhaskar Das as Pujari until 1962" is correct or this statement made at page 42 and 52 above is correct.

(The learned Advocate for the plaintiffs, Shri Ranjit Lal Verma objected to this question saying that it is being assumed even before this question that this statement of the witness is incorrect while the fact of 'going' stated at page 42 and page 52 and the fact of 'having seen' Bhaskar Dasji stated in para 13 of the affidavit of the main examination are two different things. Thus by putting together the fact of 'going' and 'having seen', the reply cannot be stated to be incorrect. Thus, this question

cannot be asked by assuming one of the facts as incorrect.)

Having seen the above, the witness replied that the above statement of his affidavit was true. It is written as 1950 while I had stated approximately 1951-52.

I came to my senses in 1950. I had seen Bhaskar Dasji as Pujari for the first time at the disputed site itself I did not see Bhaskar Dasji before that. I had seen Bhaskar Dasji for the first time on Ram Chabutra. I had started going to Ram Chabutra approximately in 1950-51, when I had gone to Ram Chabutra for the first time. I came back from there itself I had not gone to Chhathi Pujan Sthal or Shankar Chabutra at that time. I had started going to 'Chhathi Pujan Sthal' and 'Shankar Chabutra' one-two days after that. I remember that I had gone to Shankar Chabutra and Chhathi Pujan Sthal around 1950. My statement that I had gone to Chhathi Pujan Sthal for the first time in 1951-52 has gone wrong now. Actually I had gone there for the first time in 1950.

Read and verified the statement.

Sd/-

Sita Ram Yadav

14.1.2004

Typed by the stenographer in the open court on dictation from me. Asked to be present again on 15.1.2004 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

14.1.2004

Dated 15.1.2004

D.W.3/6 Shri Sita Ram Yadav

In the Court of: The Commissioner, Shri Narendra Prasad,
Addl. District Judge/Officer on Special Duty
Hon'ble High Court Lucknow Bench, Lucknow.

(Appointed as Commissioner vide order dated
5.12.2003 of the Hon'ble Full Bench.)

(Cross-examination, in continuation of dated
14.1.2004, on Oath of D.W. 3/6 Shri Sita Ram
Yadav, by Shri Zafaiyab Gilani, Advocate on
behalf of Sunni Central Board of Waqf, Uttar
Pradesh, Defendant No. 9, continues.)

The learned Advocate cross-examining the witness showed the witness the portion of his statement at para 13 of the affidavit of his main examination that "at the time of my coming to senses in Jyeshtha 1950 there until 1962" and asked he had written the month of Jyeshtha and the year 1950, if he remembered this orally or he had noted down somewhere. Seeing the above, the witness replied that he had remembered this at the time of preparing the affidavit that it was the month of Jyeshtha and the year 1950 and since then he had been seeing Bhaskar Das as Pujari. I do not know any incident of 1950-51 of which month and year I remember orally. I do not know in which month of the English calendar the month of Jyeshtha 1950 came. In the above portion of para 13 of the affidavit of my main cross-examination. I have written that Bhaskar Dasji had lived there till 1962. I have written this too on the basis of my memory. I do not remember any other incident of 1962. Bhaskar Dasji was the Pujari of the disputed site till the month of December 1962. After the year 1962, Bhaskar Dasji had moved Janam Sthan Mandir

situated to the north of the northern road. He was the Pujari there and in his place Siya Raghav Sharan came to the disputed site. When Bhaskar Dasji was the Pujari of Ram Chabutra, at that time one Tiwariji and two-three others were the Pujari at the disputed building. I do not remember their names. I do not remember the full name of Tiwarji. Those who were Pujaris below the three-domed disputed building, had been appointed by the Receiver. The above said Pujaris at the three domed disputed building were known to me since 1950. They had been the Pujaris there for the last 8-10 years and had been replaced by others. I do not remember the names of those Pujaris who had replaced the earlier Pujaris. The Pujaris at the three-domed disputed building since 1950 to 1992 had been appointed by the Receiver. I remember the names of only two-three Pujaris out of all the Pujaris that had been appointed during that period. Those Pujaris were Kishori Saran and Lal Dasji. Satyendra Dasji had been the Pujari until the demolition of the disputed building. Shri Satyendra Dasji had two-three assistances also. I do not exactly remember as to when the above said Pujari had been appointed as Pujaris. I cannot even guess in which year the above Pujaris had been appointed and upto which year they continued to work Pujaris. I remember only about Satyendra Dasji. He had been the Pujari until the demolition of the disputed building and he till continues to be the Pujari at the disputed site. He has two assistants. The name of one of them is Prem. I do not remember the name of the other one. I supply milk even today to Satyendra Dasji and his assistants for the 'Bhog' (food offered to the deity) to the God. I used to supply it in 1992 also. Generally, I supply 'Ilaychi' (cardmom) and 'Peda' (a sweet methai prepared from milk) alongwith the milk. I had started supplying milk, peda and cardmom in the three-domed disputed building independently since 1970. I am

continuing to do so even today. I usually go there at 4.00 p.m. to deliver these items. The payments for these items is made by the Receiver and not by the Pujariji. I submit my bill for the above said items to Pujariji. The bill is then forwarded by the Magistrate to the Commissioner, Faizabad and the cheque is prepared and sent to Pujariji. The Pujariji encashes the cheque and makes payment to me. I have been doing so since 1993. The monthly bill for the above said items is around two thousand since 1993. In the months of mela etc. or when special occasions occur, the bill for the items supplied by me increases. In the month of Chait Ram Navmi, the bill for these items is around ten thousand rupees. Before the demolition of the disputed building, I used to hand over the items to the Pujariji present in the courtyard near the wall of bars in the disputed complex and some times Pujariji himself used to come to my shop for taking delivery. This routine continued from 1970 to 1992 until the demolition of the disputed building. After the demolition of the disputed building, I have been delivering these items at Janam Sthan Gudartar Mandir. After 1993, I sometimes deliver these items at the disputed building on the special occasion like melas etc. There is a mount (Tila) above the place where Pujariji sit and the idols are installed on that mount. The time for darshan of these idols is fixed. The curtain is raised for darshan after performing Aarti & Puja and then lowered after the fixed time is over. The Aarti & Puja are performed again before lowering the curtain. Whenever I had gone there, Darshan Puja had been going on. There was a way to the east where Pujariji used to sit. People used to pass that way for darshan-puja. No public man was permitted to have darshan from the top of the mount. But the authorities like the Commissioner, the D.M. and the Magistrate used to go to the top of the mount upto the idols and have darshan. I have not seen the family

members or relatives of any authorities going up the mount to have darshan of the idols. I myself had never gone to the top of the mount to have darshan of the idols. I had darshan from the place where Pujariji used to sit. The place from where the devotees have darshan is not more than one foot away from the place where Pujariji sits. There is an iron pipe in between. The place where idols are kept and the place from where devotees have darshan are at a distance of about 30-35 feet. After the demolition of the disputed building, the idols have been kept on the mount. The idols belong to the childhood of Bhagwan Ram Lalaji, Laxmanji, Hanumanji. Below these idols, there are some idols of Bhagwan Saligramji which are not clearly visible. There are two idols of Ram Chandraji. One idol of Ram Chandraji is one bitta high and the other is a little bit smaller than that. Then said, there is only one idol of Ram Chandraji at the place where idols have been kept on the mount. Whatever, I have said about the other idol of Ram Chandraji has been said erroneously. The idol of Laxmanji is comparatively smaller than that of the Ramchandraji. Laxmanji's idol must be of 6-7 inches and that of Hanumanji about one and a half feet high. It is difficult to see clearly from a distance, therefore, I cannot say as to how many idols of Bhagwan Saligram were there. The idols of Ram Chandraji and that of the Laxmanji are kept together on the throne. The idol of Hanumanji has been kept below near the throne. The idol of Hanuman has been kept about 6 inches below the throne. The throne where idols of Ram Chandraji and Laxmanji have been kept is made of wood and covered with silver. The next day i.e. 7th December, 1992 when the disputed building had been demolished, I had seen the idols having been kept on the mount for the first time. The idols have been continued to be kept there as they were kept on 7th December, 1992. The idols which had been kept on the mount since 1993,

include the idols of Ram Chandraji & Laxmanji. These idols were made of Ashtadhatu and that of Hanumanji of pashan. Pashan is the name of the special stone. I do not remember the name of this stone by any other name. I had seen these there idols closely after demolition, therefore, I can say that these are the same idols that had been kept in the disputed building. On 7th December, 1992, I had gone up and seen these idols from a distance of 7-8 feet. Only once had I seen these idols from a distance of 7-8 feet. Rest of the times I had seen them from a distance of 30-35 feet. After the demolition of the disputed building, I had for the first time seen: these idols on 7th December, 1992 at 7-8 a.m. Thousands of people had gathered there. People were seeing the idols without any queue on that day. I had also seen them without a queue. The entire crowd that had assembled there wanted to have darshan of the idols. It is wrong to say that I am making a mistake in saying that the idols which are at present kept at the disputed site had been kept inside the disputed building before demolition of the building.

It is very hot in the month of Jyeshtha. The mangoes get ripe by this time. It is the month when the courts and the schools close for the summer vacation.

The learned Advocate cross-examining the witness showed him the portion of para 16 of his affidavit of the main examination and told that I am to say in regard to measurement as mentioned in this portion that this work had been completed before the end of Jyeshtha 1950. Then asked what had he to say in this regard. The witness replied that it was wrong to say that the measurement had been completed before the month of Jyeshtha 1950.

Question: By saying that the work of measurement had taken place on 16th April, 1950 and 30th April, 1950 and that was not the month of Jyeshtha, what have you to say about this?

Answer: It is wrong to say that the work of measurement had taken place on 16th April, 1950 and 30th April, 1950 because it was the month of Jyeshtha at that time, and I was sitting and eating mangoes. At that very time some people had jointly been taking measurement there. Then himself said that on asking my father he told me that there was some litigation and those people had come in that connection. I had got recorded the above said portion of para 16 of my affidavit on the basis of my memory. I had not noted down the contents of this portion. The above point in my affidavit had been recorded on dictation from me. It was not recorded by my Advocate on his own. The learned Advocate cross-examining the witness showed him the portion at para 16 of the affidavit of his main examination that the sadhus of Nirmohi Akhara had been staying in 'Bhandar-Grih till the time of attachment in 1982" and asked at which place this store house is situated in the disputed complex and how much was its length & breadth? Seeing the above, the witness replied that this store house was to the left of the eastern gate of the disputed complex. It must have been around 30 feet in length and 10 feet in breadth. This store-house had a tinshed-roof. Its eastern wall was pucca one and western & northern walls were made of iron strips which were fitted with grating. The western and northern walls were fitted with

wood & iron angle. There was a door at the beginning to the north of this store-house, and a wall to the south. Then said, there was a door to the south and a wall to the north. Earlier I had told that there was a door to the north. I had told so thinking it to be to the north of the eastern gate. Whatever has been written in the above said portion of the affidavit of my main examination is true. There used to live some 5-6 Sadhus in this store-house. One of them was Bhaskar Dasji who was a Pujari. He had been accompanied by three-four other sadhus whose names I do not remember. Bhaskar Dasji had left this place in 1962. After him, Siya Raghav Saran Pujari started living in this store-house. He lived here till 1982. Of the sadhus that lived in this store-house till 1982, I remember only the names of Bhaskar Dasji, Siya Raghav Saran and Ram Dasji. I do not recollect the name any other sadhu just now.

The learned Advocate cross-examining the witness showed him para 17 of the affidavit of his main examination and asked him whether apart from Bhaskar Dasji, had he seen any of the persons mentioned in this para living in the store-house mentioned by him? The witness replied that of the persons mentioned in para 17 he had seen Ram Kewal Dasji, Bhaskar Dasji, Ram Dasji and Golki Ram Lakhan Dasji living in that store-house.

I had never seen other persons mentioned in para 17 living in the store-house. I have seen Golki Ram Lakhan Dasji also living in the store-house for about 8-10 years since 1950-51. I had never seen Baldev Dasji there. I have also not seen Mahant Raghunath Dasji. I have not seen

Raja Ram Chandra Charyaji. The learned Advocate cross examining the witness showed him para 17 of the affidavit of his main examination and asked how had he made mention of Mahant Raghunath Das and Pujari Baldev Das in it. The witness replied that he had rightly mentioned in this paragraph that he had seen Mahant Raghunath Das and Pujari Baldev Dasji.

Question: Then why have you mis-stated that you had never seen Baldev Dasji and Raghunath Dasji?

Answer: I had seen them much before, therefore, I fail to recollect.

Question: I am to say that since you had not prepared your affidavit yourself and rather it had been prepared by your Advocate and that you simply signed the affidavit, therefore, you do not remember as to what had been written in your affidavit. Therefore, you have said so many things in your statement which are contradictory to what has been said in your affidavit. What have you to say in this connection?

Answer: It is wrong to say and rather, it is a fact that I had been present at the time of preparing the affidavit. Whatever I told my Advocate he got that typed. This affidavit had been typed in Faizabad. I had signed this affidavit of the main examination, in Lucknow. I had signed this affidavit on the date indicated in it. I had signed that day at 12 noon. After getting it stamped. I brought the affidavit to the court and my statement in the court was recorded in the afternoon.

The learned Advocate cross-examining the witness showed him the portion of para 17 of the affidavit of main examination that "Mahant Bhaskar Das is the Sarpanch of Nirmohi Akhara" and asked "when the statement on oath was typed in Faizabad, how did you write that Bhaskar Das is present in the court". Seeing the above, the witness told that he (Bhaskar Dasji) had been coming here daily and had told me that he would be attending the court the next day in the morning. For this reason, I had included his name in para 17 of my affidavit. It is wrong to say because of my old and close relations with Mahant Bhaskar Dasji I had included this fact in para 17 of my affidavit. It is wrong to say that the disputed building had been used as a mosque until 22nd December, 1949. It is also wrong to say that the disputed complex had never been the Ram Janam Bhoomi Mandir or there had been any Ram Janam Bhoomi Mandir. It is wrong to say that there had been no idol in the disputed building till 22nd December, 1949. It is also wrong to say that no puja was being performed and darshan done until 22nd December, 1949. It is also wrong to say that I had not started going to the disputed complex since 1950. It is also wrong to say that I had started going there after 1950. It is also wrong to say that five times day Namaz, Jume Ki Namaz and the Namaz of Taravi etc. had been offered in the disputed building until 22nd December, 1949.

(Cross-examination by Shri Zafaryab Gilani, Advocate on behalf of Sunni Central Board of Waqf, Defendant No. 9, concluded.)

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

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Sakshi Gopal ji is Bhagwan. I do not know if He is known, by any other name or not. Laxmanji is called 'Sheshavtar' and he is also a 'Bhagwan'. My father had told me that Nirmohi Akhara had a number of temples. One the temples of Nirmohi Akhara is at Ramghat Ayodhya, one is in Lucknow also. My father had told me that Nirmohi Akhara had 4-5 temples. One of the temples of Nirmohi Akhara is at Naka, Faizabad. In addition to this, Nirmohi Akhara has one or two more temples also. But I do not remember them. Ramghat is in Ayodhya itself. Ramghat Mohalla is quite far away from the river. I have gone to Ramghat Mandir of Nirmohi Akhara several times. The idols of Ram Chandraji, Laxmanji, Bharatji, Shatrughanji and that of Hanumanji and Saligramji are there in this temple. There are three thrones and these idols have been kept on them. Then said, there is only one throne but it is like stairs. All these idols have been kept on it. The idol of Ram Chandraji must be 2 ft. high. This idol of Ram Chandra is made of 'Ashtadhatu'. This idol of Ram Chandraji belongs to his youth. I do not remember if there is any idol of Ram Chandraji in that temple of Ramghat belonging to his childhood, or not. I have seen the idol of Ram Chandraji, which is in the above said temple of Ramghat, from a distance. So I cannot tell if Ram Chandraji is holding something in his hand or not.

The idol of Hanumanji which is in the above temple of Ramghat is of his youth. In his idol at Ramghat temple, Hanumanji is holding mountain and a Gada (club) in his hand. That idol of Hanumanji depicts his "Vanar roopi. The height of that idol of Hanumanji must be around three feet. Two feet of Hanumanji are seen in that idol and He is

holding a 'gada' (club) in one hand and a mountain in the other.

The idol of Hanumanji at Ram Chabutra in the disputed complex depicts his 'Vanar roop', which was small in height than the one kept in Ramghat mandir. In his idol in Ram Chabutra Mandir, Hanumanji was holding gada in one hand and a mountain in the other. Earlier there had been a small idol of Hanumanji in the cave temple below the Ram Chabutra. That idol of Hanumanji was about one to one and a quarter feet high. That idol of Hanumanji was of his 'Vanar roop', but that was in standing posture. In that idol Hanumanji held a gada in one hand and a mountain in the other. The idol of Hanumanji on the Ram Chabutra was in a standing posture. In Hanuman Mandir at Ramghat, the idol of Hanumanji is also in a standing posture. I have seen at a number of places, the idol of Hanumanji's 'Vanar roop', in a sitting posture. The idol of Hanumanji in a sitting posture was holding gada (club) in one hand and a mountain in the other. At some places I have seen the idol of Hanumanji while in sitting posture and holding only a gada (club) in his hand. There were in all four idols of Hanumanji on Ram Chabutra and the cave below it. Of these, I have made a mention of two which are both made of stone. The other two idols were made of silver. Both these silver idols were kept below the idol of Ram Chandraji at Ram Chabutra. The above silver idols of Hanumanji were kept about a half-foot below the idol of Ram Chandraji. When I went to Ram Chabutra for the first time, the above mentioned silver idols of Hanumanji were there and they continued to be there until the 6th December, 1992. Where have all these four idols of Hanumanji gone after the 6th December, 1992 is not known to me. I did not ask Bhaskar Dasji anything in this connection. I have not asked

anything from Bhaskar Dasji or anybody else in this curiosity to know where all those four idols had gone because the disputed building had been demolished.

Marble is a stone. It is of white, red and black colour. It has a special identification of its own. There are a number of black & red colour stones. But the marble stone is different from the common stones. I can identify that a particular stone is a marble or not.

My father had told me that the Panchs & Sarpanch who look after the management of Nirmohi Akhara, also look after the management of other temples. The panchs & sarpanch of Nirmohi Akhara are also presently looking after the management of all the temples of the Akhara. Presently, Mahant Bhaskar Das is the Sarpanch of Nirmohi Akhara. Mahant Bhaskar Dasji is the sarpanch of all the temples of Nirmohi Akhara. The temples of Nirmohi Akhara have different Mahants of their own. But, the sarpanch of all these temples is Mahant Bhaskar Dasji. I do not remember as to who is the Mahant of Lucknow temple of Nirmohi Akhara. I also do not remember as to who is the Mahant of Ramghat temple of Nirmohi Akhara. But the Sarpanch of all these temples is Mahant Bhaskar Dasji.

The Ram Chabutra temple had been attached in 1982. I came to know of it in 1982 itself. But I do not remember the day & month of attachment. There was some dispute which lead to the attachment of Ram Chabutra temple. The dispute was between Pujari Siya Raghav Saran of Nirmohi Akhara and Shri Dharam Das of Hanurnangarhi. So far as I know, Ram Chabutra temple had been attached under section 145 Cr.P.C. Siya Raghav Saran was appointed by the Pujari Nirmohi Akhara. Therefore, Nirmohi Akhara was supporting Siya Raghav Saran.

Nobody was supporting Dharam Das of Hanumangarhi. He only created an affliction. The case of attachment of Ram Chabutra temple lingered on until the demolition of the disputed building in 1992. I have no knowledge whether any litigation is still going on in this connection, or not. I had for the first time, seen all the four idols of Hanumanji about which I have stated above, at Ram Chabutra in 1950. Those idols were very much there until 6th December, 1992. Apart from the idols of Hanumanji, all other idols that were kept in Ram Chabutra, were there intact until the 6th December, 1992. In the meanwhile, there had been no change in the number, size or 'roop' of those idols. Siya Raghav Saran is still alive, comes to Ayodhya now & then, resides somewhere outside. Dharam Dasji is still in Ayodhya in Hanumangarhi. Siya Raghav Saran was the Pujari of Chabutrawala Mandir. He was appointed Pujari by Nirmohi Akhara. He had been the Pujari there after Mahant Bhaskar Dasji. So far as I remember, Mahant Bhaskar Dasji was the Pujari of Ram Chabutra temple. Thereafter, Siya Raghav Saran was appointed as Pujariji. Siya Raghav Saran was the confidant of Nirmohi Akhara. Whether, at present, he is a confidant of Nirmohi Akhara or not, I do not know. Till 1982, when Siya Raghav Saran was the Pujari of Ram Chabutra temple was a confidant of Nirmohi Akhara. Siya Raghav Saran was a devotee of Ram.

Read and verified the statement

Sd/-

Sita Ram Yadav

15.1.2004

Typed in the open Court by the stenographer on dictation by me. Asked to be present again on 16.1.2004 in connection with further cross-examination in this connection.

Sd/-

(Narendra Prasad)

Commissioner

15.1.2004

Dated 16.1.2004

D.W. 3/6 Shri Sita Ram Yadav

In the Court of: The Commissioner, Shri Narendra Prasad,
Addl. District Judge/Officer on Special Duty
Hon'ble High Court Lucknow Bench, Lucknow.

(Appointed as Commissioner vide order dated
5.12.2002 of the Hon'ble Full Bench.)

(Cross-examination, in continuation of dated
15.1.2004, on affidavit of Shri Sita Ram Yadav,
D.W. 3/6 by Shri Mushtaq Ahmed Siddiqui,
Advocate on behalf of Shri Mohd. Hashim,
plaintiff No. 7 in other original suit No. 4/89 and
defendant No. 5 in other original suit No. 5/89,
continues.)

In Jyeshtha, 1950 when the work of measurement
was being undertaken, my father's shop was near the
disputed complex. 'Batashas' and flowers were sold from
this shop. The shop had a tin-roof. Below the roof was a
wooden table. My shop was adjacent to the wall to the
north of the eastern gate in the outer complex of the
disputed complex. The tin above my shop was supported
with a wooden log on the eastern wall of the complex. The
learned Advocate cross-examining the witness showed
him a map enclosed at page No. 3/89 A-1 of the plaint in
other original Suit No. 3/9 and asked the witness whether
that was the map of the disputed complex? Seeing that,
the witness replied that it was the map of the disputed
complex. This map shows the Hanumat gate. My shop has
not been shown in the map. My father had told me that my
shop with a tin-roof over it had been there for the last 20-
25 years.

The learned Advocate cross-examining the witness showed him paper No. 45 C-1/2. Seeing it, the witness replied that it was also the map of the disputed complex. In this map my above said tin-roof shop has not been shown. But the map includes a site where 'a shop' has been indicated. The site which has been indicated as Chabutra Janam Sthan is the same site which had been Ram Chabutra. Neem and Pipal tree has been indicated in the right side towards the bottom. I had seen a neem and pipal tree in the disputed complex. I have seen them at the same site on which they have been shown in the map. A pipal tree has been indicated above to the left. I had also seen this tree in the disputed complex; Then said, there was no pipal tree at the site shown in the map, but it was a bel (wood-apple) tree. The pucca road shown in this map joins the Hanumangarhi to Dorahi Kuan road. It is the same road which joins the Dorahi Kuan road. There was a 'Maulsiri' tree in the disputed complex. The map also indicates a maulsiri tree. I had seen this maulsiri at the same site in the disputed complex. A neem tree has been shown above the maulsiri in this map. I had seen that tree also, at the same site in the disputed complex. All these things have been correctly shown in the map. 'Graveyard' is written at the bottom in this map. This has not been indicated correctly. 'Babri Masjid' has been indicated in the middle of the map, but it is also wrong. The graveyard and the Babri Masjid indicated in the map have been wrongly indicated. The rest of all shown in the map has been shown correctly.

Ram Charan Das was the Mahant of Nirmohi Akhara. I have no knowledge if Mahant Ram Charan Das had been blinded due to some incident.

The learned Advocate cross-examining the witness showed him the page No. 45 C-1/1/1. Seeing that, the witness told that he had seen the respondent No. 1 long back whose name Raghunath Das, disciple of Dharma Das, appears on this page. I have also seen Ram Lakhan Das and Mahant Baldev Das respondent No. 7 and respondent No. 4 respectively, whose names appear on this page. Then said, I have seen one Raghunath but I do not remember whether he is a disciple of Dharma Das or Mangal Das. The above persons, whom I have seen, belong to Nirmohi Akhara. The above named Raghunath Das and Baldev Das were Mahants but Ram Lakhan Das was not a Mahant.

The learned Advocate cross-examining the witness again showed him page No. 45 C-1/2 and told that the place which has been shown as Chabutra was a place used by the travellers to sit on. That place was actually the room of the 'Moazin', Then asked, 'what have you to say in this regard? At this, the witness replied that it is wrong to say that the Chabutra, which has been shown as a place for the travellers to sit, was a room of the 'Moazin' to live in. In this map there is a place shown as Chabutra Janam Sthan. Just below this place, 'Tulsi Chaura' has been shown in the map. This Tulsi Chaura has been rightly shown there. It is wrong to say that 'Tulsi Chaura' has been wrongly shown in the map. It is also wrong to say that the entire complex as shown in the map belongs to Babri Masjid. It is also wrong to say that the place to the right of Babri Masjid (which has wrongly been show as Babri Masjid in the map) i.e. to the east, was the outer courtyard of the Babri Masjid. The learned Advocate cross-examining the witness showed him page No. 45 C-1/1/6 and asked him whether the temple made mention of in the list 'A' is Ramghat Mandir of Nirmohi Akhara. The

witness replied that the temple made mention of in that list 'A' is Ramghat Mandir of Nirmohi Akhara. The boundary shown in it also belongs to Ramghat Mandir of Nirmohi Akhara. The boundary shown in it is correct one.

There is no well near the disputed complex. It is rather at some distance. The well is some 200 metres away to the south-east of the disputed complex. This well is known as 'Sita Kup', Having seen the writing under No. 3 of this page No. 45 C-1/1/6, the witness said that it definitely makes mention of 'Sita Kup', but its boundary has not been shown correctly. It makes mention of a graveyard in the east and in the north, which is wrong. The boundary of 'Sita Kup' shown in the west as well as in the south has been shown correctly.

The learned Advocate cross-examining the witness showed him page No 45 C-1/1/7 and asked whether 'Kuchha Bhawan' written under No. 4 was a temple of Nirmohi Akhara? Having seen that the witness replied that 'Kuchha Bhawan' was a temple of Nirmohi Akhara and that the boundary Of 'Kuchha Bhawan' as shown in it has been shown correctly. There is no mistake in the writing made under No. 4 and there is no mistake in the boundary mentioned.

The learned Advocate cross-examining the witness showed him a map at page No. 3/9 A-1, filed with the plaint in other original Suit No. 3/89. Seeing that, the witness told that it was wrong to say that was the map of Babri Masjid and that it showed inner as well as outer courtyard of the Babri Masjid. It is wrong to say that the 'parikrama path' as shown in the map was not the 'parikrama path' but it was the 'pushta' of the Masjid. The 'parikrama path' was on all sides of the disputed complex.

But, in the above-said map at page No. 3/9 A-1, it has been shown only on one side and not on the other sides. However, the empty place has been shown. There is nothing wrong when the 'parikrama' path has not been shown on the other three sides. There was no grave to the south of the disputed complex, rather a samadhi was there which has been rightly shown in the map. In the above said map, four samadhis at one place and three at the other have been shown over the 'Sita Rasoi'. These are not graves, but samadhies of saints. The learned Advocate cross-examining the witness showed him the portion dated 14.1.2004 of his statement at page 70 that "there were no graves near the north or south of the disputed site" and asked whether his above said statement was correct? Having seen that the witness told that his statement referred to above was correct. Seeing the portion of his statement at the same page 70 that "there is no specific difference between a samadhi and a grave", the witness told that his above said statement was also correct.

Question: You have made a statement on 14.1.2004 that there were no graves or samadhis to the north or south of the disputed complex. Today you are telling of samadhis on both sides and a short while ago, you have denied that there is any graveyard to the south or north of disputed complex. What have you to say in this regard?

Answer: Even today, I say that there is no specific difference between a grave and a samadhi and the chabutra for both can be kuchha or pucca one. Garlands are offered at the samadhis of Mahatma and 'chadar' on the graves. Parikarma is performed on the samadhis and Namaz is offered on the graves.

'Chadar' is offered on a grave in a graveyard.

Question : You assume a grave and a samadhi as one and the same thing. On one hand, you deny the existence of graves to the north and south of the disputed complex and on the other, you speak of the graves there. Shall it be construed that you are deliberately telling a lie or making contradictory statements before the court?

Answer: I am not telling a lie or making contradictory statements.

The learned Advocate cross-examining the witness showed him the portion, dated 14.1.2004, of his statement at page 72 that "it would be wrong to say that Tulsi Chaura was near the disputed site" and asked whether this statement of his was correct? The witness replied that his statement was wrong. I could not understand because that Chabutra was round in shape and small in size and that there was no special chabutra that is there was no other chabutra. The Tulsi Chaura was one & half to two feet in length & breadth and a 'Tulsi' tree was standing on it. Since that Chabutra was not a special chabutra i.e. was not a big one, therefore, I could not understand.

The learned Advocate cross-examining the witness showed him the document No. 109 C/1/3 filed in other original Suit No. 5/89 and asked him whether Siya Raghav Saran whose name has been given as plaintiff No. 2 is the same Siya Raghav Saran who had been the Pujari of Nirmohi Akhara? At this, the witness replied that this is the name of same Siya Raghav Saran who had been the Pujari of Nirmohi Akhara. On this document, Bhagwan Ram Lala Virajman has been indicated on plaintiff No. 1.

This mention has not been made about Bhagwan Ram Lala at the three domes, but about Bhagwan Ram Lala Virajman at Ram Chabutra. The idol that was on Ram Chabutra, was that of Bhagwan Ram Lala. This apart, there were other idols also on Ram Chabutra. I do not remember at which other places were the idols of Bhagwan Ram Lala in addition to Ram Chabutra and the three domed building.

There are many a temple in Ayodhya. These temples would be thousands in number and the idols of Ram Chandraji would be there in all the temples. All those idols belong to Bhagwan Ram, and not to Ram Lala. The idol of Ram Lala was there only in the disputed complex and the disputed building.

Ram Lalaji did not appear in 1949, but has been present there since long-long ago. I do not remember whether any incident concerning the disputed building had occurred in December, 1949, or not. I came to know in 1950 that a litigation was on, but got the full information after 10-12 years. Then only, I came to know that there had been a dispute between Hindus & Muslims. In regard to the inner portion, they say it was a mosque. The members of the Sunni Central Board call it a mosque. I have never heard from any Muslim of Ayodhya or Faizabad that the disputed site was a mosque only. I have heard one or two Muslims of India saying that the disputed building was a mosque. I do not remember the name and address of that Muslim as of now. I have heard him saying so after the year 1962. I do not remember exactly when "Pashan" is that stone which is refined one and from which idols are made. The 'Pashan' is black, white and red in colour idols are made of the most refined 'pashan'. Seeing it I can recognise. We call that stone a 'pashan' of which

idols are made idols of marble are also made Marble & 'Pashan' are one and the same thing.

The learned Advocate cross-examining the witness showed him the portion of his statement dated 15.1.2004 at page 90 that "There are a number of black and red colour stones a particular stone is a marble or not" and asked him that in his above statement, he has called the marble a special stone and today he is saying it 'pashan' i.e. refined stone also So which is true between the two? The witness replied that they call the refined stone as 'pashan' which is used for making idols. After the idol has been made, we call it an idol made of 'pashan', not of marble.

There was no graveyard in front of the eastern gate of the disputed complex. A fruitarian used to live in front of that gate. He used to perform 'puja-path' there. There was a compound adjacent to that place where he used to cook his food and keep his luggage and wood etc. There was no grave there. That compound was made of bricks. It was about 20 feet by 20 feet. There was a cottage where the Fruitarian lived. The cottage was covered with tin. This cottage was to the north of the compound and the compound was to the east of the disputed complex.

The learned Advocate cross-examining the witness showed him page 45 C-1/2. Seeing it, the witness told that the place where 'shop' is written & dots are made on the left is the main gate of the disputed complex. The compound, I have made mention of above, would fall twenty feet to the north. It is wrong to say that the dots I have mentioned are the marks of the walls. It is wrong to say that graves had been built in that compound. When

the Advocate had gone there for measurement in the month of Jyeshtha, the compound existed there.

The learned Advocate cross-examining the witness showed him page No. 3/9 A-1 of the map filed alongwith the plaints in other original suit No.3/89 and asked him whether the compound he has mentioned above appears in the map? The witness replied that the compound has been shown as Shankar Chabutra in the map. The boundary is not visible in the map and only the Chabutra is visible. The place demarcated as Shankar Chabutra was the compound of the Fruitarian baba. It is wrong to say that I am telling something untrue. Seeing the above map at page No. 3/9 A- 1 the witness told that Shankar Chabutra has been shown to the north-east of the eastern gate of the disputed complex, in the map. No part of this Shankar Chabutra is to the south in front of the Hanumat Dwar .

Question: In the above map (page No. 3/9 A-1) Shankar Chabutra has been shown right to the east of Hanumat Dwar. Shankar Chabutra extends to the north as well as south in alignment of Hanumat Dwar. When you say that Shankar Chabutra extends only to the north, and not to the south, in alignment of the Hanumat Dwar, you are clearly not true?

Answer: I am speaking the truth.

The learned Advocate cross-examining the witness showed him the portion of his statement made today that "The compound I have made mention of above would fall twenty feet to the north" and asked whether he has told this distance of twenty feet from the eastern wall of the disputed complex? The witness replied that he has told

this distance from the left of the eastern gate where shop is situated and where the space is vacant and a stone has also been fixed.

As per my information, there was no litigation with regard to Ram Chabutra prior to year 1982.

The learned Advocate cross-examining the witness showed him the paper No. 109 C-1/2 *Lagayat* 109 C-1/7 filed in other original Suit No. 5/89 and asked whether R.S. No. 57/78 has been written on it? Seeing the paper, the witness replied that "R.S. No. 57/58" has been written on paper No. 109 C-1/2. Seeing the paper No. 109 C-1/6, the witness told that the date 11.2.78 has been written below to the right. I have no knowledge about it whether Siya Raghav Saran had filed a suit in 1978, or not. I am not able to understand it even after having seen this paper.

The learned Advocate cross-examining the witness showed him the paper No. 109 C-1/7 filed in the other original Suit No. 5/89 and asked whether this map belongs to the disputed complex?

Seeing the paper, the witness replied that to me it appears to be the map of the disputed complex.

Question: In your statement made today. You have said that "Bhagwan Ram Lala Viraj man has been indicated on plaintiff No.1 This mention has not been made about Bhagwan Ram Lala at the three dome, but about Bhagwan Ram Lala Viraj man at Ram Chabutra". What is the basis of your saying so?

Answer: A paper was shown with regard to Siya Raghav Saran and I told that he was the Pujari of the

outer part of Ram Chabutra. With regard to three-domes, it was asked that whether he was the Pujari there. I told that he had been the pujari there. The paper shown to me was related to outer portion. On this basis, I had said so.

The learned Advocate cross-examining the witness showed him paper No. 109 C-1/3 filed in other original suit No. 5/89 and asked whether an enquiry was made about the plaintiff No. 1 & 2 at this place a short while ago and about whom you had stated that "it is the name of the some Siya Raghav Saran who had been the Pujari of Nirmohi Akhara. On this document, Bhagwan Ram Lala Virajman has been indicated on the plaint No. 1". Having seen the above, the witness replied that that very document had been shown to him. I answer the question after due consideration, and not without consideration.

Read and verified the statement

Sd/-

Sita Ram Yadav

16.1.2004

Typed in the open Court by the stenographer on dictation by me. Asked to be present again on 19.1.2004 in connection with the further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

16.1.2004

Dated 19.1.2004

D.W.3/6 Shri Sita Ram Yadav

(Cross-examination, in continuation of dated 16.1.2004, before the Full Bench of Hon'ble High Court Lucknow Bench, Lucknow on oath, of Shri Sita Ram Yadav, D.W. 3/6 by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf of Shri Mohd. Hashim, plaintiff No. 7 in other original suit No. 4/89 and defendant No. 5 in other original suit No. 5/89, continues.)

In my last statement at page 100 that in 1962, I had heard that some Muslims call the disputed site a mosque, but I do not remember the name of the person who said so. I had heard this from some outsider. I also do not remember if I had heard so in Ayodhya or else, where. That outsider was only one man, and not many men. I do not remember the month and the season. My father had not told me about the property of Nirmohi Akhara. By human memory I mean to say that it is old matter. It cannot be bound in the limit. By human memory, I mean to say that it is a very old topic. But I cannot say whether it can be a thousand years old, ten thousand years old or ten lakh years old. The human memory may be of nine-ten lakh years ago and thereafter also.

When did Nirmohi Akhara come to existence, I cannot tell. But it is an old one. The prestige I have made mention of in para 6 of my affidavit, became known to me from my father and grand father. My father had told this fact much earlier but I cannot specify the time. But I remember that it was told to me before he told me of the attachment. In the very beginning my ancestors used to put their articles in a basket type of container. When the shop was closed, they took the material with them but the wooden table (Takhta) remained there. Later on, a

structure (shop) of wood and tin was made, the door had been attached to this and things locked in the shop. This shop had been built in around 1962. 'Batasha', 'prasad' etc. were available at the shop. We sold flowers also. The devotees purchased 'prasad' and flowers from my shop. Before 1962 and even after 1962, there had been only one shop of mine. There was no other shop. I had been to Janam Sthan Gudartar Mandir. That temple containing the idols of Ram, Laxman, Sita and of the three queens of King Dashrath and his whole family. Sita Rasoi is also there in that temple. The idols of 'Sitaji' and 'Annapurnaji', and 'Chauka' 'belan'-'chulha' etc. were also there in Sita Rasoi. The 'Charan Chinh' (foot-prints) are also there outside the Sita Rasoi which is in open space. The 'Chulha', 'Chakla', 'Belan' were not made of clay, but were made of marble. The Charan-chinh (foot-prints) are also made of marble. The 'Charan chinh' are made of white marble. Similarly, 'Chauka' and 'Belan' are also made of white marble but 'Chulha' that of the black stone. The idol of Shri Ramji in Gudartar mandir is of his youth, he has a bow in his hand. Hanumanji's idol is also there. Hanumanji's idol is in standing posture and he is holding a mountain and a 'Gada' (Club). There is no dome in the Gudartar Janam Sthan Mandir. I have not paid attention to whether there is a dome over the Kanak Bhawan, or not. It does not seem from above. I have seen domes in all the temples in Ayodhya. There is a dome in Amawan Mandir in Ayodhya, there are domes in Ram Kachahri and Hanumangarhi temple also. Domes are there in Sursari Bhawan Naya Ghat Mandir. There are several other temples at Naya Ghat which have domes. There is a dome on Hanuman Garhi temple. This dome is round in shape. The Amawan Mandir has one dome. There were three domes in the disputed building. All these three domes seemed to be in a straight line. Amongst these domes, the

middle one must have been larger in size. There are many domes in Sursari temple in Ayodhya. But I do not remember whether they are in a straight line or not. I do not remember if there is any temple in Ayodhya which has three domes in a straight line.

I came to know from my ancestors that the disputed complex was the property of Nirmohi Akhara. How it became its property, I do not know. There is a temple in Ayodhya by the name 'Bara Sthan'. There is lot of immoveable property with that temple. Like wise Hanumangarhi temple also has a lot of immoveable property. The Gudartar Janam Sthan Mandir also has some immoveable property. There was no special apparel for the sadhus of Nirmohi Akhara who used to sit in the disputed complex. They wore similar clothes as the other sadhus did. Having seen any sadhu who lived there, it cannot be said with surety that he belongs to Nirmohi Akhara. Similarly, it was difficult to identify the sadhus of different Akhara's by their apparel.

I had a 'prasad' shop in the disputed complex. Therefore, I know that the sadhus of Nirmohi Akhara had been living in store house until 1982 and they used to sit in the temple and the store house. This is to my personal knowledge. I have been seeing the sadhus of Nirmohi Akhara ever since I came to my senses and started going to my shop. The sadhus, including Pujaris kept changing. Daily 4-6 sadhus and pujaris lived there. Mahant Bhaskar Das is such a sadhu who had been a Pujari in 1950 and became a Sadhu after 1962. Siya Raghav Saran was also a pujari from 1962 to 1982. Jagannath Das, who is a Mahant at present, was also a sadhu of Nirmohi Akhara in 1950. He was seen in the disputed complex. Another sadhu who used to live in Nirala Nagar, Lucknow, was also

seen as a sadhu of Nirmohi Akhara in the disputed complex, in 1950. Ram Kewal Das, who has passed away just 15 days ago, was also seen in the disputed complex in 1950. He was a Sadhu of Nirmohi Akhara. Ram Lakhan Golki was also such a sadhu who was seen in disputed complex in 1950. At present who, apart from Bhaskar Das, Siya Raghav Saran, Jagannath Das ji and another sadhu who lived in Nirala Nagar, is alive is not known to me.

I know Ram Asrey, resident of Ayodhya. He is my 'Pattidar' (co-sharer partner). Munnu Yadav was also my 'Pattidar' who has expired long before. Ram Asrey's father's name was Shri Lallan Yadav. Munnu Yadav was Ram Asrey's uncle. I do not know whether Munnu Yadav was involved in a litigation over demolition of graves, or not. It is wrong to say that the disputed building was a mosque building. It is also wrong to say that the disputed building was being used as a mosque until the night of 22nd December, 1949. I had never seen nor heard that five-time a day Namaz, Jumma Namaz and Taravi Namaz used to be offered or Ajan given in this building. It is wrong to say that no idol existed in the disputed building until the night of 22nd December, 1949. It is also wrong to say that the statement made above by me is out of malice.

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

(Shri Fazle Alam, Advocate on behalf of defendant No. 6/1 and Shri Irfan Ahmed Advocate on behalf of defendant No. 6/2, Shri T.A. Khan, Advocate on behalf of defendant No. 26 in other original suit accepted the cross-examination by Shri Abdul Mannan, Advocate, Shri

Zafaryab Gilani, Advocate and Shri Mushtaq Ahmed Siddiqui, Advocate.)

Cross-examination on behalf of all the defendants/parties concludes.

Read and verified the statement

Sd/-

Sita Ram Yadav

19.1.2004

Typed in the open Court by the stenographer on dictation by me.

Sd/-

19.1.2004

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