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**HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD LUKC NOW BENCH, LUCKNOW**

OTHER ORIGINAL SUIT NO. 3/1989

PANCH RAMANANDI NIRMOHI

AKHARA

... PLAINTIFFS

VERSUS

RIYA DATTA RAM AND OTHERS... DEFENDANTS

**STATEMENT OF D.W.3/ 8
PANDIT SHYAM SUNDER MISHRA**

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**MAIN STATEMENT OF D.W.3 UNDER ORDER 18
RULE 4 OF CODE OF CIVIL PROCEDURE**

I, Pandit Shyam Sunder Mishra alias Baraku Maharaj
Son of Shambhu Dayal Mishra, age about 90 years,
Resident of Mohalla Ramkot, Katra, Ayodhya, Distirct
Faizabad hereby solemnly affirm that: -

1. I was born in 1914 and presently attained the age of 90 years. I have been living in Ayodhya since many generations. My seven generations have lived in Ayodhya. I was born here and the famous Ram Janambhoomi temple is situated at a distance of less than 400 yards from my house.
2. I got my education in Katra Middle School, which is in Suthati Mohalla. My family profession is priesthood.

3. I had come to my age when I was only 12 years old and started visiting Ram Janambhoomi temple at the age of 14 years. In addition to it I also used to practice wrestling in the Akhara established by Nirmohi Aklara at the sit of Sitakooop. The Akhara was run by Mahant Ramcharan Das of Nirmohi Akhara who was an expert in wrestling and the use of weapons. He used to do good horse riding .He was stout and of long height who sported turban and a sword.
4. Attending Akhara, wrestling, having a vision of Lord kamala installed in Ram Janambhoomi temple, Ram Chabutara temple, other temples, Chhatti Sthal etc. and visiting Shiv Durbar had started 5-6 years back to the riots
5. The riot of Shahjahanpur near Panchkoshi Parikrama Marg of Ayodhya, which is known as Bakarid riot of occurred in 1934, and I was 18 –19 years old at that time. I was an adult. I had already started the work of priesthood 2 –3 years ago and it was in this connection that I frequently visited the famous temples of Ayodhya and at this time I am the priest of Kanak Bhawan temple.
6. As I belong to a religious Brahman Family, it was my habit to visit Ram Janambhoomi temple daily and I continued to learn and take part in wrestling in the Akhara near Sitakooop opposite Sriram Janambhoomi till 1936. I had been attending this Akhara regularly at 5 in the morning. This Akhara remained functional for about an hour starting from Janambhoomi gate at Sitakooop. After that I visited the temples and returned home. The place of Akhara provided a view

of eastern gate of Ram Janambhoomi temple and it was at a stones throw distance. I used to go for wrestling till 1936 and it was the time of sunrise. I had never heard the prayer seen any Muslim going there nor reading Namaz.

7. When I left attending Akhara in 1936, I started visiting Janambhoomi in the evening due to being preoccupied with the work of morning bath in the Saryu and worshipping etc. The riot of 1934 due to cow-salughter started from Village Shahjahanpur, Jalapa Nala which took a heavy toll in the Mohallas of Kaziana, Teri Bazar, Durahi Kuan, Suthati, Kothi Ghat, Katra etc., where many Muslims were killed and some graves were also destroyed. Even at that time also there were very few houses of Muslims in Ayodhya and the Muslims were much terrified due to this incident. They had abandoned the path going towards Sri Ram Janambhoomi temple. In the year the British Government imposed tax on Hindus only based on Kachha and Pukka houses.
8. During the riots of 1934 the Muslim houses were demolished, graves were destroyed but no part of the disputed premises was destroyed; only some walls got affected.
9. When I started going for Darshan after 1936, some of my customers (Yajman) used to assign me the work of reciting Ram Rakshya Stotra. I mostly recited it in the Ram Janambhoomi premises, which lasted for about two hours, and I performed it in the morning or the evening according to my convenience.

10. Since, the time when I have been going to visit the Ram Janambhoomi premises for Darshan and worshipping I have never seen/or heard any Muslim reading Namaz or giving prayer call in the premises (inner or outer)
11. I think the inner part means sanctum sanctorum under the three domes and the open courtyard surrounded by window bar walls, which was attached in 1949. I can tell its area. The sanctum sanctorum may be 35-36 feet wide, 95- 96 feet long and the window bar wall courtyard may be 25-26 feet wide and 95-96 feet long. The entire attached part in East – West may be about 60-62 feet and in North – South about 95 –96 feet.
12. After the attachment in 1949 Babu Priya Datt Ram (Chairman) was appointed the Receiver. The police locked two iron doors immediately after the attachment but the darshan could be done from outside the window bar wall. I myself and the other devotees had Darshan from outside through the window bar wall. During that period I came to know about the area of the attached property due to my frequent visiting to the place and the police and the priest appointed by the receiver also told me so.

Measurement of the Attached Property

East - Outer Courtyard where Ram Janambhoomi Chabutara, Store Room, Sant Niwas etc., are situated and it was in the possession of Nirmohi Akhara.

West - Parikrama and Parapit of 2 ½ feet.

North - Chhati Poojan, Footprints, managed by Nirmohi Akhara.

South - 8-10 feet long Courtyard in the South-West in the possession of Nirmohi Akhara, Ram Chabutara Mandir and Shiv Pariwar are in it's north-east.

The wall from three sides surrounds the outer part of the land towards west and the wall is 8-9 feet high and 1 ½ feet wide. There is a gate in this wall called eastern gate. The north wall also has a gate. Except eastern gate and the northern gate there is no other entrance to enter the inner or the outer part. Ram Mandir Chabutara is in the outer side having a wooden throne where Ramlala is seated. This Chabutara is about 3 ½ feet high, 20-22 feet long, 16-17 feet wide has two cave temples housing Kaushalya and Kag Bhusundi in one and Bharatji in another.

13. I have been getting regular Darshan of Ram Chabutara Mandir, Chhati Poojan Sthal, Shiv Pariwar in the outer side from the very beginning till the demolition of the structure.
14. I have seen the priests in the aforesaid inner and outer parts. I have seen the priests Keshav Das and Baldev Das from Nirmohi Akhara. Baldev Das and his disciple Bhaskar Das were there before the attachment. Other Sadhus of the Akhara also lived in the storeroom, sant Niwas etc. and some Sadhus of the Akhara lived in Sitakoo near the eastern gate of

the disputed premises and also in their small temples.

15. Panch Ram Das of Nirmohi Akhara lived in Sumitra Bhawan Sheshawatar temple South to Sitakooop. When the U.P. Government demolished the outer part in October 1991, Sumitra Bhawan was also demolished and Mahant Raj Mangal Das of Nirmohi Akhara was its Panch.
16. There is an idol of lord Ramlala made of eight metals in the sanctum sanctorum below the one stone idol of hanumanji in addition to Lord Ramlala and Lakhan Lal's idol.
17. The idol of Ramlala and Lakhanlala with Saligram were in the silver throne.
18. I had been getting the vision of Lord Ram by going inside before the attachment in December, 1949 and after the attachment I used to get his vision from the gate out of window bar wall and even after December, 1992, I have been getting the vision of Lord Ram placed under the tent which is done under the Government control and supervision.
19. I saw Golaki Ram Lakhan Das of Nirmohi Akhara there before the attachment and later on also I have seen him going daily from Nirmohi Akhara, Ramghat Mandir for making arrangements of the outer part of Ram Janambhoomi.
20. Nirmohi Akhara is a Panchayati Math and a religious organization, which includes many temples, and this

temple Ram Janambhoomi also belongs to Nirmohi Akhara.

21. Nirmohi Akhara is also such a Panchayati Math, which includes Hanumangarhi. Digambar akharas have the same customs i.e. all follow Panchayati arrangement.
22. The disputed inner part was never used as a Mosque.

I, Pt. Shyam Sunder Mishra alias Barkau Maharaj, the aforesaid witness solemnly affirm and verify that the contents of the statement No.1 to statement No. 22 are true to the best of my Knowledge. I again verify that the statements given from No. 1 to 22 are true and nothing is today on 30.1.2004 in the premises of High Court, Lucknow.

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Sd/-

Witness.

Pt. Shyam Sunder

D.W. 03/

I R.L.Verma, Advocate hereby state that the witness Pt. Shyam Sunder Mishra alias Barakau Maharaj is known to me, who has signed this affidavit in my presence.

Lucknow

Dated 30.1.04

Sd/-

R.L.Verma

30.1.04

Advocate

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Before the Commissioner Shri Narendra Prasad,
Additional District Judge / O.S.D. Hon'ble High Court,
Lucknow Bench, Lucknow.

(Commissioner appointed under the order of the
Hon'bal Full Bench, Lucknow dated 19.1.2002).

O.O.S No. 3/1989

R.S. No. 26/1959

Nirmohi Akhara and other Plaintiffs

Versus

Babu priya Datt Ram & other Defendants

Date: 12-2-2004

**D.W. 3/8 Pandit Shyam Sunder Mishra alias Barakau
Maharaj.**

The affidavit from Page 1 to 8 of the main
examination of Pt. Shyam Sunder Mishra alias Barkau
Maharaj S/o Shambhu Dayal Mishra aged 90 years
resident was Mohalla Ramkot, Katra, Ayodhya, District,
Faizabad was presented on 30-1-2004 and taken into the
record.

(Cross examination started by Shri Madan Mohan
Pandey, Advocated on behalf of Mahant Suresh Das,
Defendant No. 2/1 in O.O.S. No. 4/89 and O.O.S. No.
5/89).

(At this stage Shri Ranjit Lal Verma, the Learned
Advocate of the Plaintiffs raised an objection that Shri
suresh Das is officiating on behalf of Paramhans Ram

Chandra das and he is from Nirmohi Akhara, Co-Plaintiff and according to paramhans Ram Chandra Dasa's statement no dispute arises from Co-Plaintiff Nirmohi Akhara so the Co-Plaintiff has no right for cross examination).

After that the cross examination started.

I am an original resident of Ayodhya. The Hindus have been worshipping the disputed site from the very beginning as the birthplace of Ram Chandra. Said him self that worship is performed on behalf of Nirmohi Akhara. All the Hindus used to come for Darshan but Nirmohi Akhara performed the worship. I am a householder. I do not belong to any Akhara. I was not initiated anywhere, only my Guru initiated me while providing Yagyopaveet. He is only my Guru. I have not made any other person as my Guru. I have visiting the disputed site when I was only 14-15 years old. The disputed three domed buildings have now been razed to the ground. I have going to the disputed building before it's demolition and after that also. I give regard to the disputed building from the very beginning as Ram Janambhoomi Mandir and have been worshipping and paying obeisance in that form. The place below the middle dome is regarded as Ram Janambhoomi. Since my childhood I have seen the people from all over India offering flowers, garlands, Prasad, money etc., there. There was Chhatti Poojan Sthal to the North of the three domed disputed building where the foot prints of the four brothers, dough tray, rolling pin, hearth etc., existed and towards the north of Chhatti Pooja Sthal there was northern wall of the temple with a gate and facing to this gate there was sant niwas store room. Ram Janambhoomi is thronged by the devotees from all over India during Sawan Jhoola, Kartik Purnima, Akshyay Navami, Chaitra

Ram Navami etc., who come here for Darshan. I know the names of Akhara but do not know much about them. I know only that Akhara are religious organizations. On the basis of sign boards I Akhara Nirmohi Akhara, Santoshi Akhara but I do not know how many Akharas are there.

Akhara are managed by panchas who belong to the same Akhara. The head of the Akhara is called Panch. Akhara elects one Mahanta who looks after it. The Mahant of Akhara has not all rights to take decision about the Akhara . Panch has got the right to take decision regarding the Akhara. Panch is superior to Mahant. There are many Panchs in the Akhara and all the Sadhus of the Akhara are Panchas who take the decision. All the Panchas have the equal right and not know how many Panchas are there in Nirmohi Akhara at present.

(Cross-examination by Shri Madan Mohan Pandey, Advocate on behalf of Mahant Suresh Das Defendant No.2 in O.O.S. No. 4/89 and O.O.S No. 5/89 concluded).

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

XXX XXX XXX XXX

I have got my affidavit prepared and submitted in the Court. I have used the word 'temple' in my statement of the affidavit. Temple is that place where the deity exists.

Question: -Is any individual residential house not called temple?

(On this question Shri Ranjit Lal Verma the Learned Advocate of the Plaintiffs raised an objection that such question which has already got the answer should not be allowed to ask).

Answer: The religious Hindus keep the idol or the picture of the god in their houses and worship it and this called temple. Where there is no idol or photo of god it cannot be called temple.

I have studied some Ram Charitmanas composed by Tulsidas. Tulsidas did not mention anything wrong in Sri Ram Charitmanas. There is a chapter called "Sunderkand" in Ram Charitmanas...

The Learned Cross Examiner Advocate showed the witness couplet No. 5,6,7 and 8 of sunderkand given in Ram Charitmanas Document No. 258 C ½ and asked whether the word "temple" used here described the house of the devotee of Lord Ram was ever present in the heart and mind of Hanuman, so wherever he went he perceived it as temple. There is no description of the house of Ram's devotee; the god was present in the heart of Hanuman, so it was treated as temple wherever he went. When he entered the House of Dashanan (Ravan) it appeared to him like a temple.

Question: - Did Ashok Batika not appear as a temple to Hanuman where Sitaji was living?

Answer: - Had it been a house Hanuman called it temple but it was a garden.

Question: - Is it a fact the temple is called after the deity of Hindu religion who has been installed there?

Answer: - The installation is of two types, one is offered or consigned to god and the second is retained by the owner.

It is true a temple is called Kali Temple where Goddess Kali is installed and where Hanuman is installed is called Hanuman temple. Similarly the temples are called Ram temple, Krishna temple etc., on the basis of deities installed there. Other god's temples are also called so. It is wrong to say that the gods are the owners of the temple and their properties but the reality is only the temple is the property of god what has been donated to him and the temple which has not been donated to god the person who constructs the temple is regarded the owner of it.

Question:-Do you know the God or Goddess installed in any temple is regarded as legal person?

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the Plaintiff raised the objection that asking such legal question to the witness was not justified).

Answer:- I do not have any knowledge about it

It is right to say that a priest is appointed in every temple to give bath, dress up and give offerings to the deity. This appointment is due to the reason that the deities cannot do it themselves

Question: Are there different organizations for the management of the properties of the different temple?

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the Plaintiffs objected that it was an irrelevant and fictitious question. So it should not be allowed to ask).

Answer: - Any organization is formed for those temple, which is donated to gods, and an individual who installs god for himself is the owner of the temple himself.

Lord Ram is regarded as the partial incarnation of Lord Vishnu and the place where he appeared in the human form became an adorable place for Hindus. Lord Ram incarnated himself as a man so he got birth as the son of Dashratha and the entire area became holy and adorable for Hindus and a temple was also constructed there.

Question : -Was the disputed premises donated or offered by any person?

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the Plaintiffs objected that there was no mention when or whom the donation was made in this question so it should not be asked).

Answer: - I do not have any knowledge about it because ages have passed.

Nirmohi Akhara is the management of the disputed premises. I do not know when the aforesaid Akharas mentioned by me were established because I was not born at that time.

Nirmohi Akhara is both the management and the owner of the disputed premise. It is wrong to say that no Akhara can be the owner of any temple.

It became known to me since the age of 14 years that the management and the owner of the disputed premises was Nirmohi Akhara. I cannot tell whether Nirmohi Akhara has

the right to transfer the property of the disputed premises. Owner is who owns the property and the management is who manages it's affairs. According to my knowledge the disputed premise is the property of Nirmohi Akhara's ownership.

I have not gone through quran-e-sharif. I know that Muslims are not idolaters. I am not an owner or manager of any temple.

I have seen Kanak Bhawan temple in Ayodhya and performed priesthood there. Kanak Bhawan does not belong to any Akhara but it was built by maharaja Teekamgarh who is its owner but he has no right to sell and transfer it. The king of Teekamgarh has donated Kanak Bhawan temple to the God. In addition to it there are many such temples built by Rajwaras in Ayodhya viz Kanchan Bhawan, Pali Mandir, Sunder Sadan, Raja Amawa Mandir etc., which have been donated to God by the owners. Chhoti Chhawani is also a temple Nritya Gopal Das is it's Mahant.

Question: -Does Mahant Nritya Gopal Das keep the right to transfer or sell the aforesaid temple or its property?

(Shri Ranjit Lal Verma, the Learned Advocate of the plaintiffs objected that the Learned Advocate has no right to ask that question).

Answer:-The temple, which does not belong to any Akhara, has trustees and the Mahant implements what the trustees ask him to do.

I have not seen such document, which mentions the ownership or the propriety of Nirmohi Akhara in respect of the disputed premises. I have been going to the disputed premises since the age of 14 and there, I came to know that Nirmohi Akhara was the owner of the disputed premise.

Question: -When you visited there at the age of 14, did you ever count the money of the offering ?

Answer: - The people of Nirmohi Akhara used to count the money at that time and after that some people known to the Akhara also helped them. I also counted money there.

The counters were given Charanamrita, Prasad specially and nothing more was given to them for counting. As I used to see myself that Nirmohi Akhara was doing everything, so there was no need to tell anyone about it.

Question:-Did you summerise on these all procedures that Nirmohi Akhara was the owner of the disputed premise?

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the plaintiffs raised the objection that the Advocate cross examining the witness could not be authorized to make such a cross examination on the basis of the affirmation by Shri Ramesh Chandra Tripathy and Shri Ramesh Chandra Pandey. He is conducting this cross-examination on the affirmation of Devkinanadan Aggarawal (O.O.S. No 5/89), the ex-plaintiff No. 3 of Ram Janambhoomi Trust, a sister concern of Vishwa Hindu Parishad, while they have neither submitted any reply in this suit nor given any such affirmation. The witness has

already given reply on this question. So this question cannot be asked).

Answer:- When the Mahant of Nirmohi Akhara arrived he was given a separate seat (Gaddi) which was an indication that he was the owner of it.

Ram Durbar is that part of the temple where Lord Ram Chandra, Sitaji, Laxman, Bharat, Shastrugna and Hanumanji in a folded hand gesture are seated at once place.

Where Ramchandrajai, Sitaji, Laxmanji and Hanumanji (in their service) are seated is not called Ram Durbar because the presence of all the four brothers is essential to call it Ram Durbar. The idols of Ramchandra Lallaji, Saligramji, Hanumanji, and Maharani Kaushalyaji were placed in the sanctum sanctorum of the disputed premises.

There were idols of Lord Ram, Laxman, hanuman and Saligram in the temple of disputed premises, which were placed in the sanctum sanctorum of that temple. There were no other idols in that sanctum- sanctorum. The idols are still present in that place where they were at that time, though the building has been razed to the ground. Those three idols are still there even after the demolition of the building. There is no increase or decrease in the number of the idols. I have never gone to make measurements of the area where the temple was situated but it is my estimation. There was a wall between the inner and the outer parts of the entire disputed premises where there were window bars and two doors.

I was a student of middle school in Suthati Mohalla, Katra. There are two Mosques in Suthati Mohalla and I have been seeing them since my childhood. These two Mosques are at a distance of $\frac{1}{2}$ K.M. from the disputed premises. There was no cultivated land in the west of the disputed premises but there were grounds at a lower level. I have never seen since my childhood these fields being used for cultivation. There is Dorahi Kuan towards west of the disputed premises which is a Mohalla. It is called Dorahi Kuan because one road goes towards in the north south and the other to east west from here. From the crossing of Dorahi Kuan one road goes to Hanumangarhi directly through Janamboomi. This Dorahi Kuan crossing is at a distance of about 300 yards from the disputed premises. There is no Mosque between the disputed premises and Dorahi Kuan but there is a Mosque towards west of Dorahi Kuan crossing. There is no Mosque in the north of the disputed premises but there are many temples towards the north. There is no Mosque till a long distance towards east of the disputed premises and similar is the case towards south also. There was no place in the disputed building or nearby of the disputed premises which could be used as a toilet or ablution. There was no well inside the disputed premises or at its adjoining place. There was no pond, tank, etc., inside the disputed premises from where water could be drawn for ablution. It is wrong to say that I am giving false statement about the ownership of the disputed premises. It is also wrong to say that I have given my statement about the ownership of the disputed premises at the behest of Nirmohi Akhara (Plaintiffs).

(Cross-examination by Shri Veereshwar Dwivedi, Advocate on behalf of Shri Ramesh Chandra Tripathy, Defendant No.17 and Shri Umesh Chandra Pandey Defendant No.22 in O.O.S. No. 4/89 concluded).

(Cross-examination by Shri Ajay Kumar Pandey on behalf of Plaintiffs in O.O.S. No.5/89 started).

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I have studied up to 8th standard in the middle school and then started learning Karmkand. I got the education of Karmkand individually from the Learned Pandits. No degree is awarded in Karmkand. Except Karmkand, I have not studied Theology and Vedas etc. I have not studied Valmiki Ramayan but studied Ram Charitmanas by Tulsidas. I have gone through Hanuman Chalisa and Bajrangban also, composed by Tulsidas. I have memorized Bajranban. The people called the main door towards east of the disputed premises Hanumatdwar. There was a stone board near the main gate written "Janambhoomi Nitya Yatra". There were black stone pillars on both sides of the eastern again gate. Himself said that the pictures of Hanumanji were engraved on the pillars. On watching those pillars very minutely picture of Jai and Vijay was also seen. The pictures of Jai and Vijay were very old to the extent of obliteration, so it could be deciphered with minute observation. There was also a door in the north of the disputed premises, with the pictures of peacock, Jai and Vijay and Garur (aquila) on its top. It is wrong to say that there was a picture of Garur in the middle of the upper door flanked by the pictures of lion on the north door. The Learned Advocate showed the picture No. 20 of the black and white album Document No. 201 C to the witness and asked whether there was a picture of Garur on the upper portion with the pictures of lion on both sides? Having a look at it the witness answered that it looked like a peacock to him. He said – I do not use spectacles. My left eye is defective and I

cannot see anything with it. The sight of my right eye is also not clear.

Panditai means performing Karmkand and Purhitai means to tell all the Yajmans about the festivals etc., by visiting their houses. Karmkand includes Anusthan and Pooja. I have read Karmkand book Rudri Ashtadhayi, Karmkand is a religious book which includes house warming, marriage, tonsure, Yagyopaveet etc. I perform Pooja (worshipping) and Anusthan (rituals) also. I have performed the ritual of Ram Raksha Strota in the disputed premise on behalf of the Yajmans. So far as my memory goes I have always seen Lord Rama seated at the disputed site. When Ram got birth from the womb of mother Kaushlya as a son of King Dashratha at this place it is called Ram Janambhoomi and is adorable place since then. According to Hindu conviction, faith and tradition Lord Ram was born below the middle dome of the three domed disputed building. So this place is itself a worship place and Ayodhya is the Swayambhu land . Where Lord Ramlala appeared that place is regarded as Swayambhu land. When going inside of the disputed premises through Hanumatdwar there was Ram Chabutara on the left side with two caves below it. In one cave there were mother Kaushalya with Ram in her lap and Kakbhusundi and in the other Bharat was seated. There were Neem and pipal trees in the east-south corner of Ram-Chabutara and Lord Shanker was seated with his family under it. There were idols of lord Shankerji, Ganeshji, Parwatiji, Kartikji and Nandishwar. There was no other door to enter the disputed premises except eastern and northern main gates. Hanumatdwar or the eastern gate was the main gate.

The Learned Advocate showed the last 4 lines of Para 6 of the main examination to the witness "when in the morning in 1936... Saw reading Namaz" and asked whether his above statement was correct. The witness replied that the stamen was correct. A big Anushthan, path and Jap was organized at the Ram Janambhoomi during Sept to December 1949 and many people participated in it. After that the Government attached it.

Statement verified after hearing the same.

Sd/-

12.2.2004

Typed by the Stenographer in the Open Court on my dictation. Attend he Court tomorrow on 13-2-2004 for further cross-examination, witness to come.

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(Narendra Prasad)

Commissioner

12-2-2004

Date 13-2-2004

D.W. 3/8 Pandit Shyam Sunder Mishra alias Barkau Maharaj

Before the Commissioner Shri Narendra Prasad,
Additional District Judge/O.S.D. Hon'ble High Court,
Lucknow Bench, Lucknow.

(Commissioner appointed under the order passed by
the Hon'ble Full Bench dated 19.1.2004 in the case
Nirmohi Akhara & other Versus Babu Priya Datt Ram and
others (O.O.S. No. 4/89 and O.O.S. No. 3/89).

In continuation of dated 12.2.2004 the examination
on oath of Pt. Shyam Sunder Mishra, D.W. 3/8 continued
by Shri Ajay Kumar Pandey, Advocate on behalf of the
Plaintiffs in O.O.S. No. 5/89).

I perform Yagyopaveet and marriage rituals also. I
have a book "Vivah Paddyati" written by Vayu Nandan and
I perform marriage according to it. Vayu Nandan was a
Pandit. I have no knowledge about the book "GrihaSutra".
I perform Yagyopaveet with the help of "Upanyan Muhurt".
People bow their head at the doorsill of the temple as
soon as they enter it and then take Charanamrit. There
was Parikrama way around the disputed premises. I have
performed it's Parikrama. I used start Parikrama after
coming out from the eastern main gate towards the south.
There is an idol was on the wall. I have seen the idol of
Barah but cannot tell its height on my estimation. Sumita
Bhawan Sheshawater temple was towards south of the
disputed premises. Sumitra Bhawan was at a distance of
200 yards approximately from the eastern main gate of the
disputed premises. Sitakooop was at a distance of 100

steps towards east from the disputed premises. There was Shakshi Gopal temple towards east of the disputed premises at a distance of 60 steps approximately. Shaksi Gopal temple was about 20 steps away from Sitakoop. Three mega festivals are organized in Ayodhya on Kartik Akshyay Navami, Chaitra Ram Navami and Savan Poornima. Lacs of people come to Ayodhya from outside also on the occasions of these festivals. People come from every part of the country and from abroad also. These people visit invariably Ram Janambhoomi, Hanumangarhi and other main temples. Panchkoshi Parikrama is performed on Kartik Shukla Aekadashi, Chaudah (14) Koshi Parikrama is performed on Akshyay Navami. Chaurasi Parikrama starts at the bank of Manorama river on Chaitra Shukla Poornima and concludes on baisakh Shukla paksh Navami. I have not performed 84 Kosi Parikrama but performed 14 Kosi Parikrama many times. 14 Kosi Parikrama includes the places the places like Vaitarani, Suryakund, Dhopap, Jankaura, Guptar Ghat, Ramlalla Ghat, Jamthata, Chakrateerth, Brahmkund, Nirmochan Ghat, Laxman Ghat, Gola Ghat, Laxman Quila, Naya Ghat etc. Nirmochan Ghat is called Rinmochan Ghat and Jankaura is called Janora also. Pali Mandir is behind Tulsi garden. Prior permission of the concerned person is required to enter his house or the premises. Only the owner has the right to sell or transfer his house, garden, land etc. I belong to the village. After making Deeh Brahm or any God is worshipped in the village. I have not visiting any such village having the temple of Kali. Deeh God made of clay is established in the villages. There is a Deeh of Sire Goddess in my Mohalla. The idol is made of eight metal. Idols are made of the stone also, which may be black stone marble or thick stone. Gold idols are also there but I have not see the idols made of silver. Wooden idol is

made in Jagannathpuri only, which is changed after every 12 years and the old idol is immersed in the water. I have not seen the idols made of "Jakh-Jakhil" wood and placed beside the deeh in the village. Brass and copper idols are sold in the market but are not installed here. During Deepawali the idols of Laxmiji, Ganeshji, Shankerji etc., made of clay are available. There idols are not installed or consecrated but people worship them with devotion. I have not seen the idols of Ganeshji and Laxmiji made silver even during Deepawali but seen the pictures of Laxmi and Ganesh engraved on the coins. People purchase these coins during Deepawali and keep in their houses after worshipping.

I do not know English. My seven generations have lived in Ayodhya. I meet Hindus and Muslims alike in Ayodhya. In my Mohalla we visit each other house and invite each on many occasions. When the lock was put on the temple I came to know that the disputed building had been attached. Any case was fought regarding the attachment that I do not know but during the attachment Babu Priya Datt Ram was looking after the disputed building. Katra, Kandharpur, Gauriyana are different Mohallas in Ayodhya. I do not know any person named Hasanu of Katra Mohalla also. Sringer Hat is a prestigious Mohalla in Ayodhya. I do not know any person named Latif of Srinagar Mohalla. I know baba Abhiram Das. Baba Abhiram Das belonged to Nirvani Akhara and he has expired. He lived in Hanumangarhi. The people delivered lectures also on the occasions of Anusthan at Ram Janambhoomi during December 1949. I do not remember the names of the Sant and Mahant out of Ayodhya who delivered lectures during that period. I have heard the name of Baba Raghavdas, once he was an M.P. from our area. Baba Raghavdas did not deliver lectures during the

aforesaid Anusthan. He did not deliver lectures even before or after the Anusthan at the Ram Janambhoomi. He gave lectures at other places. I have heard the name Mahant Digvijay Nathji of Gorakhanath temple. He visited Ram Janambhoomi in 1936. I have heard the name of Swami Ramanandacharyaji. He was the head of vaishnav Ramanandi Sect. I cannot tell to which period swami Ramanandacharya belonged. He had been in the period since Ramanandi came into existence. Ramanandi Sect was started by Ramanandacharya. I cannot tell the period when Ramanandi sect was started. All the Akhara which I mentioned yesterday (12-2-2004) in my statement belong to Ramanandi sect. I do not know when these Akhara were established. I will not be able to tell who established these Akharas. It is true that swami Ramanandacharya is held in high esteem in Vaishnav Ramanandi Sect. And all the people of this sect obey the instructions preached by him. It is also true that after the death of swami Ramanandacharya the learned sages of Vaishnav Ramanandi sect select collectively a person as Jagatguru Ramanandacharya. The person selected, as Jagatguru Ramanandacharya is himself a learned Sant of Vaishnav Ramanandi Sect. The person enthroned as Jagatguru Ramanandacharya grts the same respect from the people of Vaishnav Ramanandi Sect as Adi Swami Ramanandacharya Since the time of my visiting Janambhoomi, I have not any Muslim going and reading Namaz there.

(The cross-examination by Shri Ajay Kumar Pandey, Advocate concluded on behalf of the Plaintiffs of O.O.S. No.5/89).

(Except the Learned Advocate of other defendants of O.O.S. 4/89 and Defendants No. 4,5,6, and 26 of O.O.S.

No. 5/89 and Defendant No. 10 of O.O.S. No. 1/89 and Defendants No. 6/1/6/2,9 and 11 of O.O.S. No. 3/89 no other person was present for cross examination on behalf of any Defendant and Plaintiff of O.O.S. No. 1/89. so the cross examination was started by Shri Jafaryab Jilani, Advocate on behalf of Sunni Central Board of Waqf, U.P. Defendant No.9 of this suit).

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The disputed site was being worshipped as the birth place of Ram since the very beginning. Very beginning means when I started going there at the age of 14 years, I found it was the birthplace of Ram. Before the age of 14 years, I had no knowledge whether the disputed site was being worshipped or not. Shri Ram Chandraji was born in the disputed site. I cannot tell how many years back Shri Ram Chandraji was born but Ram Navami is celebrated as his birthday. I have not read in any book about the birth year of Ramchandraji. I have heard the names of Satyug, Tretayug, Dwaparyug and kaliyug. I do not know how many lakhs years back Satyug, Treta and Dwapar existed but I know about Kaliyug. Kaliyug started 4332 years ago. I do not know whether Ramchandraji was born in Tretayug or Dwaparyug. Ramchandraji was not born in Kaliyug. According to my conviction Ram Chandra got birth as the of Dashratha only once. He was born in the place of King Dashratha. I have not read about the palace of Dashratha in Ram Charitmanas. I have not read about the place of King Dashratha in any other book also.

The name I know Kaushlya Bhawan. Kaushlya Bhawan is in Ramkot Mohalla of Ayodhya. I have not read or found mention about Kaushlya Bhawan in Ram

Charitmans. Queens Kaushlya, Sumitra and Kaikeyi lived in Dashratha palace. They had no separate palaces but the place of King Dashratha was very big and all the three queens lived there. The present Dashratha palace in Ayodhya , which is called Bara Sthan also, is near Hanumangarhi. The present Dashratha Mahal is not at that place where King Dashratha's palace was . The queens lived in the Dashratha Mahal but new Mahals have come into existence now after their names. The present Kaushlya Bhawan in Ayodhya is 60 years old. There is Kaikeyi Bhawan also in Ayodhya which too is about 60 years old. The Sumitra Bhawan in Ayodhya was less older than those two buildings. That Sumitra Bhawan was built by Pandit Ramdas of Nirmohi Akhara and was built during my period. Sumitra Bhawan was about 10 hand long and 7 hands wide. This was the measurement of Sumitra Bhawan and some vacant land was also there outside the building. There was an idol of Sheshawatar Laxman in Sumitra Bhawan which was made of the stone. Sumitra Bhawan was demolished in 1991 and I do not know what became the fate of the idol after demolition. I did not see that idol of Laxman in Ayodhya after 1991. I also did not make efforts to know about it from somebody. Kaikeyi Bhawan is Kop Bhawan and when the queens became angry they used it to express their anger. There is the idol of angry Kaikeyi in the present Kaikeyi Bhawan of Ayodhya. I visiting Kaikeyi Bhawan first when I was 14 years old. The Kaikeyi Bhawan may be 25 hands long approximately and 10-12 hands wide having a courtyard outside. It is situated on that road going from Dorahi Kuan to Hanumangarhi. Now a days this road has been closed to Dorahi Kuan and a wall has been raised there. Kaikeyi Bhawan is at a distance of 10 steps from Manas Bhawan. Kaushalya Bhawan is in the west of Kaikeyi Bhawan and just opposite to Manas Bhawan. The east west length of

Kaushalya Bhawan is about 15 hands and north south length is about 100-50 hand and its gate is at the north road. North road means the road of Ved Mandir. That road which goes from Unwal temple via Ved Mandir to Hanumangarhi is at the back of Kaushalya Bhawan. There are the idols of Ramchandraji and Janakiji in Kaushalya Bhawan and no other idol is there. The idol of Ramchandraji in Kaushalya Bhawan is of his young age. This young age idol of Ram Chandra is made of eight metals, which is about ½ -2 feet tall. The idol of Sita is comparatively smaller than Ramchandra's idol. Kaushalya Bhawan is not the place the house holders and only those people , who live there perform worship etc., there, the outsiders do not do so.

The name of Kaikeyi Bhawan has been changed now and it is called Ved-Mandir, Ved mandir was built ten years back. Previously it was known as Kaikeyi Bhawan and a stone written Kaikeyi Bhawan is still there. Kaikeyi Bhawan was purchased by the owners of Ved Mandir. There is only one Ved Mandir at this time. Kaikeyi Bhawan and Kaikeyi Kop Bhawan are two different buildings. Kaikeyi Bhawan is situated on that road which leads from Unwal temple via Ved Mandir to Hanumangarhi. Ved Mandir is towards north of the road going from Unwal temple to Hanumangarhi. Kaikeyi Bhawan now called Ved Mandir is at a distance of about 10-12 steps from the north gate of Kaikeyi Kop Bhawan. There are the idols of Ramchandraji, Janakiji, Laxmanji, Hanumanji and god Saligram in Ved Bhawan. All these idols were installed within 10 years. The three idols are made of marble and the idols of Saligram and Hanuman are different. The idols of Ramchandra, Laxman and Sita are about 5 feet tall. The idol of Hanuman which is different is also about 5 feet tall. There is a separate temple of Hanumanji within Ved

Mandir. At least 25-30 saints live in this temple. The outsider devotees also visit this temple. The Parikrama was performed inside the boundary wall of Ved Mandir. This Parikrama is done of that temple where Ramchandra, Janaki and Laxman's idols are placed. There is a seprate Parikrama of Hanuman temple, but within the outer boundary wall of the temple.

Every temple has Parikrama and Kaushalya Bhawan is not its exception. There is Parikrama beyond jagmohan within outer surrounding wall in kaushalya Bhawan. The disputed site is at a distance of about 150 yards from Kaushalya Bhawan. I am telling this distance of Kaushalya Bhawan from the eastern gate of the disputed building. Kaikeyi bhawan now called Ved Mandir is at a distance about 200 yards from the eastern gate of the disputed building. One yards is equal to two hands. Hanumangarhi is at a distance of at least of 500 yards from Kaikeyi Bhawan. Hanumangarhi is towards east of this Ved Mandir. Bara Sthan of Dashratha Mahal is towards west from Hanumangarhi. There is Janaki Mahal after the name of Sita and Ram Janambhoomi after the name of Ramchandra in Ayodhya. Laxman Mandir is at Laxman Ghat in Ayodhya at the bank of Saryu river. This Laxman temple at the bank of Saryau river existed there before I came here. Janaki Mahal was built before me. Janaki Mahal was built by marwari Samaj. It is at a distance of about two km. From Hanumangarhi towards north- east corner.

I have read about the length & breadth of Dashratha Mahal of King Dashratha's period in Ayodhya Mahatmya and Valmiki Ramayan but I do not remember it. I must have heard about it from Sant and Mahatmas but I do not

remember this time. I do not remember what was the area of Dashratha Mahal of King Dashratha's period.

Question: Can you tell whether the present site of present Dashratha Mahal was a part or not of Dashratha Mahal of king Dashratha's period?

Answer: The present Dashratha Mahal is not the part of king Dashratha's palace. Now a days even Chauburjee place is also called Dashratha Mahal. The Sant and Sages have made the older Dashratha Mahal according to their feeling.

Now days the aforesaid two Mahals known to me are called Dashratha Mahal and some more smaller Dashratha Mahals may also be there which are not in my knowledge. The second Dashratha Mahal or chauburjee Mahal is also not a part of King Dashratha's mahal. The present Kaushlya Bhawan is also not a part of that king Dashratha's Mahal. Kaikeyi Kop Bhawan, Kaikeyi Bhawan or Ved mandir are not the part of that Dashrath Mahal. Sumitra Bhawan, which existed till 1991, was also not a part of it.

There is one Janam Sthan mandir to the north of the northern road of the disputed site. This is an old temple which was not built during my period. This Janam Sthan Mandir may be 150-200 years old and belongs to the period of Nawabs. The length of this Janam Sthan temple may be about 1 km. From east to west and north to south. This measurement is of the entire land of the Janam Sthan temple,. Manas Bhawan is at the south-east corner of the Janam Sthan temple and Kaushalya Bhawan is towards the east of the Ram Janambhoomi temple.the main gate of Janam Sthan temple is in the east where there is a big wooden door. The door is still intact there. Manas Bavan is at a distance of 50-60 steps from this door. The distance of Kaushalya Bhawan from this door may be

about 60 steps. The disputed site may be at a distance of less than 8 steps towards south from Janam Sthan temple.

The Learned Cross Examiner showed him a part of his today's statement - "the length of this Janam Sthan temple may be about 1 km. From east to west and also from north to south" and asked whether his above statement was correct.

The witness replied that his statement was correct.

Question:- According to your statement whether the aforesaid Manas Bhawan, Kaushlya Bhawan and disputed site are the part of Janam Sthan temple because you have told that the above three places are within 100-150 feet of the Janam Sthan temple.

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the Plaintiffs raised an objection that this question was not clear due to the reason that in the area of Gudar Tar Janam Sthal temple only southern direction had been asked and beyond 8 steps there is disputed premise towards south. So when the length and breadth of Janam Sthan Gudar Tar has been mentioned in the statement of the witness such a question can be asked only after telling of the remaining three directions.)

Answer:- Manas Bhawan, Kaishalya Bhawan and the disputed building are not the parts of the aforesaid Janam Sthan.

Statement verified after hearing the same.

Sd/- pt. Shyam Sunder Mishra
13-2-2004.

The Stenographer in the Open Court on my dictation typed the statement. Attend the Court in this connection on 16-2-2004, witness to come.

(Narendra Prasad)
Commissioner
13-2-2004

Date: 16-2-2004

D.W. 3/8 Pt. Shaym Sunder Mishra Alias Barkau Maharaj

Before the Commissioner Shri Narandra Prasad, Additional Judge/O.S.D. Hon'ble High Court Lucknow Bench, Lucknow.

(Commissioner appointed under sated 19-1-2004 by Hon'ble full Bench in Nirmohi Akhara and other Versus Babu Priya Datt Ram & other case relating to O.O.S. No.3/89 (O.S.No. 26/59) and O.O.S. No. 4/48).

The cross-examination on oath of Pt. Shyam Sunder Mishra D.W. 3/8 in continuation of dated 13-2-2004 by Shri Jafaryab Jilani, Advocated on behalf of Defendant No. 9 Sunni Central Board of Waqt, U.P.

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There is road and Ved Mandir in the north of Janam Sthan temple and a road, Fakira Ram temple and Manas Bhawan in the east. In the west there is courtyard of Janam Sthan temple and to the west of courtyard is Deen Kutia Mandir. In the west of Deen Kutia Mandir there is a street and to the west of the street there is a temple. This temple is known as Janak Nandini Mandir. The distance of Unwal temple from Janak Nandini temple may be about 20 yards and my house is at a distance of 5 yards from Unwal temple. The distance of my house from the west end of the Courtyard of Janam Sthan Mandir is about 150 yards. The wall if the courtyard has fallen now but the marking still exists there and the nearest place of that courtyard wall

from the house is at a distance of about 150 yards. The upper most wall of the Janam Sthan temple may be 25-30 feet high and this Janam Sthan temple is built on a hillock. This hillock was as high as the hillock of the disputed building. The wall towards east and south of Janam Sthan temple was about 25-30 feet high. The north wall Janam Sthan temple may be about 10 feet high and the west side wall about 30 feet high. The western courtyard, is bigger than Janam Sthan temple . There were walls on the three sides of the Janam Sthan temple courtyard which were about 5 feet high. There was a door in the northern wall of the temple to enter the courtyard. There was a courtyard in the north also. The north-south width of the north courtyard of Janam Sthan temple was about 30-32 feet and east west length 200 feet. The east-west width of the west courtyard of Janam Sthan temple was about 30-32 feet and north-south length about 200 feet. There was a tamarind tree, bushes and shrubs in the courtyard towards west of Janam Sthan temple. The western wall of the Janam Sthan temple was about 200 feet from north of south and the southern wall from east of west was about 200 feet. The eastern wall of this temple from north to south was about 100 feet. The north wall was about 100 feet from east to west. The gods are seated in three rooms in the Janam Sthan temple when entering from the eastern gate these are three rooms where not more than 8 feet distance there was an open space between eastern door and the temple all the three rooms of gods where in a row. There was Jagmohan before the rooms. The east-west width of that Jagmohan was 4 feet or so. The length of Jagmohan was more than those three rooms housing the god's idols because it was having Parkrama also. There were the idols of Dashratha, Kaushalya, Kaikeyi and Sumitra in the middle room and the north side room housed the idols of Jagannathji and Saligram. The south-

side room had the idols of Ram Chandra, Sita, Laxman and Hanuman. All the three rooms were of the same measurement. The idols in these three rooms were since very old time, which I do not remember. The idol of king Dashrath in the middle room was made of white stone. It was in standing position and was about 3-4 feet tall and the idols of the three queens Dashratha were also in standing posture and were about 2 ½ feet tall, all made of white stone. In the southern room the idols of Ramchandra, Sita and Laxman were made of eight metals and the idol of Hanuman was made of stone. The idol of Ramchandrajai is made of eight metals was about 2 feet tall. The idols of Sita and Laxman stood shorter than the idol of Ram Chandra. Hanuman's idol was also shorter than that of Ramchandra. Hanuman's idol was also shorter. All the four idols were in standing posture. Ramchandra's idol was bow-wielding idol. I cannot tell the length the breadth of the rooms housing the idols because I used to have their vision from outside.

Question:- When you had a vision of the idols placed in the rooms could you not make any estimate of the length and breadth of the rooms, viz, 10-12 feet or 20-25 feet or more or less?

Answer:- I did not visit the rooms with a mind of making measurement. After having Darshan, the priest used to give me Prasad, Charanamrit etc., and I returned from there. There was Sita rasoi towards north beside the above three rooms. On visiting Sita Rasoi I found big utensils etc., there kept for the visitors. I did not see dough board, rolling pin there. Sita Rasoi was towards west after the open space near Jagmohan. The door of Sita Rasoi was east facing and entering it facing west we could see the utensils there.

We could go to the Sita Rasoi from the east door of Janam Sthan temple. The distance of Sita Rasoi from the eastern door of Janam Stahan Mandir was about 8 feet. It was at a distance of 5 feet from the northern wall of Jannath temple (where the idols of Jagannath etc., are placed). Said again – from the room where Jagannath idol is placed, Sita Rasoi is at a distance of about 3 ½ feet towards the north. Sita Rasoi is at a distance of 8 feet from the room where the idols of King Dashratha and his queens are placed.

Question:- Should I take it that the north-south width of the room where the idol of Jagannathji placed is only 4-5 feet?

Answer:- I did not notice whether the north south width of the room housing the idol of Jagannathji was 4-5 feet or not because I visited the place only for Darshan.

The above all the three rooms housing the idols were separate having walls between them. The idols were kept on the throne of marble. All the three rooms had doors facing to east. The doors were of normal size, i.e. about 6 x 3.35 feet. There were no windows in the rooms. The idols of Ram Chandra, Sita and Laxman were placed on the throne in front of the door and the idol of Hanuman were below the throne. This throne was about 2 feet high from the floor and was made of marble. The north-south width of this throne was about 5-6 feet and east-west width was about 2-2 ½ feet. The throne was built very close to the western wall. This western wall had no window etc., in the backside. I never entered into these three rooms and used to have Darshan from Jagmohan only.

When I visited the Janam Sthan temple I bowed my forehead on the doorsteps of the there room where gods were seated and got Charnamrit there. The chief priest of all the three rooms was the same person he worshipped the entire idols place there and other priests distributed Charnamrit. The priests who distributed Charnamrit were different people. The measurement of the throne, where the idols of King Dashratha and his there queen were placed, was about 5 feet north –south and its width was about 3 feet east-west. The thrones of the same size were there in other two rooms also. All the three thrones were made of marble and were closely kept against the western well. There were walls on either side (north – south) of the throne at a distance of two feet.

Question:- Was the north-south width of these rooms 9-10 feet according to your above statement?

Answer:- I do not know much mathematics and would not be able to tell on assumption.

Question:- I am to say that you are giving wrong statement deliberately. You say the length and breadth of the aforesaid room are not known to you, when you have already told the inner width of the rooms complrtely and separately. What you want to say about it?

(On this question Shri Ranjit Lal Verma the Learned Advocate of the Plaintiffs raised an objection that the measurement had been told in the statement so this question should not be asked).

Answer:- I have not given any wrong statement. I told the width of the throne and not of the room.

The Learned Cross-Examiner showed to the witness an extract of the statement on Page 36 dated 13- 2 2004 which reads as “the length of this Janam Sthan temple may be about 1 K.m form east to west and also north to south “ and asked “your aboue statement becomes wrong in the context of today’s statement, what do not want to say about it?

He replied that his aforesaid statement was correct.

Question:- Is your today’s statement wrong where you have mentioned the width of the western wall of the Janam Sthan temple in 200 feet, the length of the southern wall is 200 feet, the width of the eastern wall is 100 feet and the length of the northern well is 100 feet?

Answer:- On that day only length and breadth was asked and today it has been asked in feet and I cannot convert feet into kilometer. So according to my estimate, I mentioned aforesaid, otherwise my statement of 13-2-2004 is correct and today I told the length of the walls in feet which has become wrong. It is right that hand is equal to a yard but I do not know whether one yard is equal to three feet or not. I have heard the name “meter”. The old measurement was based on yards but new measurement is done in meters. There is a raised platform before my house where I sit. I cannot tell its measurement in meter but its length is 11 hands. I do not know whether one k.m. is equal to 1000 meter or not. I know the number of furlongs in one mile. One mile is equal to 8 furlongs. I do not know how many yard or feet are there in one

furlong. I also cannot tell how many hands are there in one furlong. I would also not be able to tell how many hands are there in one K.M.

Question:- When you do not know how many meters or hand are there in one k.m. What made you to give statement at Page 36 that the length of Janam Sthan temple is 1-1 k.m. from all sides?

Answer :- I told the north south length taking it as 200 hands and so was the case about east-west length.

Question:- Should I take that the length of Janam Sthan temple from east-west and north-south is 200 hands according to you?

Answer:- Yes, Sir, it is so.

Question:- Whose birth place you and other devotees think and to whom you worship when going to Janam Sthan temple?

Answer:- The Mahatma who constructed this Janam Sthan temple did so with the feeling that it was the birth place of Ramchandra but people indeed regard Ram Janambhoomi (disputed land) as Ram Janam Sthan and believed that Dashratha Mahal covered the entire Ramkot Mohalla. I would not be able to tell the area and boundary of Ram Kot Mohalla. I will also not be mohalla. The eastern part of Dorahi Kuan road falls in Ram Kot Mohalla and this road is Parikrama Marg, Ramkot Mohalla is spread up to that in the east, which is called Gorakhpur Faizabad, highway, comes under Ramkot Mohalla. Hanumangarhi comes under Ram Kot Mohalla.

In the south of Ramkot Mohalla, Kaziana Teri Bazaar Mohallas of Ayodhya are situated. Vashisth Kund is in the Vashisth Kund Mohalla itself. Ramkot Mohalla is in the east of Vashisth Kund. I do not know whether there is mention of Ramkot Mohalla or Ram kot in Ram Charitmanas. It has been mentioned in Valmiki Ramayan but I have no knowledge about it. Vashisth Kund was built after the name of Sage Vashista who was contemporary to king Dashratha. Vikramaditya renovated old places and gave them the same name.

Question:- Is the present Vashisth Kund the residence or a related place of sage Vashisth, the contemporary of king Dashratha, according to you faith and conviction?

Answer:- We take the constructions made by our ancestors in it's true spirit and we should do so. This Vashisth Kund has the same place as was of Vashisth during the period of king Dashratha but the present Vashisth Kund was constructed many times. My grand parents used to tell that Vashisth Kund was constructed by Vikramaditya . This has been mentioned in the religious books like Ayodhya Mahatmya , Valmiki Ramayana etc. In Ramcharit Manas there is no mention of the construction of this Vashisth Kund by Vikramaditya. Ayodhya Mahatmya is the part of Skandh Puran. Skandh Puran is Sanskrit and Valmiki Ramayana is also in Sanskrit. I understand some Sanskrit.

(The Learned Advocate showed to the witness part II of Valmiki Ramayana-Document No. And I 261C1/1 and

261 C1/2 and asked to tell where there was mention of Vashista Kund constructed by King Vikramaditya?)

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the plaintiffs raised the objection that the statement of the witness was not limited to a particular Sarg or Doha of Valmiki Ramayan so the witness is not generally able to answer this question after reading it fully)

The witness said to see the above that his eyes were weak so he would not be able to tell it after reading both the parts of Valmiki Ramayan. My eyesight is the same as it was before 5-6 days.

Question:- When on 12-2-2004 Shri Vireshwar Dwivedi, Advocate showed you the couples or Sunder Kand from Ram Charitmanas, you read them and explained also, why are you feeling difficulty in reading today?

Answer:- On that day Ram Charitmanas was put before me opened but the couplets shown to me were committed to my memory. So I could give the answer, my eyesight was not good on that day also.

Vikramaditya was the King 2061 years back. Valmiki Ramayan was written before the period of Vikramaditya.

Question:- According to you Valmiki Ramayan was written before the period of Vikramaditya, how there can be the information of construction of Vashist Kund by Vikramaditya?

Answer:- Our sages and seers were gifted with the vision to see through past, present and future. They

could write according to the time. So this was given there.

It is wrong to say that there is no mention of Vashisth Kund constructed by King Vikramaditya in Valmiki Ramayan, I do not know whom of the author of Skand Puran and many years back it was written.

Question:- If I say that Ayodhya Mahatmya in Skandh Puran was written within the past 100-200 years, would I be wrong or right?

Answer:- I cannot tell it because I do not know when Skandh Puran was written.

I cannot read Ayodhya Mahatmya also this time. It is wrong to that I have never read Ayodhya Mahatmya but due to the deficiency of my eyesight I cannot read it now.

Last time I read Ayodhya Mahatmya at the age of 28 years on Kartik Akshaya Navami and recited the story also. I do not remember whether there is mention of constructing Vashisth Kund by Vikramaditya in Ayodhya Mahatmya. I saw Vashisth Kund for the first time at the age of 18 years. The fair was held at Vashisth Kund and I practiced wrestling there. When I saw Vashisth Kund for the first time the construction seemed to be old. The construction of Vashisth Kund and its temple appeared to be 100-50 years old.

The two couplets after 79th Doha of Ayodhya Kand in Ram Charitmanas were read out to the witness:-

“Nikasi Vashist Dwar Bhaye Thare
Dekhe Log Virah Dab Dare
Kahi Priya Vacahn Sakal Samujhaye

Vipra Brind Raghubir Raghubir Bolaye”.

And he was asked to explain it. The witness explained that Vashista was standing at the door he was sorrowful, all the people in Ayodhya were restless due to bereavement of Losd Ram after his exile. Vashista consoled them.

Sd /-

Pt. Shyam Sunder Mishra

Statement verified after hearing.

16-2-2004

Typed by the typist in the Open Court on my dictation. In this continuation attend the Court on 17-2-2004. Witness to come.

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Sd /-

(Narendra Prasad)

Commissioner

Date: 16-2-2004

Date: 17-2-2004

**D.W. 3/8 Pt. Shaym Sunder Mishra Alias Barkau
Maharaj**

Before the Commissioner Shri Narandra Prasad,
Additional Judge/O.S.D. Hon'ble High Court Locknow
Bench, Lucknow.

(Commissioner appointed under order dated 19-1-
2004 by Hon'ble full Bench in O.O.S. No.3/89 (O.S.No.
26/59) relating to O.O.S. No. 4/89 Nirmohi Akhara & other
Versus Babu Priya Datt Ram & Others.

In continuation of dated 13-2-2004 the cross-
examination on oath of Pt. Shyam Sunder Mishra D.W.
318 by Shri Jafaryab Jilani, Advocated on behalf of Sunni
Central Board of Waqt, U.P. Defendant No. 9.

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The Learned Advocate cross examining the witness
read out to him two completes after Doha no.79 of
Ayodhya Kand from Ram Charitmanas (original Gutaka) by
Tulsidas, Document No.258 C1/2 and asked – “You
explained its meaning yesterday that after God's departure
on exile, he was consoled”. This explanation is wrong
because this couplet describes that time when Ram
Chandra went to guru Vashisth before his departure on
exile. After hearing this the witness answered that it was
right meaning according to his own understanding though
the Learned people told many meaning of one couplet. In
both the couplets there is simultaneous description of
Vashisth door and Raghubir's speaking. Raghubir means
Ramchandraji.

Question:- When Ram Chandra was present at the door of Vashist and persuading the public of Ayodhya, how it can be said that he gone on exile?

Answer:- While departing for exile Ram Chandra had met all and after meeting all he went to Vashist and then proceeded on exile from there.

These couplets relate to that period when Ramchandra went to Vashisth to meet him before proceeding on exile. At that time Ram Chandra came out from the palace wearing the costumes of the dwellers of woods. Vashist was the teacher of Ramchandra. How far the place of Vashist was from the palace that I cannot tell. I can tell of the present only. This time there is neither any palace nor the ascertained place of that palace. I know only that place which was ascertained by Vikramaditya as Vashist Kund and which was the residence of Vashist during the period of Dashratha.

Doha No.82 of Sri Ram Charitmanas Mool Gutka, Document No. 258 C1/2 was read out to the witness and asked whether there was a reference of staying some where out of the city of Ram Chandra, Sita and Laxman had forsaken the use of palce and they stayed at Singverpur.

Question:- I am to say that there is no such mention of staying at Sringverpur in the aforesaid Doha No. 82 but it relates to the stay outside Ayodhya City where Sumant reached with a Chariot. What you want to say about it?

Answer:- When they had worn the clothes of wood-dwellers, king Dashratha asked Sumant to bring them back to the palace after showing them the

forest on the Chariot, but Ram Chandra returned the Chariot after reaching in the hermitage of Sringeri Rishi and proceeded to this forest. The about Doha relates to Sringeri because the first stay was there. I am not telling wrong, this Doha no. 82 relates to Sringeri.

Two couplets after above Doha No. 82 were read out to the witness and asked whether there was reference that Sita and both the brother climbed on the chariot and bowed their heads to Ayodhya at the place where Sumant reached with the chariot and then proceeded further. The witness replied that Sumant told Ram Chandra about the promise of Dashratha to Kaikeyi and the demand of Kaikeyi in lieu of the promise. On hearing this Ramchandra obeyed it who climbed on the Chariot, bid adieu bowing his head before the people of Ayodhya and sumant proceeded ahead taking them on the Chariot. Their two couplets mention this. It is wrong to say that I am explaining wrong meaning of the couplets.

Question:- I am to say that the about two couplets which mention Ram, Sita and Laxman being taken on the Chariot by Sumant, also mention about the first stay of Ram chandra at the bank of Tamsa river. What would you like to say about it?

Answer:- Sringeri is at the bank of Tamsa where Sringeri Rishi lived and there was the first stay of Ram Chandra. It is wrong to say that there is no mention in Ram Charitmanas of Ram Chandra's first stay in Sringeri.

Doha No. 84 of Ayodhya Kund in Ram Charitmanas was read out to the witness and asked whether there was

not a mention of Ram Chandra's stay at the bank of Tamsa on the first day when going on to exile. Hearing this the witness replied that there was the hermitage of Sringi Rishi at the bank of Tamsa River, which is called Sringverpur. The people of ayodhya went their following Ram Chandra and Ram Chandra persuaded them to return.

Question:- You are not giving the right meaning of this Doha also because there is no mention of Sringverpur in this Doha No.84 and neither Ram Chandra persuaded the people of Ayodhya to return. What do you say about it?

Answer:- I am telling right, not wrong.

The Learned Advocate cross examining the witness read out before him 7th and 8th couplets after Doha no.84 of Ayodhya Kand from Ram Charitmanas and asked whether there was a mention in there couplets that Ram Chandra said to Sumant to drive the Chariot at the mid of night and they proceeded further leaving the sleeping people of Ayodhya there. The witness replied when Ramchandrajai set out from Ayodhya, he persuaded the people to return who were following him but many people followed him up to Sringverpur at the bank of Tamsa River. Ramchandrajai tried to persuade them to return but they were reluctant so Ram Chandra proceed further leaving them sleeping .

It is wrong to say that Ramchandrajai next stay was in Sringverpur after it. Himself said that Sringverpur was at the bank of Tamsa River.

It is wrong to say that Sringverpur was not at the bank of Tamsa River and it is also wrong to say that

Sringverpur was at the bank of Ganga River. First two couplets below Doha no. 86 of Ayodhya Kand from Ram Charitmanas (Document No. 258 C1/2) were shown to the witness and asked whether there was a mention of Ram Chandra's reaching to Sringverpur and getting down there from the Chariot to see the Ganga river.

The witness replied that such a mention might be there. Said himself my memory has gone weak so I misunderstood Sringverpur to be at the bank of Tamsa river. Now I remember it correctly, Sringverpur was at the bank of Ganga river I cannot tell what is the distance of tamsa river from Sringverpur. I also do not know how far is Ayodhya from Tamsa River. Said himself – Ramchandraji made his first stay at the bank of Tamsa River. Tamsa river still exists which is at the border of Faizabad and Sultanpur. But I have no idea about its distance from Ayodhya. I do not know whether the place called Sringverpur still exists or not. According to Ramayana Sringverpur was in the distance of Allahabad. The name of Sringi Rishi has been mentioned in Ram Charitmanas and Valmiki Ramayan. But I will not be able to tell in which Kand or Doha of Ram Charitmanas or Valmiki Ramayan his name has been mentioned. But King Dashrath performed "Putresth". Yagya with the help of Sringi Rishi. I do not remember in which couplet or Kund of Valmiki Ramayan or Ram Charitmanas it has been mentioned that Sringi Rishi performed "Putresth" yagya for King Dashratha.

Hanumangarhi and Dashratha Mahal are both in Ramkot Mohalla. The main market of Ayodhya is situated on the Gorakpur-Faizabad highway in the east of Hanumangarhi. The people of Ayodhya purchase the items of their need this market.

The passage to go to the main market of Ayodhya from Dorahi kuan passed below the disputed building. My house is in Katra Mahalla and Katra Mahalla starts from there and kothi Ghat Mohalla is beside Katra Mahalla. I go to the main market of Ayodhya through the passage of Ved Mandir. The people of Kothi Ghat Mohalla also go through this way.

The people called Chikwa lived behind the disputed building. They live in Dorahi Kuan Mohalla and other people also live there. There are not more than 50 houses in Dorahi Kuan Mohalla including Hindus & Muslims. Amir Chikwa son of Kaloot Chikwa lives in Dorahi kuan Mohalla. There is only one house of Chikwa people in Dorahi Kuna but 5-6 families live there. The house of Chikwa people in Dorahi kuan Mohalla was collapsed in the year 1992. Even today Chikwa people have only one house in Dorahi Kuan Mahalla but they have many shops. It is wrong to say that there are 5 houses of Chikwas in Dorahi Mohalla. Lala tailor has also a house in Dorahi Kuan Mohalla. Lala tailor is Muslim. Nizam, Mushtaq and Sharif are the people of Kaloot and Bhaloot family who live in the Dorahi Kuan Mohalla. Garibulla also belongs to the same family. There is an ancestral house of Hafiz-Eklakh Sahab in Dorahi Kuan Mohalla and a graveyard is also there a head of his house. There is a Mosque also in the compound where Hafiz- Eklakh Sahab lives. Now a days people read Namaz there. The distance of the houses of Garibullah and Amirullah from the disputed building is the same as I told the distance of the disputed building from Dorahi Kuan crossing.

From the road which comes after walking towards south from Dorahi Kuan, at a distance of 200 yards, there

is a Tooty (broken) Mosque which has been white washed and painted now. This mosque is opposite to Lalla tailor's house. There are 4-5 houses of Muslims in Dorahi kuan Mohalla. There live not more than 30 Muslims in these houses. It is wrong to say that there live more than 50 Muslims in Dorahi Kuan Mohalla now days. It is right to say that there lived more than 50 Muslims in Dorahi Kuan Mohalla before 1949. All the Muslims residing in Dorahi Kuan Mohalla used the way going down the disputed building to go to the main marker of Ayodhya, which is situated, on the Gorakhpur-faizabad highway.

Question :-Are there the houses of Imram Bakshi, Wafati, Gulle, Ahmed Ali, Mohammed Ali, Gullu, Mohd. Rafi, Zumman etc. beside the road when going towards north from Dorahi Kuan?

Answer:- On the north road there live Wafati, Lal Mohammed and their family members at a high slope about 10 hands and Imam Bux, Mohd. Ali, Ahmed Ali, Guddu, Safati, Lal Mohd. and Gulle mian have expired and at present there are only two houses of their family. The people who have Expired, their family members live in two houses only.

The land of Wafati is behind our houses which has been disposed off

Question:-Is the house of Babu tailor adjacent to the west road from Dorahi Kuan and are the ancestral houses of Ahmed Maulvi, Shakir, Zameer and Iqbal ec., located towards that direction?

Answer:- Ahmed Maulvi, Shakir, Shabir are siblings but Ahmed and Shabir are no more and Shakir works in Railway in Jansi and does not live

here. Two or four boys of their family including Babu tailor lives there.

All these people live in Dorahi Kuan Mohalla. There is Katra Mohalla also in the north of Dorahi Kuan Mohalla. There are about 30 houses of Muslims in Katra Mohalla where 100-125 people live. There are two Mosques in Katra Mohalla. One Mosque is in the middle of Katra Mohalla and the other is opposite to Katra Police Post. People go towards the disputed building via Ved mandir road and Katra Mohalla. It is wrong to say that there are about 100 houses of Muslims in Kkatra Mohalla. Where Sultan and Achchhan Mian etc., live is called Machhuvana Mohalla. There is no Mosque in that Machhuvana mohalla. Machhuvana Mohalla is at a distance of 800 yards from the disputed building. Machhuvana Mohalla is behind the Parikrama road which is behind the Katra Mohalla, behind means towards the west. Katra Mohalla is situated at the north-west direction of the disputed building. This Mohalla starts in the west of the disputed building and goes towards the north. In the north of the disputed building there is Suthali Mohalla. There are 8 houses of Muslims in Suthati Mohalla with a population not less 40 people. Katra Mohalla is spread up to Asharafi Bhawan crossing. One road goes upto Ved Mandir road from there. The people go towards the disputed building from that road via Ved Mandir road and Suthati Mohalla. There are Panji Tola and Kutia Mohalla in the south east direction. Ram Kot Mohalla is in the north west corner of these Mohallas. I have no contact with the Muslim people who live in Panji Tola and Kutia Mohalla. I have Nyota Hankari (invitation relation) with the people of Suthati Mohalla. There are the ancestral houses of Akhtar, Nanhe, Zakir, Shkir Rauf, Usman, Banne etc. In addition to it the ancestral houses of other Muslims are also there in this Mohalla. The house of

Shri Ranjit Lal Verma, Advocate is near Asharafi Bhawan in Matgair Mohalla. I have visited Ranjit Lal Verma's house many times, he is my advocate who has taken my many cases. There is the house of Anitur Rehman at a short distance from Ranjit Lal Verma's house but Anitur Rehman himself is in Pakistan. In the south of Ramkot Mohalla there are Kaziana and Teri Bazaar Mohalla and no other Mohallas are there. I know some renowned Muslim people of Kaziana and Teri Bazar Mohalla but I have no concern with other Muslims of these Mohallas. Hazi Phenku and Hazi Fayak of Teri Bazar Mohalla are known to me. Shri Fayak has been the Chairman of Ayodhya Municipality. Hazi Phenku and Hazi Fayak had good cultivation of tobacco. The name of Zahoor Ahmed Sahab is known to me. His shop was in the Naugazi crossing. He used to sell surma (collyrium) etc. I do not know whether his son Farooq is alive or not. Shri zahoor has explored. I have seen and heard the name of Hashim Ansari of Kutia Mohalla. I do not know Qasim Ansari brother of Hashim Ansari.

Hazi Phenku, hazi Fayak or Zahoor Ahmed etc., the elderly people did not fight any case about the disputed building but when Hashim Ansari filed a suit in 1949 the disputed building was attached. On filing a suit by Hashim Ansari Sahab the Government attached the disputed building under Section 145. I cannot tell why Hashim Ansari filed that suit.

Question:- I am to tell you that Hashim Ansari did not file any suit about the disputed building in 1949 and the building was not attached due to any suit by Hashim Sahab. What do you want to say about it?

Answer:- Hashim Ansari was an officer of Muslim organization and I know that only he pleaded the case, whosoever had filed the case. It is wrong to say that the disputed building was attached because an idol was placed there in the night of 22/23 December, 1949.

Statement verified after hearing.

Sd/-

Date: 17.2.2004

Typed by the Stenographer in the Open Court on my dictation. May be submitted to the Hon'ble Full Bench for fixing the date of further cross-examination.

(Narendra Prasad)

Commissioner

17.2.2004

Date: 5-4-2004

D.W. 3/8 Pt. Shaym Sunder Mishra Alias Barkau Maharaj

Before the Commissioner Shri Narandra Prasad, Additional Judge/O.S.D. Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under order dated 15-3-2004 passed by Hon'ble full Bench in case of Nirmohi Akhara and other Versus Babu Priya Datt Ram & others (O.O.S. No.3/89- (O.S.No. 26/59).

(In continuation of dated 17-2-2004 the cross examination on Oath of Pt. Shyam Sunder Mishra D.W. 3/8 started by Shri Jafaryab Jilani, Advocate on behalf of Sunni Central Board of Waqf, U.P. Defendant No. 9):-

One Hindu Advocate also filed a Suit about the disputed building before the suit filed by Shri Hashim Ansari. My statement "Hazi Phenku, Hazi Fayak and Zahoor Ahmed etc..... Disputed building was attached", given on 17.2.2004 is right. The Hindu advocate filed a suit much before 1949 about the disputed building. That Hindu Advocate filed a suit against the disputed site. His name was Gopal Singh Visharad who was an outsider but living in Ayodhya since a long time. Whether Shri Visharad filed these Suit 10-15 years before 1949 or not that I do not remember but I remember that much before of 1949 he filed a suit. I do not remember whether Gopal Singh filed this Suit in 1950 or not but I heard that he filed a suit. I also do not know whether this suit was filed by Gopal Singh Visharad against Hazi Phenku, Hazi Fayak or

Zahoor Ahmed etc., or not. I also do not know whether Gopal Singh Visharad filed this suit after the attachment of the disputed building or not. After the attachment of the disputed building the Muslims of Ayodhya and Faizabad never made any effort to read Namaz in the disputed building. It never came to my notice that after the attachment the Muslims made efforts to read Namaz in the disputed building and they were arrested in this connection. I do not know that Mohd. Hashim etc., made efforts to read Namaz in the disputed building after it's attachment and they were sentenced for it. During 1950 I used to go to Hazi Phenku, Maulana Sattar, Nure Hazi Sahab, Achchhan Mian Zamida, Mohd. Hasan Namwari, Munnu Bhai in Mohalla Saidwara. Shri. Eklakh, son of Mohd. Sattar is still living in the house of his father. Said himself – I was recently invited in the marriage of his son. This Mosque is in the compound of his house where people read Namaz now days. There is a graveyard also. This Mosque of the compound is very old which I have been seeing since my childhood. At which place the house of Hazi Phenku is situated now days, was previously behind that house. In the present house Mehboob, son of Hazi Phenku lives. During the period of Hazi Phenku when I used to visit his house I met to his son Hazi Phenku and Hazi Abdul Ahmed and had "Dua-salam" with them and this Dua-Salam is still continuing. When I used to go to Hazi Phenku's house in 1950, he was much older to me so I mostly met to the sons of Hazi Phenku. The house of Hazi Fayak was nearby. Said himself – He was the chairman of Ayodhya also. The house of Hazi Phenku and Hazi Fayak is at a distance of 3-4furlong from the disputed building. I know mohd. Hashim and his residence also but I do not go there. I know Qasim Sahab brother of Mohd. Hashim also but I do not visit his place also. Mohd. Qasim and Hashim live in Kutia Mohalla but I rarely go to that

Mohhalla. Kutia Mohalla and Kaziana Mohalla are adjacent to each other. I used to go to Kaziana Mohalla because it was on my way one Niazia Sahab lived there. I used to give him subscription in connection of Mehendi procession during Moharram. I have no knowledge about the Muslim population of Kaziana Mohalla but I only know that some weavers and vegetables sellers live there. Said again- The weavers and the vegetables sellers mostly live there. What is the total Hindu-Muslim population of Kaziana Mohalla is not known to me. The Shahjahanpur village is at a distance of 2 miles from Mohalla Kaziana Ayodhya. The distance of Jalpa Nala of Shahjahanpur is at a distance less than 2 miles The house of Hazi Phenku is in Teri Bazar Mohalla. There are 8 houses of Muslims in Teri Bazar Mohalla. 6 houses of weavers, one of Pathan and one of Dhunia are there. I am telling this number of the present houses. During 1950 the Muslim population was less than it. There is a Mosque of a Muslims in Teri Bazar. It is wrong to say that I am telling the population of Muslims in Teri Bazar at the lower side knowingly. No house of Muslims was demolished in Teri Bazar during the riot of 1934 but some Kuchha houses were burnt but how many Kuchha houses were burnt. I do not remember. How many houses of Muslims were demolished or burnt in Kaziana Mohalla during the riot of 1934 is not known to me. Two houses of Muslims were burnt in Dorahi Kuran Mohalla in the riot of 1934 but no house was demolished. In Suthati Mohalla Siddh Faqir Nababul Sahab and father of Mohammed Bux were killed and 5-7 Muslim houses were torched in the riot. Two houses were burnt and the wife of Hazi Noor Mohammed was killed in the riot. 4-5 houses of Muslims were burnt during the riot in Katra Mohalla also. How many other people were killed during the riot in addition to the aforesaid people that I do not know. Said

himself – I have information about the aforesaid people only because these were my neighboring Mohallas. The graves of Mohalla Katra, Dorahi Kuan and nearby the Janambhoomi were demolished during the above riot. The tomb of Shah Chup in Katra Mohalla was also demolished. There was a tomb near Janambhoomi, but it was not demolished. These tombs were of Shanak, Shanandan, Shanat Kumar etc., near Janambhoomi. These tombs were dug in 1991. Himself said that – tomb, temple and other many temples were demolished in 1991. The demolition was done by the public and they were Hindus. The temples which were demolished include sanctum-sanctorum, Ram Chabutra, Shankar family, Chatti Poojan, Sheshawatar, Sakshi Gopal and many other small temples. No temple was demolished during the riot of the disputed building or the domes of the disputed building were not damaged at that time. I do not know whether the damaged wall of the disputed building got repaired by the Government money or not. No Muslim was arrested in the riot of 1934 but Hindus were apprehended. The witness was shown para 4 of the affidavit of the main examination and asked which was that riot mentioned in 4-5th line of the para, was it the riot of 1934? The witness told that the para mentions the riot of 1934. The mention of 'Darshan' in the para relates to the Darshan made by me. It is wrong to say that I never made Darshan of Shiv Durbar and the inside of the Disputed building before 1950. It is also wrong to say that Shiv Darbar was established after 1950. The reality is that Shiv Darbar was renovated in 1950. It is also wrong to say that Ramlala seated in the Ram Chabutara was placed in the disputed building on 22/23.12.1949. Keshav Das priest, mentioned in the affidavit of my main examination was the priest of Ram Chabutara before 1934. After Keshav Das Baldev Dasji became the priest. Baldev Das was the priest till the time

of attachment. After attachment of the disputed building Bhaskar Dasji became the priest. He was made priest by Nirmohi Akhara. The receiver made Bhaskar Dasji the priest of it. It is wrong to say that Receiver never made him the priest. Apart from Keshav Das, Baldev Das and Bhaskar Das, many people like Mahant Ram Charan Das, Golaki Das and many other Saints whose names are not know to me, lived there. I have seen Ram Charan Das and Golaki Ram Das performing worship there. Ram Charan Das was the Mahant of Nirmohi Akhara. He dined in Sant niwas and lived in Nirmohi Akhara. Volunteer – he looked after the temple. Golaki Das came during the year 1950. Golaki Ram Lakhan Das lived in Sant Niwas and used to come in the Akhara also.

The Sumitra Bhawan was demolished by Hindus in October 1991 and the sanctum-sanctorum was also demolished at the same time. Ram Chabutra and Chhatti Pooja Sthal were also demolished during that time. It is wrong to say that the Government demolished Sumitra Bhawan in October, 1991. The witness was shown para 15 of his main examination's affidavit. The witness told it was written wrong in the para that U.P. Government demolished Sumitra Bhawan in October, 1991. The reality is that Sumitra Bhawan was demolished at that time by the Hindus. The temple near Sita Koop and Sheshawatar temple were also demolished at that time.

The witness was shown para 11 of the main-examination's affidavit and was asked whether he could tell the boundary and the measurement of the attached property mentioned in that para? The witness told that he could tell the boundary and the measurement both of the attached property. The length of the building below three domes from north to south was 95-96 feet and the east

west width was 20-22 feet. The witness told that the width 35-36 feet motioned at para 11 of the affidavit was wrong. The width of the courtyard opposite the portion below three domes was 25-26 from east to west. I am telling this width upto window bar wall only. I have written courtyard with window bar in my main examination's affidavit. The width of 35-36 feet which I have told above is not correct but the width of 25-26 feet of the courtyard with window bar wall is correct which I have written in second part of para 11 of my main examination's affidavit. The total part from east to west about 60-62 feet is written correct in section 11 of my main examination's affidavit.

Question:- You have told the inner width of the disputed building 20-22 feet and of the outer part 25-26 feet and it's total is not more than 48 feet, how are you telling it's width 60-62 feet?

(On this question Shri Ranjit Lal Verma , the learned Advocate of the plaintiff raised the objection that the length and breath which was asked by the learned Advocate of the cross-examiner did not include the 5-6 feet width of the wall below the domes, so the question asked by the learned Advocate was not clear .)

(On this objection a cross objection was raised by the learned advocate of the cross-examiner that the Learned Advocate of the plaintiffs had told the answer of the question to the witness as a suggestion which was objectionable so at this stage my above question became infructuous and there was no need now to answer my question)

The attention of the witness was drawn towards the boundary of the attached land given at page 5 of his main examinations affidavit which was about the southern part

and asked whether that boundary was about the southern part of the attached part. The witness replied that the boundary was of the southern part of the attached area.

The witness was shown photo No.43 of the black and white album No. 201 C 1 and was asked whether the southern part of the disputed building was seen in the photo? The witness replied that he could not decipher anything in that photo.

The southern boundary wall of the attached property given at page 5 of my main examination's affidavit towards the south was stated 8-10 feet in south-west, this compound was at the south-west corner. The west wall of the compound connected the south wall of the disputed building. This compound was 8-10 feet wide. The southern wall of the disputed site and the compound mentioned in the southern boundary given at page 5 of my main examination had separate wall. The compound which was 8-10 feet south had 8-10 feet high southern wall. This compound has east and north wall also. The east and north wall was 8-10 feet high. There was no door in this compound. Some portion of the compound had broken and people entered into the compound through it. The area given of the south block at page 5 of my main examinations affidavit there is mention of Shiv Pariwar in the same line. By Shiv Pariwar I mean that Shiv Durbar and Shankar Chabutara. Shiv Durbar was at the south corner of the eastern wall of the disputed premise. There was nothing more in it's south except the wall. What I have mentioned above 8-10 feet compound in south-west, was out of the southern wall of the disputed premises. There is a mention of boundary wall towards south to the attached land at page 5 of my main examination's affidavit and in it's fourth and fifth line there is also a mention of

surrounding wall from three sides, I mean with its west north and south wall because there was a gate towards the east. It is wrong to say that the place of Shiv Pariwar was very far from the attached land. Shiv Pariwar was at a distance about 5 hands towards south-east corner from the attached land and at a distance of 2 hands from Ram Chabutara towards south. It is wrong to say that Shiv pariwar was at least 20 feet away from south-east corner of the attached land. The north gate does not come in the boundary wall of the attached land but two gates in the east come within it. These two eastern gates were in the window bar wall of the east. Both these gates do not come in the southern boundary wall of the attached land. The mention of 3.5 feet high Chabutara in the first line of page 6 of my main examination's affidavit is nothing but Ram Chabutara. The two cave temples which are mentioned in the first para of this page were situated in the north of Ram Chabutara. The idols of Kaushalya and Kankbhushundi were in the eastern cave and the idol of Bharat in the west direction. The eastern cave had the idols of Kaushalya and Kankbhushundi and none of the other. The doors of both the caves were about $1 \frac{1}{4}$ hands high. The length of both the caves was $1 \frac{1}{4}$ - $1 \frac{1}{4}$ hands. The width was 1-1 hand. No person could enter these caves from outside. The west side cave had the idol of Bharat and no other idol was there. I have seen these caves there till their demolition in 1991.

The Chatti Pooja Sthal mentioned at para 13 of page 6 of my main examination's affidavit was separate from Sita Rasoi. This Chhatti Pooja Sthal was not called Sita Rasoi. There was no other place called Sita Rasoi in the disputed building. Similarly there was no Kaushalya Rasoi named place in the disputed building. There were eight foot prints on Chatti Pooja Sthal. These foot prints were of

childhood, I cannot tell the length of foot prints by estimation. The foot prints were on the marble stone. In 1912 the Muslims want to occupy the disputed building. The dough board, rolling pin etc. at the Poojan Sthal was of the period of Narottam Das. My ancestors told me that the Muslims attached the disputed building in 1912 but no damage could be inflicted to the disputed building because Narottam Das saved the disputed building. Since how long before Narottam Das the dough board, hearth and the rolling pin and the foot prints were in the Chhati Poojan Sthal that I cannot tell. I have been witnessing the three dome shaped Bhawan building regularly since my childhood but how old was it that I cannot tell. I have no information how old Nirmohi Akhara was but I know the period of 3-4 Mahantas, Who established the Nirmohi Akhara that I do not know. Who built the three domes disputed building is also not known to me, said himself, I have been seeing it since my childhood. I have read about Ghazani etc., in the 4th class but I have no knowledge about the Muslim rulers. I have read about Babar who was the son of Humayun. I cannot tell whether the disputed building was built by Babar or not. I have heard the name of king Vikramaditya. There is no building of king Vikramaditya's period in Ayodhya but the new buildings have been coming up during the process of renovation. I have not studied Ram Charitmanas completely but to some extent. I have read the book about Ram Janambhoomi written by Bhagirathi which mentions several kunds and places of Ayodhya. The title of this book is "Ayodhya Darshan". This book was published 5-6 years back. Bhagirathi was a Sadhu of Gokul Bhawan. I have not read any book written by Lala Sita Ram the resident of Ayodhya. The book titled "Janambhoomi Ka Rakt Ranjit Itihas" was written by Shri Sharadji. I have seen this book. I have read some poems of this book.

Sharadji lived in Ayodhya but his fore fathers belonged to outside of Ayodhya. The book gives some real facts but some are imaginative because Sharadji was a poet. According to my knowledge Ram Chandra Janambhoomi is the oldest place of Ayodhya. This time there is not any building. Hanumangari and Kanak Bhawan are some of the oldest buildings which exist in the present. How old are Hanumangarhi and Kanak Bhawan, I do not have any knowledge about it but I have been witnessing them since my childhood. Said himself – Kanak Bhawan is 85 years old. I have heard the name of Aurangzeb. It is said that the Mosque of Barhai Ghat at the bank of Sarjoo was built by Aurangzeb. Volunteer – This mosque is in dilapidated condition. No building built during Akbar's period exists in Ayodhya. So far I know I have not seen any building in Ayodhya of the period of Babar and Humayun. I have heard that the Nawabs of Awadh donated lands for the temples and that land is still with the temples.

I have not heard any place named Ganje-Shahida in the east of the disputed premises. There was a boundary wall towards east of the disputed premise which was 2-3 feet high where Mahatma Digambar Das lived. I have seen Digamba Das living there even before 1934.

Statement verified after hearing.

Sd/- Shyam Sunder Mishra

Date: 5.4.2004

Dictated by me to the Stenographer in the Open Court . In continuation of it come tomorrow on 6.4.2004 for further cross-examination. Witness to be present.

(Hari Shankar Dubey)

Commissioner

5.4.2004

Date: 6-4-2004

**D.W. 3/8 Pt. Shaym Sunder Mishra Alias Barkau
Maharaj**

Before the Commissioner Shri Narandra Prasad,
Additional Judge/O.S.D. Hon'ble High Court, Lucknow
Bench, Lucknow.

(Commissioner appointed under the order 15-3-2004
passed by Hon'ble full Bench in case of Nirmohi Akhara
and other Versus Babu Priya Datt Ram & others (O.O.S.
No.3/89) (O.S.No. 26/59))

(In continuation of 17-2-2004 the cross examination
on Oath of Pt. Shyam Sunder Mishra D.W. 3/8 started by
Shri Jafaryab Jilani, Advocate on behalf of Sunni Central
Board of Waqf, U.P. Defendant No. 9)

I have not studied Geetawali composed by Goswami
Tulsidas but have heard its name. It is an important book
written by Goswami Tulsidas. It also narrates Ram's story.
The Ramayani people mostly read this book. It is not
recited like Ram Charitmanas. There is no mention of
Chatti Poojan Sthal in Ram Charitmanas because Tulsidas
was a Sadhu and Chatti Poojan is prevalent in
householders. Said himself – Tulsidas has mentioned
“Chhati” programme in his book Geetawali or not, that I do
not know.

Tulsidas has composed his books in Awadhi
language. I understand Awadhi. The witness was shown
the last two lines of page 28 of Geetawali (Document
No.46 C 1/1) composed by Tulsidas and asked whether he

understood the meaning of the stanza. He, whom the translation of the stanza was also read out, replied that he understood it's meaning.

Question:- There is a mention of Chhati programme in the book Geetawali but no mention of Chhati Poojan Sthal?

(On this question Shri Ajay Kumar Pandey, the Learned Advocate of the plaintiffs of O.O.S. No.5/89 raised an objection that the witness had already told of not having read Geetawali by Tulsidas. It is not justified to ask questions about the entire book on the basis of two lines read out to him. So permission should not be given to ask such irrelevant questions).

Answer :- The Chhati Poojan programme was organized at the same place where Ramchandraji was born but in this stanza there is no mention where Chhati Poojan was organized.

The third and fourth line of page 29 of the aforesaid book "Kinhaki..... Jamini Ghai", was read out to the witness and its meaning given at page 30 also read out to him. The witness replied that the stanza has the same meaning as read out to him. The Chhati Poojan programme was organized in the Manjul Bhawan of the king. Manjul Bhawan of Maharaj means the palace of King Dashrath palace is not known to me, but king Dashrath's palace was spread in the entire Ramkot. I have not read in any book about the measurement of King Dashratha palace and how many buildings and palaces were within it but some books prescribe so. Which books describe so are not known to me. I have heard about Ayodhya Mahatmya but myself have not read it. The Hindi

translation of some extract of Ayodhya Mahatmya has been given in Ayodhya Darpan written by Bhagirathi but it does not include the complete translation of Ayodhya Mahatmya. I have mentioned at page 21 of my statement that engraved pictures could be seen attentively on the black stone pillars on both sides of the eastern main gate. Previously these pictures were clear but later on they became unclear. In addition to the main gate on other pillars of other places of the disputed building there were pictures of Hanuman, Shankar in dancing posture like the pillars of the main pictures on the pillars of the main gate. There were total 14 pillars including two pillars of the main gate where the above pictures were made. The height of these pillars was about 4 ½ hand. I know at which places of the disputed building these pillars had been erected. There were two pillars in the room below the middle dome. This middle room had total four pillars, two in the front and two in the back. Similarly other two side rooms also had 4 pillars in each, thus there were total 12 pillars in all the three rooms. I have not studied Sanskrit but understand some Sanskrit. I have read all the books relating to priesthood. My statement at page 35, para two "During the period of Dashratha..... I do not remember", is not correct. I have not read about it myself. I have not read myself these two books viz Ayodhya Mahatmya and Valmiki ramayan but Baldev Das Poojari and Bhaskar Das Poojari told me about this.

Baldev Das and Bhaskar Dasji told me about the length and breadth of the disputed building. None of these people told me about the length and breadth of the palace of King Dashratha of his time. The Anustan, Path and Jap from 5 September to December in 1949 which I have mentioned (on page 23) in my statement, that type of Anustan, Path and Jap had been going on there regularly.

Regularly means daily. I have seen Anusthan, Jap and Path being done there regularly since the age of 14 years. Volunteer – I myself also took part in it. During the evening when “Katha” was recited after jap and Anusthan about 400-500 people gathered there and on other times there was not so much gathering. Pandit Hanuman Prasadji of Vidya Kund recited the Katha and other Saints also did so. I had been listening katha by Hanuman Prasad since the age of 14 years. I had been listening Katha recited by Hanuman Prasad till 1936. Later on I also listened Kathas by other Saints. The witness was shown the title page of the book “Ram Janambhoomi Ka Rakt Ranji Itihas” by Pt. Ram Gopal Pandey Sharad as a Document No.44 C 1/1 and he replied that he had read only 2-3 Poems of it. Ram Gopal Pandey Sharad writer of this book was known to me, now he has expired. Shri Ram Gopal Pandey Sharad was the devotee of Lord Ram. The witness was read out the extract “continuously for 4 years..... Muslims had been claiming it as their property” from page 31 (Document No.44 C/14) of the book “Ram Janambhoomi Ka Rakt Ranjit Itihas”. The witness replied that the facts given there were wrong because he was a poet and had given some facts as imaginative. But 1-2 poems about Janambhoomi composed by him were correct. It is wrong to say that I am giving false statement that I have not seen any Muslim going to the disputed building. It is also wrong to say that 5 times Namaz and the Namaz of Jumma was regularly in the disputed building. It is also wrong to say that there was no idol in the disputed building before the night of 22 December, 1949. It is also wrong to say that the disputed premises was never Ram Janambhoomi and it was Babri Mosque. It is wrong to say that the disputed premises was never the birth place of Ramchandra.

(Cross-examination concluded by Shri Jafaryab Jilani, Advocate on behalf of Sunni Central board of Waqf, Defendant No.9)

(cross-examination started by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf of Mohd. Hashim, Defendant No.5 in O.O.S. No.5/89 and plaintiff No.7 in O.O.S. No.4/89).

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I have passed my primary education from Katra Middle School. I passed 4th standard from there. When I passed class 4. I do not remember but I know what was my age then. I got my education from class 1 to 4th this school. At that time the education upto 4th was called Chaharum. I got admission in that school in Class-I. During those day there were no Alif and be classes before class 1st. My medium was Hindi. There was no system to read other language with Hind. When I got admission in Class-I is not in my memory. Said himself – what was my age at that time I remember it. When I was 9 years old I got admission in the first class. My date of birth is recorded in Katra School and in my horoscope. Apart from these two records my date of birth is not recorded any where.

I have written in my main examination's affidavit about my profession of priesthood (purohit). Purohit means the welfare of the customer (Yazman). There is not a prescribed area for purohit. I have my Yajmans in every Mohalla. I perform religious rites in the houses of the Yajmans. I have no Yajmans outside Ayodhya. There are many other Purohits in Ayodhya in addition to me. I visit the houses of my Yajmans on my own accord to enquire

about their well being or the Yajmans call me there to perform Poojapath etc. I am Pandit of Halwai Samaj of Ayodhya and of the Kanak Bhawan. In addition to it I am Purohit of other places and people. My Yaman do not invite other Purhit to perform Pooja-path, thus every purohit has his own yajmans. Temples also have purohits and they are too selected. Presently I am the purohit of Kanak Bhawan, Sumitra Bhawan, ram Maraiyah, Janak Nandini Saran temples and apart to it some Yadav Halwai (Sweet sellers), Vaishya are my Yajmans. The priests of temples are appointed. The appointed priests only go to perform any religious rite but they can call other people also for their help. I am the priest of Kanak Bhawan for three generations. I am the priest of all the places since the time of my ancestors. My father expired 32 years back. My other brothers have also expired. I myself and one of my nephew perform the work of priesthood. The name of my nephew is Garur Mishra. The Garur Mishra performs the work of priesthood in Kanak bhawan only and not in any other temple. When somebody calls him, only then he goes. My nephew has been performing the work of priesthood in Kanak Bhawan for the last 10 years. It makes no difference whether he performs the work or I my nephew also performs the work of priesthood as I perform in Kanak Bhawan. Yajman serve the priest and it is the means of livelihood of the priest also. The money given to the priest by the Yajman is called Dakshina. This Dakshina is given in the temple also. Entry is made in the register for the Dakshina given to the priest and the priest puts his signature on it. This type of Dakshina from the temple is a fixed amount. Said himself – This type of Daskhina is in vogue in Kanak Bhawan only and other temples have no such system of fixed amount. The Dakshina got from Kanak Bhawan is different on different festivals which is given by the manager to the priest.

Purohit is required to work in the temples on special occasions. I am the priest of Sumitra Bhawan temple of Dorahi Kuan. I work here on Raksha Bandhan, Dussehera, Kartik Purnima etc. in addition to it there are many other temples called Sumitra Bhawan temple in Ayodhya. I am the priest of Sumitra Bhawan of Dorahi Kuan only. There is only one Kanak Bhawan temple in Ayodhya. There is Bara Sthan temple in Ayodhya. There is no other temple in Ayodhya called Bara Sthan. Bara Sthan is called Dashratha Bhawan also Chaubhuji temple is also called Dashrath Mahal. Apart from these there is another Dashrath Mahal built by King Waya in Katra Mohalla. There is only one Bara Sthan in Ayodhya. I have never been the priest of Dashratha Mahal (Bara Sthan) Tarkeshwar Dwivedi is the priest of Bara Sthan. Queen Brishbhan Kunwari of Teekamgarh gave the name Kaikeyi Bhawan according to her feeling and there were Kalash of gold all around the building which are still there, so this case called Kanak Bhawan. Kaikeyi Bhawan is not called Kanak Bhawan. Kaikeyi Bhawan is another temple. The present Kanak bhawan was not given to newly wed Sitaji by the Queen Kaikeyi as a present but it is the sentiment of the people who take it that Kaikeyi presented Kanak Bhawan to newly wed Sitaji. The Kanak Bhawan presented by Kaikeyi got destroyed during Ayodhya deluge. When Ayodhya deluge occurred it is not known to me. The Kanak Bhawan presented by Kaikeyi to newly wed belonged to the period of King Dashrath. After king Dashrath when Ayodhya deluge occurred it became a jungle completely. After that king Vikramaditya rehabilitated Ayodhya on the appearance of Kamdhenu at the bank of Saryu. After the deluge of Ayodhya only river Sarayu survived and everything got destroyed. I have been hearing about the deluge and the survival of Sarayu. I have not read about it in any book but have been hearing so in the stories

(Katha). I recite the story of Satyanarayan. A period of 2061 years has passed since King Vikramaditya rehabilitated Ayodhya. Since then there occurred no deluge. New buildings were built in place of old buildings. The present Kanak Bhawan is no more older than 80 years. Jogeshwar Nath temple at Swarg Dwar is one of the oldest buildings of Ayodhya. How many hundred years old it is that I cannot tell but I have been witnessing it since my childhood. Nageshwar Nath temple is related to the sons of Ram Chandra. Vikramaditya discovered Nageshwara Nath temple with the help of Kamdhenu. In addition to Janambhoomi, Ram Janambhoomi there are 9 (nine) places which were discovered by Vikramaditya with the help of Kamdhenu but I do not remember the names of those places except Nageshwar Nath temple. Where the Kamdhenu (a cow which fulfils all the desires) dropped its milk was dugged out and a petrography and an idol of Shankarji was recovered from that place and on this basis Vikramaditya established Nageshwar Nath temple. Kamdhenu dropped the milk from its' upper at Janambhoomi sthan and Vikramaditya got the place excavated. He must have got any petrography here also and on that basis Ram Janambhoomi as established at this place. No idol was recovered from that place except the petrography. Exactly at what place of Janambhoomi, Kamdhenu dropped the milk. I cannot tell about it. It must be the place below three domes. Kamdhenu did not drop the milk at the place of Ram Chabutara because it is not the main temple but (sub-temple). My forefathers used to tell that the milk was dropped at the place where idol is installed. I have no other source of this information. My earlier statement that at which place of the disputed premises Kamdhenu dropped the milk is not known to me, is not correct. Truth is that Kamdhenu dropped the milk at the place of Sanctum-sanctorum. My forefathers told me

that during the period of Vikramaditya Kamdhenu dropped milk from its udder below the place of middle dome of the disputed building. When I say ancestors or forefathers it means my father or grand father. I have heard about it from these two people only. I myself have not read about it in any book. My father and grandfather told me about the dropping of milk by Kamdhenu at Swarg Dwar also in addition to Nageshwar nath and Ram Janambhoomi. They told me about six other places also but I do not remember the places. There is only a Ghat at Swarg Dwar and no temple is there. Swarg Dwar has a great religious importance. It is said that all the gods come here to take bath on Ram Navami and that bath destroys all the their sins . Vikramaditya did not get Swarg Dwar excavated, Kamdhenu itself told him after dropping milk there that it was the Swarg Dwar, said again – Kamdhenu had come from the heaven. Kamdhenu told the name of only that place by speaking and on other places, it dropped the milk where some traces (chinh) were found after excavation. What traces were found in those places after excavation that I do not know except Nageshwar Nath. I have heard about getting the traces only in Nageshwar Nath. I have mentioned the name of Mahant Ramcharan Das in my statement who lived in Nirmohi Akhara and ran a wrestling Akhara near Sita Koop, said himself, where the training in weaponry was also given. Ram Charan Das was Mahant of Nirmohi Akhara 70-75 years back. Prior to him Narottam Das was the Mahant of Nirmohi Akhara. Whether any special incident occurred during Ram Charan Das's Mahantship or not, I hafve no knowledge about it. During those days I used to go there for wrestling and get Darshan of god. At that time I was 15-16 years old. I talked with Ram Charan Das he was as my Guru. After that Ram Kewal Das became Mahant. How long Ram Kewal Das was Mahant I do not know. Jagannathji is the

present Mahant. I know that India was a slave country during British rule. When Ram Charan Dasji was Mahant of Nirmohi Akhara, India had not got freedom. India got freedom in 1942. Mahant Ram Charan Dasji lived in Nirmohi Akhara at Ram Ghat. He was the Mahant of Janambhoomi and looked after it. He was Mahant life-long. I know that Ram Charan Dasji had lost eye-sight but do not know in which particular incident he lost it or not. Even after losing eye sight he remained Mahant for 8-10 years. It is wrong to say that Ram Charan Dasji had resigned from Mahantship during his lifetime. Baldev Dasji had never been Mahant of Nirmohi Akhara, he was the priest of Janambhoomi. Bhaskar Dasji is the disciple of Baldev Das who is the priest of Janambhoomi. (The witness volunteer about the fact of being Poojan of Janambhoomi). Whose disciple was Baldev Dasji that I cannot tell but I know only that he belonged to Akhara. The wrestling Akhara was discontinued after Ram Charan Dasa's loss of eye-sight because he himself run the Akhara. Ram Charan Das himself took part in wrestling to teach his students. He was adept in using weapons also but did not give its education to others. I myself have seen Ram Charan Dasji using the arms and weapons. He put on turban (safa) wielded sword and did horse riding. He kept shield also with the sword. During the processions from Ram Janambhoomi and other temples on the occasions of Ram-Vivah (marriage of Ram) I have seen Ram Charan Dasji demonstrating the use of arms and weapons. I have not seen him fighting with anybody with the arms. The wrestling place was 10 hands long and 6 hand wide. I had already left going to akhara before it's closure. When I went in the Akhara for wrestling, Mahant Ram Charan Das used to sit in the Akhara. The Akhara was closed after a year when I left going there. 10-15 people came in the Akhara. Bhaskar Das never went in the Akhara because

he never did wrestling but other Sadhus used to go there. Bhagwan Das, Damodar Das, Janaki Yadav, Ram Lakkan Vaish etc, were the people who used to go to Akhara for wrestling. I do not remember the names of other peoples . Apart from them young boys also attended Akhara. The aforesaid people told by me are no more, and only I am alive. Raghunath Das disciple of Dharam Das who belonged to Nirmohi Akhara is not known to me. Mahant Hari Das is also not known to me.

The east and north measurement of the attached land has been given at page 5 of my main examination's affidavit and the words used there "Bakabja Nirmohi Akhara" and 'Zere Intizam Nirmohi Akhara' have the same meaning. I do not find any difference between these two words.

Question:- In the area of east of the attached land the word "Bakabja Nirmohi Akhara" and in the area of north the word "Zere Intizam" have been written. If both words bear the same meaning why have you used these two different words at page 5 of your affidavit?

(On this question Shri Ranjit Lal Verma, Learned Advocate of the plaintiff of O.O.S. No.3/89 raised the objection that both the words written in Devnagari script give the clear meaning, so the Learned Advocate should not ask this question. If the two words have the same meaning then the questions should not be asked about it repeatedly, the words have been used in the broad sense.)

Answer:- Despite having the same meaning of "Bakabja Nirmohi Akhara" and 'Zere Intizam Nirmohi

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Akhara' why these two words were used in the east and north area. I cannot tell its reason.

Statement verified after hearing.

Sd/- Shyam Sunder Mishra

Date: 6.4.2004

Typed by the Stenographer in the Open Court on my dictation. In this continuation be present on 7.4.2004 for further cross-examination. Witness to come.

(Hari Shankar Dubey)

Commissioner

5.4.2004

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Date: 7-4-2004

D.W. 3/8 Pt. Shaym Sunder Mishra Alias Barkau Maharaj

Before the Commissioner Shri Hari Shankar Dubey,
Additional District Judge/O.S.D. Hon'ble High Court,
Lucknow Bench, Lucknow.

(Commissioner appointed under the order 15-3-2004
passed by Hon'ble full Bench in case of Nirmohi Akhara
and other Versus Babu Priya Datt Ram & others (O.O.S.
No.3/89- (O.S.No. 26/59).

(In continuation of 6-4-2004 the cross examination
on Oath continued by Shri Mushtaq Ahmed Siddiqui on
behalf of Mohd. Hashim Defendant No.5 in O.O.S.No.5/89
and plaintiff No.7 in O.O.S. No.4/89)

I have never been the priest of Ram Chabutara temple. Shri Jamuna Dhar Trivedi, was it's priest. At this time his son is the priest of this temple. He is the priest of the three domed place also. Jamuna Dhar who belonged to Nirmohi Akhara was also the priest of this place. One who was the priest of Ram Chabutra Mandir was also the priest of the place below the three domes. I never visited Nirmohi Akhara temple at Ram Ghat. Nirmohi Akhara has no other temple in Ayodhya except Ram Ghat Mandir and Ram Chabutara Mandir. Hanumangarhi temple of Naka Muzaffara previously belonged to others but now it is in the possession of Nirmohi Akhara. This time Nirmohi Akhara is the owner of the said Hanumangarhi. Who was the owner of this Hanumangarhi before Nirmohi Akhara I do not know about it. According to me the owner and the

manager is the same person. Who is the owner of one place is also its manager. Mahant and owner (Malik) words also have the same meaning. Who is Mahant is also the owner. The temple cannot be sold. The ownership of the temple is transferred because one Mahant succeeds to another Mahant. This makes the transfer of ownership. The temple of Ram Chabutara has been in the ownership of Nirmohi Akhara, so far as I know there has been never any dispute about its ownership and transference. I have no information that a case has been filed twice under section 145 about this place also. I do not know that Ram Chabutara was attached at any time. Siya Raghav Saran is know to me. Said himself – He has performed worship here for some time. During which year he performed worship here is not known to me. He was the priest of Nirmohi Akhara. When Ram Chabutara was demolished in 1992, Bhaskar Dasji was the priest there. Bhaskar Dasji was the priest Ram Chabutara on behalf of Nirmohi Akhara. It is not so that Bhaskar Dasji was appointed as priest by the Receiver of the court. The three domed building was demolished in 1991. Ram Chabutara temple was also demolished in 1991, said himself – Sumitra Bhawan, Sheshawatar temple and many other temples were also demolished. It is wrong to say that the disputed building and Ram Chabutara temple were demolished on 6th December, 1992. The disputed building and the Ram Chabutara temple were demolished by the Hindus themselves who were outsider Hindus. According to me disputed building was also a temple. The people demolished the disputed building because they thought it to be a dilapidated building. After demolition of the disputed building, new temple was not constructed, said himself – the case is going on for this purpose.

The disputed building was attached in 1949. It was not attached due to the reason of Jap and Anusthan programme being carried out at the disputed site from September 49 to December 49. The reason of the attachment was the dispute between two parties. One party was Hindu and the other was Muslim. Whether the suit was in any individual name or not, I do not know but only remember that it was attached. I have no information about any Duggi (drum beating), prohibition etc., inviting the objection from Ayodhya residents. Inviting any objection through the newspapers is also not known to me. Volunteer – Bhaskar Dasji told me about the attachment and Baldev Das also told me. In the present or the past none of my individual suit has been in the court. I have not pleaded any case concerning the temple. Shri Ranjit Lal Verma was my advocate about the case of my house. I have fought two cases. This time none of my case is pending. My case was from the Government improvement Trust. The Improvement Trust served me a notice about the land which I was occupying. Notice was given to me that on which capacity I was occupying the land. The disputed building was attached on the petition of Muslims. It is wrong to say that Muslims did not submit any application in this matter. It is also wrong to say that I am giving false statement in this matter. I do not know that Ram Deo Dubey, Daroga, Ayodhya Thana registered a report in this connection, and on it's basis the disputed building was attached. I also do not know that on th basis of this report a criminal case was instituted against Abhiram Das etc, Abhiram Das, a detached Sadhu and resident of Ayodhya was known to me who belonged to Hanumangarhi. Now he has expired. I have seen Siya Raghav Saran working as a priest for 2-3 months. Now where has he gone is not know to me. Prior to Siay Raghav Saran, Bhaskar Dasji and Baldev Dasji were the

priests. I do not know whose disciple was Siya Raghav Saran. Siya Raghav Saran lived in Sant Niwas and he was the devotee of Lord Ram. Babu Priya Datt Ram was the Receiver of the disputed building which was attached. Who succeeded him as a Receiver after his death is not known to me. K.K. Ram was the Receiver of the disputed building at the time of attachment, I have no information about it. When Babu Priya Dutt Ram expired is not known to me. When the disputed building was attached, I did not submit any objection because I had no concern about it.

The witness was shown document No.199-C of O.O.S. No.5/89 and asked whether he had any knowledge about the case filed by Siya Raghav Saran to take charge (of the disputed building) from the Receiver in the capacity of Saravarah of Lord Ramlala? In reply to this question the witness said that he performed his prostrated obeisance's to the priest and had no other knowledge about anything.

The idol is worshipped in the temple with mantras. Idol is given bath, Aarati, bhog is performed and then it is given to take sleep. All this is performed by the priest. The devotees get a vision (Darshan) of god, some chant mantras also at the time of Darshan. Darshan is not from some distance of the idol. I have never been the priest of Ram Chabutara temple, I was only visitor of the place. The idol has not been kept in the disputed building in 1949, I have been seeing it there since I visited it first. I have never been priest. I used to recite the path of Ram Rakshya Stotra etc., in front of Ram Chabutra for my Yazmans. Due to the rush of the people I used to recite path for the welfare of my Yazmans sitting at the side of Ram Chabutara. There were three domes in the disputed building having the same shape and all in the alignment. Temples have also the domes. Domes (Gumbad) and

pinnacles (Shikhar) are different. Pinnacles are mostly built in the temples of Hanumanji and Shankarji. In the temples of Ramchandra mostly domes are constructed and not the pinnacles. There is some difference in the shape of the pinnacle and the dome. The Hanumangarhi temple in Ayodhya has pinnacle and not the dome. Kanak Bhawan has the dome. There was dome previously in Janam Sthan temple situated north to the road from the disputed building but not this time. The dome of Janam sthan temple crashed down itself being very old and due to lack of proper maintenance after acquisition. Janam Sthan temple has two domes. Till the time of acquisition the domes existed in Janam sthan temple and after that it got destroyed. Apart from Kanak Bhawan, there are three domes in the famous temple of Tewari ji located at Naya Ghat in Ayodhya. Hanumat Niwas has also a dome. Laxman Qila, Gola Ghat and Gola Ghat temple have domes. Apart from these many other temples also have domes. I have told about the domes of famous temple has 151 domes having all gold plating. All the domes of Kanak Bhawan are of the same shape. I have told above that there are three domes in the temple of Tewariji at Ayodhya. Disputed building had three domes and Tewariji temple has also three domes. Apart from these two there are no three domes in any temple at Ayodhya. I have no such information of other 3 domed temples in Ayodhya. Tewariji temple has three domes of the same shape and all in one line. Tewariji's temple is in Naya Ghat. Nirmohi Akhara is situated at Ram Ghat and Tewariji temple is at Naya Ghat. I cannot tell the area of Tewari temple. I do not go inside the Tewari temple. 13 days before I have seen Tewari temple for outside. There is an idol of lord Ram in Tewari temple but I have not got its vision. What is the area of Tewari temple it is not known to me. The idol of lord Ram is always adorable wherever it is placed

whether it is in the disputed building or Ram Chabutara or any place. Tewari temple has Jagmohan. Jagmohan is the place from where the devotees sit and get the vision of god. Beyond Jagmohan there is sanctum-sanctorum. There is no Parikrama between Jagmohan and Sanctum-sanctorum but it is in the middle of the temple. The Parikrama is inside the temple but some people perform Parikrama outside also according to their own feeling. In Janam Sthan temple there is Parikrama Marg towards the east. Janam Sthan temple is adjacent to Dorahi Kuan Passage, which has been closed now. The level of the road and the temple is the same towards the east of janam sthan temple but the level of the compound and the road towards west is lower. The western level is 15 feet lower than the eastern level. There is a wall in the south towards the road in janam Sthan temple, embankment is there. Embankment was constructed for the safety of the temple. Said himself – the embankment is towards west and south but not in east and north. The north and east land have the same level. The west side land of disputed building is at a very low level and the south side land is even. Only the west side land is deep. The devoted people donate their property to the temple. Said himself – Muslim Emperors also donated property to the temples. All the temples of Ayodhya have not immovable property. Hanumangarhi temple has much immovable property. This property is in Faizabad district and its outside also. Bara Sthan temple has also immovaable property but Ram Gopal temple has got the maximum immovable properties among the temples of Ayodhya. Chhoti Chhawani, Bari Chhawani, Sankarsan Kunj, Bhaktmal and Laxman Qila have also immovable property with them. Janam Sthan temple situated in the north of the road has also immoveable property. The emperor of Faizabad has donated immovable property to janam sthan. The sub

temple at Ram Chabutara has also immovable property. It has Ramapur Bhadahi village in Gonda District as an immovable property. The name of the Saravarahkar of the temple is written on the immovable property of the temples. This name is written on the Khasra-khewat and Khatauni. The disputed building has also immovable property due to the fact that the building belongs to Nirmohi Akhara which has immovable property. Nirmohi Akhara has the property in the village as told by me. The temple at Ram Ghat belongs to Nirmohi Akhara who has property. The place called Ichchha-Bhawan is in Ayodhya said again – there are two Ichchha Bhawans in Ayodhya. One is in Ramkot and the other in Baxaria Tola. The Ichchha Bhawan of Ramkot does not belong the Nirmohi Akhara. This belongs to a Panda. The Baxaria Tola Sthan also belongs to another Panda called Ram Swaroop. I have seen the picture of Laxmi and ganesh on the coins which are used for worshipping during Deepawali. These conies are not for general use.

Question:- You have told that Kaikayi bhawan was purchased by Ved Mandir Walah, from whom this Kaikeyi Bhawan was purchased by Ved Mandir Walah?

Answer:- This place belonged to Tapaswiji Ki Chhawani. Ram Kumar Das is the Mahant of Ved Mandir. The Mahant of Tapaswi Chhawani gave this temple to him on some propitiatory offering. The Mahant of Tapaswi Chhawani got this offering, but I cannot tell the name of Tapaswi-Chhawani's Mahant. Kaikeyi Bhawan was a temple which was named as Kaikeyi Bhawan due to the sentiments. Kaikeyi Bhawan was renovated. Old Kaikeyi Bhawan Mandir was renovated and new construction was made

opposite to it. There are the idols of Ram, Laxman and Janakiji in Kaikeyi Bhawan. In the old building there are idols made of eight metals (Ashtdhatu) but in the new construction there are idols made of stones. I have visited the place for Darshan and performed Pooja for laying foundation stone.

Mahant Ram Charan Dasji was born in Ayodhya. When he expired I do not remember. He expired before the attachment of the disputed building. I have great respect for him, because he was teacher of the Akhara. Mahant Ram Charan Dasji used to call the disputed building as temple. It is wrong to say that he called mosque to the disputed building. I have no information about it whether Mahant Ram Charan Das filed a suit about Ram Chabutara or not after demitting Mahantship. The witness was read out the statement of page 45 C 1/1/6 from Document No.45 C-1 and asked whether the area of the first property was correct or not. The witness replied that it was correct or not. The witness replied that it was correct and that area was of Nirmohi Akhara temple at Ram Ghat. The area given on that page about property No.2 was also read out. The witness replied that only the area of north was correct and the area of east, west and south was wrong. About area given on that page of property No.3 the area of the west was correct and the areas of east, north and south were not correct. It was the same Sita Koop where there was Akhara. According to me the road should be shown towards the east of Sita Koop. Similarly Sant niwas should be shown towards the north. Lomash Sthan should be towards the west. In the area of western side Tulsibari and Chabutara Lomash has been shown correctly. The witness was shown document No.45 C 1/1/7 and the area and witness replied that the Ichchha Bhawan

at Ramkot Mohalla mentioned above in his statement had this area which was correct. I will not be able to tell any reason why Mahant Ram Charan Das got the area of the property written wrong. He was shown the map of document No.45 C ½ and asked the Babri Mosque was shown in the western area in that map and what he wanted to say about it? He replied – I cannot say anything about it. There was no person called Ram Lakhan Das in Nirmohi Akhara. Ram Lakhan Das belonged to Bihar and lived in Manas Bhawan who performed Kirtan in Janambhoomi and that place of kirtan was in front of the disputed site. Whose disciple he was I do not know. Who became Mahant after Narottam Das is not known to me. I have heard about Narottam Das from my forefathers. I can tell the names of his predecessor Mahantas. I have not seen Sitaram Das, disciple of Narottam Das. Presently who is the Sarpanch of Nirmohi Akhara I do not know. I know that Nirmohi Akhara is a Panchayti Akhara. There are panchas and Sarpanchas. I do not know the number and the names of the Panchas of Nirmohi Akhara. Only Bhaskar Das and Mahant Jagannath Das are known to me. Jagannath Das is the Mahant of Akhara and Bhaskar Das is the Mahant of hanumangarhi Faizabad. The disputed building has the same idols which were there previously. The idols are of Ramlala, Laxman and Shailigram. The idols of Ramlala and Laxman are made of eight metals and Shaligram and other idol is made of stone. When the disputed building was demolished the idols placed below were removed to save them from damage and burial in the earth. When the idols were removed I was not present there. Who removed the idols at the time of demolition is not known to me. The idols were removed at 11 A.M. At the time of demolition of the building the idols were removed by Vishwa Hindu Parishad and placed in a safar place and later on placed them at that place. I have heard about it from the people.

Vishwa Hindu Parishad people were outsiders not the local people.

There was window bar wall in the disputed building because beyond Jagmohan there is wall and after there the courtyard. Jagmohan was in the west of the window-bar wall. Jagmohan may be covered place or open place. Kanak Bhawan has Jagmohan. There is one covered Jagmohan and the other an open Jagmohan. The Jagmohan of Hanumangarhi is half covered and half opened. My statement is correct that I have studied only upto 4th standard. After this school education I got the education of priesthood. I learned it from my forefathers. The first line of page 21 of my cross-examination mentions that I have got education upto 8th standard in the middle school which is wrong. Middle school provided education upto 8th class but I got the education upto class 4th only. It is wrong to say that middle school did not provide education upto 8th class and after studying upto 7th class in the middle school, further study of 8th class was given in another school. I do not have any knowledge about Raja Ram Chandracharya who belonged to Nirmohi Akhara. I do not know any Vedanti Raja Ramchandracharya of Nirmohi Akhara.

The witness was shown document No.39 C 1/37 of O.O.S. No.3/89. he said – Among these plaintiffs mentioned from serial no. 1 to 3 Raghubar Prasadacharya Bara Sthan, Ramanuj Das Raj Gopal temple, Ram Surat Saran Gola Ghat are known to me. Narottam Das, written at Sl. No.18 is the same person whom I have mentioned above and who was the Mahant of Nirmohi Akhara. Similarly Ram Charan Das mentioned at Sl.No. 18 is the same person mentioned by me above. The first three lines of document No.39 C 1/37 were read out to the witness

and the Learned Advocate asked – do by know Ram Lakhan Saran (Bhagatji) mentioned therein? The witness replied – I known that Ram Lakhan Saran (Bhagatji) who used to perform kirtan at Janambhoomi. What is that retaliation of immoral act mentioned in the first line I have no information about it. So far as I know Ram Lakhan Saran was Mahatma. I have no information about his expulsion from the place of Kirtan. The people of the Sect can tell about it.

(I have given in the statement of my counter examination about dropping milk by Kamdhenu in six places but I do not remember about it, may be Ram Chabutara is one of those places). After this reply Shri Ajay Kumar Pandey, the Learned Advocate of the plaintiffs of O.O.S. No.5/89 raised an objection that one question should not be asked repeatedly changing it's hue and texture). There was no picture of Jay, Vijay at the eastern gate of the disputed premise. The picture of Hanumanji and Shankarji (dancing posture) could be seen on the touch-stone pillars when watched very attentively. Hanuman's picture on the touchstone pillar used to besmeared with Vermilion. Due to this vermilion (Sindoor) people recognized the picture of Hanuman. I have seen the picture on the spot with my own eyes. Hanuman's Pictures/idols are not of many forms. Hanumanji has only one form. The face of Hanuman is like a monkey and has a tail, he wields a club (gada) and wears loin cloth (langot). This is mostly the form of Hanuman's idol or picture. Some lila-idols of hanuman are also there, for example he is depicted holding a mountain. Gopal Singh Visharad lived in Ayodhya and I have been told that he filed a suit about Ram Janambhoomi. When and where he expired is not known to me. I also have no information about the family of Gopal Singh Visharad. Gopal Singh

Visharad had no house of his own in Ayodhya he was an outsider. Due to his religious sentiments he began to live in Ayodhya. It is wrong to say that the disputed building is not a temple and I am giving false statement. Priya Datt Ram was a Hindu who had faith in Hindu Religion. I do not know Priya Datt Ram is the Defendant in the suit, for which I am depositing and giving witness. I also do not know whether Priya Datt Ram has submitted counter-suit in this case where, in it has been denied that the disputed building is a temple. After attachment of the disputed building no local Hindu household filed any suit about the disputed building. It is wrong to say that the entire disputed premise was a Mosque and still it is a mosque. It is wrong to say that five times Namaz was being offered regularly in the disputed building till the night of 22/23 December, 1949. It is also wrong to say that there was no idol in the disputed building prior to 22/23 December, 1949. It is also wrong to say that I am denying to call the disputed building as a Mosque misguided by the people.

(Cross examination concluded by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf of Mohd. Hashim Defendant No.5 in O.O.S.No.5/89 and plaintiff No.7 in O.O.S. No.4/89)

Statement verified after hearing.

Sd/- Shyam Sunder Mishra

Date: 7.4.2004

Typed by the Stenographer in the Open Court on my dictation. In this continuation attend the court for additnoal cross-examination on 8.4.2004. Witness to come.

(Hari Shankar Dubey)

Commissioner

7.4.2004

Date: 8-4-2004

**D.W. 3/8 Pt. Shaym Sunder Mishra Alias Barkau
Maharaj**

Before the Commissioner Shri Hari Shankar Dubey,
Additional District Judge/O.S.D. Hon'ble High Court,
Lucknow Bench, Lucknow.

(Commissioner appointed under the order 15-3-2004
passed by Hon'ble full Bench in case of Nirmohi Akhara
and other Versus Babu Priya Datt Ram & others (O.O.S.
No.3/89, O.S.No. 26/59).

(Cross examination on Oath of D.W. 3/8 continued by
Shri Abdul Mannan, Advocate on behalf of Mohd. Farooq,
Defendant No11)

I have been living in Ayodhya since my birth. At this
time I am 90 years, 3 months 25 days old. We have been
living in Ayodhya for the last seven generations. I live in
Katra Mohalla of Ayodhya. My forefathers have been living
in Ayodhya for the last seven generations. I perform path,
pooja and the work of priesthood in Ayodhya. The work of
Pooja-Path and priesthood has been our traditional
profession for the last seven generations. We have no
other profession. I visit outside areas also to perform
Pooja Path. Out of Ayodhya, I have visited Basti only. I do
not go the any place out of Ayodhya and Basti to perform
the work of the priest. I do not go anywhere except these
two places for Pooja-Path etc.

I have never heard about Babri Mosque. So I cannot tell when it was built. I do not know whether it was built in 1528 or not.

Question :-Were you in Ayodhya when Babri Mosque was taken into possession?

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the plaintiffs of O.O.S. No.3/89 raised an objection that it had already been accepted about taking possession of Babri Mosque in this question, so such a question should not be asked. Moreover, two facts have been linked together in this question and due to this reason also such question cannot be asked. The witness has told that he does not know anything about Babri Mosque, so this question does not deserve to be asked.)

Answer:- When the temple was attached in 1949 I was in Ayodhya. The temple/Mosque was attached by the police.

Question:- Was there police guard all around the Mosque after the attachment?

(On this question the Learned Advocate of the plaintiffs of O.O.S. No.3/89 objected that the witness had denied the existence of Babri Mosque. This question was confusing, therefore, permission cannot be given to ask such questions. Instead of calling mosque it should be called the disputed building).

Answer:- When the temple was attached, Priya Datt Ram was made its receiver and premises was locked and the police was put on guard.

There were there domes in this temple (the witness was asked question about three domes in the Mosque). Three domes are made in the temples. Mosques do not have three domes. There are 1-2 Mosques in each Mohalla of Ayodhya. There are Mosques in Kaziana Mohalla. Teri Bazaar Mohalla, Dorahi Kuan Mohalla out of which one is broken and in another Namaz is read, Katra Mohalla (two Mosques), Suthati Mohalla, Begampura etc., The disputed building was 95-95 feet long (north-south) and 35-36 feet wide (east-west). This width was of the inside of the disputed building. The length from north to south out of window bar wall was 95-96 feet and width was 35-36 feet. People did not go to the disputed building to read Namaz. I have been going there regularly for Darshan since the age of 14 years. I have not seen anyone reading Namaz there. I do not know about Azan (prayer call). Azan is read at 5 times. When the five times Azaan is performed is not known to me. I have heard of 5 times Namaz. Every Namaz is preceded by Azan or not, that I do not know.

I have never heard Azan in the disputed building. I have heard the name of Abdul Gaffar Khan Sahab. I have never seen him giving Azan or reading five times Namaz in the disputed building. Maulana Abdul Gaffar Khan lived in Dorahi Kuan Mohalla in my neighborhood. Volunteer – I had very good relations with him. Recently the marriage of his grandson took place and I was invited there. Three months' period has passed when the marriage took place. Abdul Gaffar Khan Sahab has expired. I do not remember the period when he expired but it is long age, at least 15-20 years. Abdul Gaffur Khan Sahab never went in the disputed building. When he was alive I met him frequently and I used to visit his house. Who built the three domes of the disputed building is not known to me.

Question:- Were the three domes also built when Babri Mosque was constructed?

Answer:- The domes were built with the construction of the temple.

I have seen all the three domes of the temple. I cannot tell whether the three domes were built in 1528 or otherwise.

Question :-Do you know that the Mosque was built in 1528?

(On this question Shri Ranjit Lal verma, the Learned Advocate of the plaintiffs of O.O.S. No.3/89 raised the objection that it was already being taken that the Mosque was built in 1528, the year cannot be linked with the construction. This question is not worth to be asked.)

Answer:- Since my childhood I have been witnessing it was a temple. I was not even born in 1528.

I was 18-19 years old in 1949. I was at my house in Ayodhya in 1949. I remember the incidents of 1949 when I was 18-19 years old. A daroga and 5-7 constables were deputed in 1949 in the disputed building. The Daroga and the Constables lived there day and night. I did not see the people's gathering in the disputed premises. On the night of 22/23 December, 1949, only Daroga and Constables were there. I was not in the disputed premise on the night of 22/23 December, 1949. I was at my house at that time. My house is at a distance of 400 yards from the disputed site. In the morning of 23 December 1949 Baldev Das and Bhaskar Das told me about the attachment of the disputed building. When I visited for Darshan in the morning

Baldev Das and Bhaskar Das told me about the attachment. They told me that the disputed building had been attached. After the attachment Daroga and Constables used to keep a watch of the disputed building. Entry inside the building was prohibited. Since the morning of 23 December, 1949 no body could go inside to have Darshan, people had Darshan from outside. They had Darshan of Lord Ramlalla.

The first information report (F.I.R.) enclosed as Document No.115 in the file of section 145 of I.P.C. which got registered at 19 O'clock on 23.12.1949 and relates to the incident was shown and asked who got this report registered?

(On this question Shri Ranjit Lal verma, the Learned Advocate of the plaintiffs of O.O.S. No.3/89 objected that such documents which are not related with the witness and which could not be proved, were not the issue to be asked questions about them).

Answer:- Who got the above report registered in Ayodhya Thana about the incident which took place in the night of 22/23.12.1949, I have no information about it.

I have no information whether Ram Dev Dubey, Sub-Inspector got that report registered about the aforesaid incident or not. The F.I.R. was read out before the witness and asked whether he agreed or not with the contents written there?

(On this question Shri Ranjit Lal verma, the Learned Advocate of the plaintiffs of O.O.S. No.3/89 raised the objection that the witness was not at all related with the

F.I.R. so questions should not be asked about all the facts of the F.I.R.).

Answer:- I have no personal knowledge about these facts so I cannot tell whether the facts given in the F.I.R. which were read out to me, were right or wrong?

The last five lines of the said F.I.R. were read out to the witness. The witness told that the facts written therein were wrong.

Question:- What action was taken on the report registered by Ramdeo Dubey?

(On this question Shri Ranjit Lal verma, the Learned Advocate of the plaintiffs of O.O.S. No.3/89 raised the objection when the F.I.R. had been denied, this question should not be asked what action was taken on the report).

Answer:- I cannot tell what action was taken after the report was lodged.

Whether Namaz was read or not in the night of 22nd there, I cannot tell. It is wrong to say that the idols were placed in the disputed building in the night of 22/23 December, 1949. Said himself – Idols were already there. Muslims did not go to the disputed premises on 23rd December, 1949.

Question:- Did the District Magistrate asked the Muslims to read Namaz in other Mosque when they went to the disputed building to read Namaz on 23.12.1949 and also the District Magistrate also told them that some arrangements will be made about it within a week?

(On this question Shri Ranjit Lal verma, the Learned Advocate of the plaintiffs of O.O.S. No.3/89 raised the objection, “when the witness has denied that no Muslim visited the place on 23.12.1949, the question should not

be asked what did the District Magistrate ask to the Muslims on their visiting the place. Moreover the witness has not given any fact about in his main examination statement, so he is in dark about the F.I.R. Questions should not be asked to him repeatedly about it).

Answer:- Neither I was present there nor heard about the above facts, so I cannot say anything on it.

I did not hear about it that some people entered into the disputed building in the night of 22.12.1949. The idol was kept inside the disputed building. I had Darshan of the idols placed in the disputed building. Said himself – I had been having Darshan earlier also. I had this Darshan from outside the railing (bar fitted window). No idol was placed during the night, idols were already there. I regularly paid visit to the disputed building earlier also. I had been going there when I was 14-15 years old. Said himself – I practiced wrestling and had Darshan also. I have been getting Dashan regularly since the age of 14-15 years. Volunteer – this time the god (idol) is in the tent, even then I am visiting there to have his Darshan. I still go for Darshan. I came to know through Baldev Dasji and Bhaskar Dasji in 1949 that a case is sub-judice about the disputed building. But these two people did not tell me the parties of the suit. Who were the parties of the suit, I have no information about it. I heard that the disputed building had been attached under section 145 but who were the parties of this suit under section 145 is not known to me. In the suit under section 145 the Mosque was not attached but the temple was attached. On which date of disputed building was attached is not known to me. After the attachment of the disputed building, police arrangement was made there and receiver was appointed. The Receiver was appointed there till the demolition of the disputed building i.e.till the year 1991. After it's demolition in 1991,

now it is in the possession of the Government. The case is still going on, so I have come here. I have come to give witness on behalf of Nirmohi Akhara. I have given the witness that it was a temple and I have been visiting it regularly till this time. I have always seen it as a temple since my childhood. What was it before my childhood only my forefathers can tell. When Nirmohi Akhara filed the suit I have no knowledge about it. I cannot tell whether Nirmohi Akhara filed the suit in 1959 or not. I cannot tell about the suit when it was filed by Nirmohi Akhara. I do not know whether Nirmohi Akhara filed the suit very late or not. I never asked them in which year they filed the suit. I had never asked them about their case. Even at the time of coming for giving witness I did not ask them about it. I have no information whether the suit by Nirmohi Akhara was filed in 1959 or not. It is wrong to say that some people entered the disputed building in the night of 22/23.12.1949 and they placed the idols forcibly in the Mosque. When the F.I.R. about placing the idols in the disputed building was lodged I was not present there. It is wrong to say that the disputed building had always been a Mosque and Namaz was read there regularly. It is also wrong to say that the Namaz was being offered there till the night of 22/23.12.1949 and Azan was also held regularly there. Since the age of 14 years I have neither heard any Azan nor seen anyone reading Namaz in the disputed building. Azan is a prayer call to the people in the name of Allah. Said himself – Azan is read very loudly and Namaz is read secretly. I cannot tell whether after construction of the disputed building in 1528 Namaz was offered there regularly or not because since my early childhood, I have always seen the disputed building as a temple. Said himself – My Mundan Sasskar (tonsure ritual) was also performed at that place. It is also wrong to say that till the next day of lodging the complaint by Daroga,

Namaz was being offered regularly in the disputed building. It is wrong to say that Minarates are not necessary in the Mosque. I have no knowledge about the frigid zone countries whether there are minarates in the Mosque or not. It is wrong to say that where there is snowfall there are no minarates on the Mosque. Volunteer – Kashmir is a place of snowfall but even there are minarates on the Mosques. I have gone upto Amarnath. The Mosques of Pahalgam and Srinagar have minarates. It is wrong to say that the disputed building was always a Mosque.

(Cross examination concluded by Shri Abdul Mannan, Advocate on behalf of Mohd. Farooq, Defendant No11).

The cross-examination by Shri Abdul Mannan, Advocate Shri Jafaryab Jilani, Advocate and Shri Mushtaq Ahmed Siddiqui was adopted by Mohd Nadeem Siddiqui, Advocate brief, Sayyad Irfan Ahmed Advocate on behalf of Defendant No. 6/1 Hazi Mehboob & Defendant No.6/2 Hazi Abdul Ahad (Suit No.3/89 and by Shri Shakilurrahman Siddiqui Advocate on behalf of Defendant No.9 Mahmood Ahmed (O.O.S. No.4/89).

The cross-examination concluded on behalf of all the parties. The witness is released.

Statement verified after hearing.

Sd/- Pt. Shyam Sunder Mishra

Date: 8.4.2004

Typed by the Stenographer in the Open Court on my dictation.

(Hari Shankar Dubey)
Commissioner
Date: 8.4.2004