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

O.O.S. NO.3 OF 1989
(R.S. NO.26 OF 1959)

PANCH RAMANANDIYA NIRMOHI
AKHARA

PLAINTIFF

VERSUS

BABOO PRIYA DUTT RAM
AND OTHERS

DEFENDANTS

**STATEMENT OF D.W. 3/9
SHRI RAM ASHRAY YADAV**

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ALLAHABAD, LUCKNOW BENCH LUCKNOW

O.O.S. NO.3 OF 1989
(R.S. NO.26 OF 1959)

Panch Ramamnandiya Nirmohi Akhara Plaintiff

Versus

Priya Dutt Ram and Others Defendants

MAIN STATEMENT ON AFFIDAVIT UNDER ORDER 18
RULE 4 OF CODE OF CIVIL PROCEDURE DW 3/9 –
RAM ASHREY YADAV

I, Ram Ashrey Yadav S/o Lallan Prasad Yadav, aged 72 years, resident of Mohalla – Vashist Kund, Ayodhya Distt. Faizabad hereby solemnly affirm that:-

1. My family has resided in Ayodhya since generations. I know the famous Ram Janambhoomi. It is at an approximate distance of 300 yards from my house and is visible from my terrace. It is a distance of 2 furlong by road.
2. My earliest memories of visiting the Ram Janambhoomi were when I was around 10-11 years old, along with my father. When I was a little older, say 12-13, I used to visit the site regularly, sometimes alone, sometimes with my friends. I have been visiting this site with Madan Mohan of Gokul Bhawan, Dhanpat Yadav, Shyam Lal Maurya among others. Amongst these Madan Mohan and Shyam Lal are alive, others are no more. Madan Mohanis

originally a resident of Sitapur Biswa and is a nephew of Ram Mangal Das, who is the 'Mahant' of Gokul Bhawan. He had been visiting Gokul Bhawan regularly.

3. I have been going to the site, sometimes via a foot path along the Kuber Tilla and at other times via the main road. Nowadays I go via Gaing. From Sakshi Gopal Tiraha on the Duhari Kuan-Hanumangarhi road, another road in front of the Sakshi Gopal temple in the North-westerly direction leads to the eastern gate of the Janambhoomi Mandir. An alternate way was via the Dakshin stairs in the Hanumangarhi-Duhari Kuan road. These stairs was on that part of Hanumangarhi road which was part of the downward incline in the topography between Sakshi Gopal three point intersections and Duhari Kuan four point intersections.

4. The disputed site was almost completely surrounded by a perimeter wall of 9-10 feet high, along three sides. And on the western side, just beyond the Parikrama there was an old wall 2 1/2 to 3 feet high and the ground was inclined downwards and in the westerly direction from that low wall.

5. The main entrance of the disputed premises was on the eastern side. There was no 'doors' at the entrance. The Kasauti pillars stood adjacent to the main entrance. The Kasauti pillar at the main entrance had an inscribed figure. This figure was said to be the figure of Lord Hanumana. 'Mahabeeree' used to be applied to the figure on the pillar. There were figurines of Kumbh, Kalash, flowers and leaves inscribed on the aforementioned

stone pillar. There was a stone slab before one of these Kasauti pillars, which stood to the North of the pillar having the figurine of Lord Hanumana. On the stone slab was inscribed the figure '1' and 'Shri Ram Janambhoomi Nitya Yatra' (regular visitations to the site). The slab is still there and is visible when one visits the site via the road in Gaing. The term 'Janambhoomi', on the stone slab is written both in English and Devnagri scripts. This facts tally with my earliest childhood recollections and holds true till date. The entire disputed site was within an enclosure. If one entered it through the eastern 'gate' the Ram Chabootra temple could be seen on the left hand side. On the South-Eastern side of the Ram Chabootra temple, inside the compound there were stone idols of Sasth Mukhi Shankar ji, Ganesh ji, Parvati ji, Nandeshwar ji, besides there was Shankar ji's argha and a gate in the Northern wall. This gate was opened whenever there was a large gathering of visitors. Usually most people used the eastern 'gate'. In the outer half of the compound, towards the Northern side was the 'Chatti Puja Sthan', the place had foot prints of Ram and his three brothers and symbols of 'Chulha (stove), 'Chauki' 'Belna' (rolling pin). These symbols were considered holy and 'puja' was performed regularly. I like all the visiting pilgrims, performed darshan and puja at these places.

6. Devotees from far flung areas offer money, sweet, flowers in the religious shrines situated at the outer part of the compound. Panch and priests deputed by the Nirmohi Akhara perform puja at these shrines. The place of residence of these priests were to the right hand side of the Eastern gate. There is a room

for preparing prasad and the saints of the Nirmohi Akhara were getting heir prasada from that place. Mahant Baldev Das was a main priest of the Nirmohi Akhara. Bhaskar Das was his disciple and I knew him and had been seeing him since 1946. A number of priests used to come there to help him out. I only remember the name of a few of these priests, e.g. Ram Subhag Das Shastri, who is a Mahant of Ram Mahal temple in Katra. I have seen him there before the premises were attached. At that time Mahant Raghunath Das was a Mahant of Nirmohi Akhara and Ram Lakhan Das was a Golki. The outer part of the premises are in the possession of Nirmohi Akhara since a long period of time. The inner part, i.e. Garbh Griha temple, the place with three kalash, below the middle kalash of them Lord Ram lalla is sitting. The idol is made of asth dhatu (alloy of eight metals) and Lord Laxman, Lord Hanumana and holy Shaligram stone are sitting with him. The third section was attached in Dec. 1949.

7. I had visited the garbha griha with my father and later went alone to have 'darshan'. The ceremony at the garbha griha was conducted by priests and functionaries of the Nirmohi Akhada. i had been present at the time of 'aarti' at the 'garbha griha'.
8. Visitors who came to Ayodhya during the month of 'kartika, aghrayan and chaitra used to perform recitations from scriptures and arranged for 'bhandaras'. Since my earliest memories i have seen functionaries and priests of the Nirmohi Akhara controlling all the functions including day to day ones at the Ram Janambhoomi temple. The interior

premises of the temple were under the control of the nirmohi Akhara before the croak of 1949.

9. Shopkeepers used to sell flowers and sweetmeats for the puja, presented in small wicker baskets. Later small shops selling puja items were set up and the wells at the eastern and Southern corner of the compound gained in popularity in hindu society as it was believed that water from all sacred sources were brought there for the coronation of Lord Rama. When Ram went for 'Vana bash' this water was collected in 'Sita kup' (sita's well) and there used to be a brahmin stationed to offer disciples the water of the sacred 'Sita Koop'. This brahmin used be present was on behalf of the Nirmohi Akhara.
10. I had been to the Garbha griha (sanctum sanctorum) for darshan even before 22/23 December. It was the month of Poush and just a couple of months before that, during the month of Kartik and Aghrayan there was a big rush of visitors. The statement that an idol was placed in the Garbha Griha before 22/23 December is utterly untrue. A section of motivate Muslims resorted to false hearsay in order to put pressure on the government to take action. My father and my uncle used to speak about the hindu muslim riot that took place in 1934 because of the Goksi incident. Muslims were killed in this riot. Some graves were vandalized but because the main compound was a temple, it was not damaged. A 'Danga Tax' was imposed on all the Hindus as a punishment. Muslims suffered from fear psychosis because of the riots. My father and my uncle used to say that they discontinued using the road adjacent to the Ram Janambhoomi. My uncle said that there is

no question of Namaaz being performed inside the premises of the disputed premises, nor were any Muslim burials near the disputed premises.

11. The attachment happened for the inside half of the premises. I visited the site for darshan even after it was croaked. The right to the outer parts remained under the control of the Nirmohi Akhada till the croak of 1982. After the croak of 1982 the receiver who controlled the inside premises of the structure became the receiver of the outer premises.
12. The entire premise consisted of the holy Ram Janambhoomi temple and I never saw any Muslim offering namaaz at the site.
13. There were Kasauti pillars in the inner part of the premises and on these pillars Tribhanga image of celestial goddesses. Besides there were sculptures of Yakshas, Kalash and Peacocks on the pillars. These I saw sculpted on the Kasauti pillars.
14. There were sculptures of Bagh (Tiger) and Peacock on the upper parts of the Northern gate and there were 12 sculpted statues of Gods on the outer side of the Eastern wall, during Parikrama, devotees used to perform abulation before these statues.
15. In October 1991 the State Government, after taking control of the premises demolished certain shrines like Sumitra Bhawan, Sita Kup temple etc and on December 6, 1992 an assembled crowd demolished the disputed structure, but Ram Lalla who was there before still exists at the same place. I have been the treasurer of the Ram Janambhoomi Sewa Samity,

and on Poush Tritiya on the occasion of Ram Prakatotsav, our samity, after obtaining permission from the administration have always been conducting Puja and havan. Nirmohi Akhada has been celebrating Prakatotsav on Ram Navami as far as memory goes.

16. I have been visiting the Hanuman Garhi temple, which is situated in Mohalla Ramkot of Ayodhya for Darshan of Lord Hanumanji there. Living in Ayodhya have made me privy to the fact that the Nirvani Akhada administers the day to day function of the Hanumangarhi temple, through Bairagi Panch style of functioning. There are seven Akhadas of Bairagi Sampraday in Ayodhya, among them Nirvani Akhada controls Hanumangarhi and Thakur Ram Janki and Nrisingh temple and some other temples. Besides, they control the temple of Kapil Muni, who belongs to Gangasagar, 24 Parganas, West Bengal. Nirmohi Akhada controls the day to day functions at the Ram Janambhoomi temple, which is important to the Hindu populace as it is said to be the birth place of Lord Rama. There are numerous Ram Mandirs in Ayodhya and elsewhere but the disputed site is the only one having the unique claim of being the site where Lord Rama was born and as such it assumes a place of tremendous importance in the psyche of Hindus. I have a lot of faith. The seat of the Nirmohi Akhada is at the Ram Ghat Vijay Raghav Mandir at Ayodhya. The mentioned Akhara had control over such temples as the temple of Panch, Sumitra Bhawan, Sita Kup temple, near the Janambhoomi, which were demolished when the Uttar Pradesh state government took control of the premises in 1991. Temples like Naka Hanumangarhi, Ratnasinghsan

Lav Kush temple and Ram Gulela temple have been associated with the Akhara (Nirmohi).

17. I have learnt from the sadhus of Hanumangarhi that Nirmohi Akhara is a public 'math' (association with religious connotations) and a 'Dharmic Nyas' and exists nearly for five and a half to six centuries. I have read their customs and practices as enshrined in their registered agreement which was published in 1962. Those written clauses that I have read are applicable to the members of the Akhara.
18. Nirmohi Akhara controlled and managed the religious functions for the Ram Lalla idol inside the Garbh Griha, the Ram Chabootra Mandir on the outer perimeter, Chatti Puja Sthal, and Shiv Darbar. I have seen that the Mahants and Panchs of the Akhara used to look after the day to day rituals of these aforementioned places, till the places were attached.
19. In 1949 Acharya Raghunath Das was the Mahant of the Akhara. After him, these days Mahant Jagannath Das is the mahant and mahant Bhaskar Das is the Sarpanch, he is the Mahant of the Hanumangarhi Naka.
20. Since my earliest memories, when I have been visiting the disputed premises I have seen a temple of Ram Lalla and have never seen any Muslim offering Namaaz the premises.
21. Before the demolition of the disputed premises on December 6, 1992, till my earliest memories there was a shop selling sugar sweets, cardamom etc, adjacent to the outer wall of the premises, near Ram

Janambhoomi Sheela Pat, on the outer perimeters, and near the eastern gate of the disputed premises. This Dhanpat Yadav was a tenant of the Nirmohi Akhara, Ayodhya. Dhanpat yadav expired some 8/10 years back and his son Sita Ram Yadav, who used to sit in the shop since childhood is running it. Before that Mata Prasad, also known as Matai used to run a shop for 'Prasadas' etc at that place, on behalf of the Nirmohi Akhara.

Person filing an affidavit

Sd.

(Ram Ashrey Yadav)

VERIFICATION

I, Ram Ashrey Yadav, solemnly affirm that the statement made at S. No. 1 to S. No. 21 are true to the best of my knowledge and nothing is false or has been concealed. I confirm that statement made vide para 1 to 21 is true. Confirmed to-day dated 22.3.2004 at High Court, Lucknow bwnch, Lucknow premises, Lucknow.

Sd.

(Ram Ashrey Yadav)

22.3.2004

I Tarun Jeet Verma, Advocate confirm that I know Ram Ashrey yadav, who put his signature in my presence.

Sd.

(Tarun Jeet Verma)

Advocate

Nirmohi Akhara

22.3.2004

Before: Commissioner Shri Narendra Prasad, Additional
Ditt. Judge/OSD, Hon'ble High Court Lucknow
Bench, Lucknow.

Commissioner appointed by the Hon'ble Full bench vide
order dated 19.3.2004 in other original suit No. 3/89
(original suit no. 26/59) Nirmohi Akhara and others versus
Baboo Priya Dutt Ram and others).

Other original suit no. 3/1989

R.S. No. 26/1959

Nirmohi Akhara and others Plaintiff

Versus

Baboo Priya Dutt Ram and others Defendants

Dated 22.3.2004

D.W. 3/9 Shri Ram Ashrey Yadav

Affidavit of Shri Ram Ashrey Yadav, main examinee (Pg 1
to 4) aged 72 years, s/o Shri Lallan Prasad Yadav,
resident – Mohalla Bashist Kund, Ayodhya, Distt. Faizabad
was submitted and taken on record.

(Cross examination by Shri Beereshwar Diwedi, Advocate
o behalf of defendant no. 17, Shri Ram Chander Tripathi
and defendant no. 22 Shri Umesh Chander Pandey in
original suit no. 4/89 and of D.W. Shri Ram Ashrey
yadavon affidavits, begins)

XXX XXX XXX XXX

My name was enrolled in a school but I could not
attend it. Till date I don't know what date had been
enrolled in the school as my date of birth. I am not a 'neta'

(leader) and am a Chaudhary, belonging to the Yadav community of Ayodhya.

I do not know the implication or the importance of the year 1934. At Ayodhya the temple nearest to my residence is Bashist Kund. The temple belongs to the Marwaris, who have constituted a trust for it. Since my earliest memories say for the last 30/40 years I have been seeing this temple. I must have started understanding things when I was around 12, 14, 15 years and could differentiate between a residence and a temple from then onwards. I have submitted an affidavit in this court today. I can not read the said affidavit and it was read out to me by a 'Munshi ji', whose name I do not know. I have signed the affidavit after it was read out to me. But I do not know what was written in the affidavit. This affidavit ran into three to four pages.

I came here to give a statement on Ram Janambhoomi – Nirmohi Akhara property. The control of this temple is with nirmohi akhara. The land on which this temple is built also belongs to Nirmohi Akhara. The seat of God where abulation is performed is called a temple. I don't know if the seat of any God or Goddess is called the temple of that god or goddess. Lord hanumana's deity is present at the Hanuman Temple in Ayodhya, where it is worshipped, but I cannot say if Lord Hanumana resides there or not. Similarly there are temples of Cheereswar Mahadeva, Kale Ram, and Durga. The Lord of all these temples are the presiding deities of these temples. But these temples are managed by different people, who are also called Mahants.

I am not aware of the history of Nirmohi Akhara. But I know that this Akhara is famously known as the Nirmohi Akhara and they control a large number of shrines across the country. I have no knowledge if the disputed shrine was ever attached (croaked0 or not. I understand the

meaning of attachment. I do not know who was the mahant of Nirmohi Akhara before Raghunath Das, nor do I know who became the Mahant of the Nirmohi Akhara after mahant Raghunath Das.

Question: I say that you have no knowledge of what is written in the main examinee affidavit you have signed and submitted. What do you have to say in this regard?

Answer: I had knowledge of what was written in this affidavit but I cannot recollect now what exactly was written in it, although it had been read out to me.

The answers that I have furnished to the questions asked till this point of time may be right or wrong. The answers to the questions about the things I do not remember may be wrong I am currently feeling the effects of high blood pressure and that is affecting my memory. When I boarded the trai at Faizabad at around 7-8 in the morning I was all right. But by the time I reached barabanki I started to feel ill. I am not feeling well now and my brain is puzzled. Therefore may I request you to postpone my statement for any other day.

(Cross examination by Shri Beereshwar Diwedi, Advocate o behalf of defendant no. 17, Shri Ram Chander Tripathi and defendant no. 22 Shri Umesh Chander Pandey in original suit no. 4/89 concludes)

Statement read and confirmed

Sd/-

Ram Ashrey Yadav

22.3.2004

I have dictated to the stenographer, who typed it in the open court. In furtherance to this, suit may be listed for cross examination for 23.3.2004. Witnesses to present themselves.

Sd/-

(Narender Prasad)

Commissioner

22.3.2004

Before: Commissioner Shri Hari Shankar Dubey,
Additional Ditt. Judge/OSD, Hon'ble High Court
Lucknow Bench, Lucknow.

(Statement in Others Original Suit no. 3/89 (original suit
no. 26/59) Nirmohi Akhara versus Baboo Priya Dutt Ram
and others taken on record at civil court Faizabad by
Commissioner appointed by Hon'ble Full Bench vide order
dated 4.11.2004

Others Original Suit no. 3/1989

R.S. No. 26/1959

Nirmohi Akhara _____ Plaintiff

Versus

Baboo Priya Dutt Ram and others Defendants

Dated 22.11.2004

D.W. 3/9 Shri Ram Ashrey Yadav

(Cross examination of Shrii Ram Ashrey Yadav in D.W. 3/9
with affidavit, furtherance to 22.3.2004 by advocate Shri
Madan Mohan Pandey on behalf of Mahant Suresh Das,
Defendant no. 2/1 of original suit no. 4/89 begins)

I am a follower of Hinduism and have faith in the Hindu
religion. I got my initiation from Param hans Shri Ram
Mangal Das of Gokul Bhawan. Even now I visit Gokul
Bhawan. Gokul bhawan is not associated with any Akhara
or Math (sect). Gokul bhawan prescribes to the
Vaishnavite stream of Hinduism. Gokul bhawan is run by
Sadhus of the bhawan. Ayodhya is an important place of
pilgrimage for hindus. There are numerous temples in

Ayodhya. The main are Shri Ram Janambhoomi temple, Kanak Bhawan, Hanumangarhi and Negeshwarnath's temple. Crores of Hindus from within and without the country visits the place for 'darshan' and for performing obeisance. River Saryu flows to the North of Ayodhya. As far as my memory goes, during the annual fairs during Chaitra Ramnavami and Sawan Jhoola, lakhs of devotees congregate. Besides these the other main fairs organized in Ayodhya are the 'Parikrama', organized twice a year , during the Navami and ekadashi of the month 'kartika'. The fair is organized to this day. Lakhs of devotees throng Ayodhya for a holy bath at the time of 'Kartika Poornima". Devotees usually visit the Ram Janambhoomi temple, Kanak Bhawan temple and Nageshwarnath temple, amongst others during this time.

The Hindus revere the disputed site as the birth place of Lord Rama. Hindus believe that Lord Rama was born in the disputed premises at Ayodhya. Due to this reason Hindus have been coming to Ayodhya for praying and worshipping. There are a number of Hindu temples to the Northern and Eastern side of the disputed structure. In the rear side of the disputed site, towards the Western side there is a deep ravine and open land. Towards the North of the disputed site is a road and to the North of that road there are numerous temples. The Saryu river flows slightly to the North from the West of the disputed site. I have been seeing all these things for as long as memory serves me.

Today also I am not feeling well. Last time when my statement was being recorded I was feeling the effects of high blood pressure. My blood pressure keeps fluctuating. I am answering questions today after carefully comprehending them. I do not have any knowledge about

the history of the Akharas. There are a large number of Akharas in Ayodhya. These Akharas are functioning from times predating my memories. I do not know which Akhara came into existence when. Panch, Sarpanch and Golakees are functionaries of an Akhara, any Akhara. I do not have knowledge about the management of all Akharas. I can only claim to know about the management of the Akharas with whom I am associated with. I am associated with Hanumangarhi Nirmohi Akhara and Bada Sthan. I used to visit the Mahant of Bada Sthan. I know him because I have cultivated some land of the Akhara and used to visit him to pay taxes (lagan). I do not know if there are any Panch, Sarpanch or Golakees associated with that place. In lieu of the payment made I was issued a receipt by the Mukhtiyar of the Mahant. The Mukhtiyar was a shop keeper. I have no knowledge if the receipt was issued on behalf of the Akhara or not. I have not cultivated any field of Hanumangarhi. I can not say if Hanumangarhi is associated with any Akhara or not. I do not have full knowledge about Nirmohi Akghara but I used to visit the Mahants and Golakees from time to time and had tea with them on many a occasion. I knew that these people ran the Nirmohi Akhara. I have no association or relation whatsoever with the Mahants and Golakees of the Akhara. The primary purpose of my visit thence used to be for 'Darshan" (of Lord Rama). I am not aware of the history of the Akhara but used to know some of the people who ran it.

(Cross examination by advocate Shri Madan Mohan Pandey on behalf of Mahant Suresh Das, Defendant no. 2/1 in Others original suit no. 4/89 concluded)

(Cross examination of Shrii Ram Ashrey Yadav by advocate Shri Ajay Kumar Pandey on behalf of Plaintiffs in Other original suit no. 5/89 begins)

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I was born in Ayodhya. I was born at Vashist Kund Mohalla in Ayodhya. I was born in some room of my house, but I do not know which room. Nobody ever told me in which particular room of my house I was born in.

Hindus believe that Lord Rama was born at the place that lies under the middle dome of the disputed shrine. Hindus believe that darshan of Ram Janambhoomi leads to salvation (nirvana). Lord Rama used to play around the premises since he was 3 or 4 years old. My family has been residents of Ayodhya for the last three-four generations. However I have never seen my great grandfather (pardada).

In the second line of para 3 of my main affidavit I have mentioned going through 'Gaing'. By this I meant the entry point in the enclosure that surround the disputed site. At this point of time I know how to sign. I am literate but due to cataract my reading and writing abilities have ceased. Last time when I gave my statement in Lucknow I had some vision. I was not able to write then but did had some vision. The cataract has reached an advanced stage since the last 8-10 months and I have to be assisted by others even for moving about. I didn't knew that I had cataract, but my vision had started to deteriorate. It was only when a doctor told me some 8-10 months back that I had cataract did I came to know about what afflicted me. I submitted my main examinee affidavit on 22.3.2004, which

was read out to me by the lawyer, thereafter I put my signature on it.

The gate to the Northern side of the disputed territory was called the 'Singhdwar'. I do not remember if there were two statuettes of Lion and Garuda atop the gate. When I say 'math' I mean temple. I do not know what a religious trust (dharmik nyas) stands for.

Question: In the first line of para 17 of the affidavit, the word "Religious Trust" was written. Have you signed it without knowing its meaning?

(Upon the question being asked, learned advocate of Plaintiff in others Original suit no. 3/89, Shri R.L. Verma raised an objection:

"The word 'Religious Trust' was a part of a sentence, therefore the whole of the sentence should be read out to the witness for better comprehension. In difference to such an action permission cannot be granted for asking such a question)

Answer: I have been asked the meaning of 'Religious Trust'. I could only answer the question if the para was read out to me in full.

In the second line of para 5 of my main examinee affidavit there is a mention of a phrase 'at the door'. I have been the treasurer of the Ram Janambhoomi Sewa Committee. People celebrate Prakatutsov at the birth place of Lord Rama. I used to take part in the celebrations but ill health have cut short such practices. I have been seeing Prakatotsav for as long as my memory serves me.

(Cross examination by advocate Shri Ajay Kumar Pandey on behalf of Plaintiffs in Others original suit no. 5/89 concluded)

(Advocate Shri Ajay Kumar Pandey has informed that Km. Ranjana Agnihotri, Advocate of Plaintiff no. 20 in Others original suit no. 4/89 has accepted the cross examination done by Shri Beereshwar Diwedi and Shri Madan Mohan Pandey, Advocates have informed him about this. Similarly learned Advocate Shri Puttu Lal Mishra of Plaintiff in Others Original suit no. 1/89 has informed him that he does not wishes to cross examine the witness)

(No advocates from plaintiffs excluding the advocates of other defendants in Other Original Suit no. 4/89 and defendants no. 4,5,6 and 26 in Other Original Suit no. 5/89 were present for cross examination. Hence Advocate Shri Abdul Manna on behalf of Shri Mohd. Farooq Ahmed, defendant no. 11, of this suit started cross examination of the witness)

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XXX

I have been in Ayodhya since birth. I am 72 years old, going on 73 now. I have visited Lucknow, Kanpur and Gorakhpur, outside Ayodhya. I might have visited other places too, but I cannot recollect. I have never been to Gujarat and Madhya Pradesh. I do not exactly remember how many times I visited Lucknow and Gorakhpur. I visited those places when some work came up. I will not be able to say how long and wide Ayodhya is. The river Saryu flows to the North of Ayodhya. While coming to Ayodhya 'Jalpa Nala' (drain) comes after Ayodhya. I myself stated that 'Panch Koshi Parikrama' turns/ branches off from 'Jalpa nala'. I am not sure if the population of Ayodhya is 30000 or not. I have some education. I do not know how

many yards are there in a mile. The length and breadth of Ayodhya should be about one, one and a half mile. There has been no major communal flare up in Ayodhya. I have no knowledge of the Muslim population of Ayodhya. My Lawyer had read out the main examinee affidavit to me before filing it in the court. I put my signature on the affidavit. Every page of the affidavit carries my signature in hindi. I am not aware exactly how many pages does my affidavit contains. I had signed the affidavit 10-12 months back at the residence of my lawyer and handed it over to him after signing. I do not remember whether I handed over the affidavit in Lucknow or Ayodhya. I signed the affidavit and handed it back to the lawyer. I do not know whether he has filed it in the court or not. At the time when the affidavit was filed I was in Lucknow. The affidavit was filed in the Lucknow court the day I signed it.

On the day the affidavit was filed I was with my lawyer in Lucknow. The affidavit was filed in my presence before the Commissioner. My health deteriorated after filing of the affidavit and I took leave from the court and went back. I have been to Lucknow some 8-10 months prior to filing the affidavit. Today also I am not feeling well. I live in Vashist Kund Mohalla of Ayodhya. My father used to stay there too. I a the only son of my parents. I do not have any sisters. The house whence I live in was constructed by my father. I don't know exactly when he got the house constructed. After getting the house constructed my father resided in it for a long period of time. I have no knowledge of when he built the house.

There are more than five thousand temples in Ayodhya. There is not a house which has a deity and which is worshipped regularly. There are thousands of temple in Ayodhya where one goes for 'darshan'. I do not know

where from people come, other than India for visiting Ayodhya. But the foreigners who come visiting looks like Britishers

They are fair skinned. Besides people of darker complexion visit Ayodhya. Amongst people visiting Ayodhya are fair skinned ones, dark skinned ones and wheatish skinned ones visit Ayodhya. I cannot say if people coming to Ayodhya are mostly from North India or South India. I cannot say how many people visit Ayodhya daily. Estimated two to four thousand people visit Ayodhya daily. Sometimes people come by 2 trains, sometimes by 4,6 trains for darshan in Ayodhya, so I cannot estimate an average. I cannot say how many fair complexioned people visit Ayodhya, I just used to see them. I cannot say if the fair skinned visitors to Ayodhya are Hindustanis or outsiders. Sometimes four to five thousand people comes to Ayodhya for darshan but this number keeps fluctuating.

How many Masjids are there in Ayodhya I cannot say, because I never counted these. I can recognize a Masjid just by looking at it. I cannot say if the Masjids of Ayodhya numbers to twenty or twenty-five. Muslims visit Masjids in Ayodhya. I have seen Muslims going to a mosque near my palce for offering Namaaz. I cannot say if people offer Namaaz five times a day or not. I just saw them going to and returning from the masjid. I do not know at what time Namaaz is offered. In addition to temples I go for drshan in Gurudwaras that is Gokul Bhawan. Besides I have constructed a small shrine of Lord Rama in the precincts of my house, and perform darshan and abulation there itself. Advanced age has limited my mobility and I cannot visit temples regularly. Whenever I visit a temple I chant "Ram-Ram". This chant reverberates from all the temples of Ayodhya. The temples I visit puja and artis are

performed and food offerings are made to the Lord. I visit the temple inside my house daily. After taking my bath I visit the temple daily. When I was in better health, in addition to the aforesaid temples I used to visit the temples of Ram Janambhoomi, Hanumangarhi, Kanak Bawan and Rattan Singhasan for darshan.

Question: Have you been visiting the above mentioned temples since attaining the age of understanding?

Answer: I used to visit the above mentioned, and many other temples for darshan.

The temples I mentioned above includes the temple of Vashist Bhawan, Ragare Baba, Bajrang Bhawan, Gamla Baba ka Mandir, Sakshi Gopal Mandir, Gola ghat, Nirmochan ghat, Ram Kaccheri, Hanumanth Niwas Mandir, Chotti Chhawani, Bari Chhawani for darshan. I did not visit these temples daily but whenever my relatives dropped by I visited these places with them for darshan. I cannot say on what dates I visited these temples because I went there only when my relatives came to Ayodhya.

Question: What is the distance of the temples you have referred to from your house?

(On the said question learned advocate Shri Ranjeet Lal Verma in Other Original suit no. 3/89 has raised an objection that question about all temples cannot be clubbed together because the related temples are in different directions from the house of the witness.)

Answer: All the temples including Vashist Kund and Gokul Bhawan are within a radius of two kilometers from my house. Gokul Bhawan may be about a bigha from my house.

Question: What is the length and width of the temple you visited, excluding Gokul Bhawan?

(On the said question learned advocate Shri Ranjeet Lal Verma in Other Original suit no. 3/89 has raised an

objection that a general question regarding the dimensions of a temple, without specifying which temple cannot be asked.)

Answer: I have no knowledge about the dimensions of the referred temples. Choti Chawni and Bari Chawni temples must be located within one or two furlong of each other, because a number of sadhus live thence. I cannot say what the exact length and breadth of the Bari Chawni temple is, because it is quite large. I also have no knowledge about the dimensions of the Choti Chawni temple. This is also a large temple constructed on a large area, where one thousand sadhus (ascetics) live. Gopal Das was a Mahant of that temple.

I cannot say whether the disputed bhawan, with three domes was constructed in 1528 or not.

It would be wrong to state that the disputed structure was always known as the Babri Masjid.

Statement was read out to me and confirmed.

Sd.

Ram Ashrey Yadav

Dated: 22.11.2004

I have dictated it to the stenographer who typed it in the open court. Furtherance to this, the suit may be listed for 23.11.2004 for cross examination. Witness should be present.)

Dated 22.11.2004

Sd

(Hari Shankar Dubey)

Commissioner

Before: Commissioner Shri Hari Shankar Dubey,
Additional Ditt. Judge/OSD, Hon'ble High Court
Lucknow Bench, Lucknow.

(Commissioner appointed by Hon'ble High Court in Other
Original Suit no. 3/89 (original suit no. 26/59) Nirmohi
Akhara versus baboo Priya Dutt Ram and others vide
order dated 4.11.2004)

Dated: 23.11.2004

D.W. 3/89 Shri Ram Ashrey Yadav

(Furtherance to dated 22.11.2004, in regard to cross
examination of D.W. Shri Ram Ashrey Yadav on the
affidavit, Shri Abdul Mannan, Advocate said that he will
not undertake any more cross examination of the witness,
to-day. Therefore the cross examination by Shri Abdul
Mannan comes to an end.)

(Cross examination by the Advocate Shri Zaffaryab Jilani,
Advocate on behalf of Defendant No. 9, Sunni Central
Board of Wakf, U.P. begins)

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Ever since I have been visiting the disputed site I have
seen a shopkeeper selling their ware of sugar sweetmeats
and flowers in wicker baskets placed over a short wooden
table. The name of the shopkeeper was Dhanpat Yadav.
He used to reside in Vashist Kund. I knew him very well.
The said shop of Dhanpat existed till 1992. Dhanpat have
passed away some two three years ago. He had two sons,
one have passed away and the other is living. He would be
around 40-45 years old. He did not usually used to sit in
the shop with his father. Dhanpat had placed a tin shed
over his aforesaid shop sometimes before the place was

attached. This attachment took place in 1949. I have always seen this one shop outside the premises of the disputed structure. I never sat in the said shop, although sometimes I used to visit the shop to get some 'prasad'. Dhanpat Yadav was my relative, he was my uncle. The surviving son of Dhanpat Yadav is Sita Ram Yadav. I do not know if Sita Ram Yadav is an witness in this case or not. At this time my eyesight is very poor. If some things are shown to me I will not be able to recognize it.

When the witness was shown the picture of document no. 201, C 1 by the learned cross examiner he said that "everything is appearing black and smudged to me, nothing is visible clearly.

As I am a Yadav, I married early. I do not recollect the year I was married. I have three daughters and no son.

The eldest daughter is about 50 years old. I do not remember after how many years of my marriage she was born. My wife is no more. She died some 10-15 years ago. I do not remember how many years prior to the birth of my first child have I been visiting the disputed site. Before my marriage I used to go visiting the disputed site along with my father before my marriage. I cannot say if I was 15 years old when I was married. I have my horoscope but do not exactly remember when I was born. I have not consulted my horoscope before the affidavit was written. I knew the lawyer Shri Ranjit Lal Verma even before the affidavit was penned. We used to exchange greetings whenever we met. MY main examinee affidavit was written at the place of the lawyer. He used to write down whatever I dictated to him. I do not remember if this affidavit was typed in Faizabad or Lucknow. I answered all the questions that the legal counsel asked while the affidavit

was being penned. I know the month of 'Pausha', because on the Dwitiya of that month the birth of Lord Rama is celebrated. I have mentioned it in my affidavit. I cannot say on which exact date Prakatotsav is celebrated at the disputed site but it is supposed to be the Tritiya of the month Pausha. It is written on the fourth and fifth line of para no. 21 of my affidavit that "Dhanpat Yadav died some 8-10 years back. His son Sita Ram Yadav, who used to sit the shop since his childhood" is not a true depiction of the facts. Actually his other son Radhey Shyam Yadav used to be with his father Dhanpat Yadav at the shop, since his childhood. I cannot say for sure that Dhanpat Yadav died some 8-10 years back or not. My memories are tricking me for the last 8-10 months. What I said in the statement was perhaps that Dhanpat Yadav died some 2-3 years ago. I cannot recollect things clearly these days. I cannot say if the content of para 21 of my examinee affidavit that one "Mata Prasad or Matay used to set up shop prior to Dhanpat Yadav on behalf of the Nirmohi Akhara" is correct or not, because I do not remember anything in this context. I even do not remember if I gave that statement to my Lawyer or not. There was only one shop outside the disputed premises and that was of Dhanpat Yadav. There were 4-5 employees at the shop. It may be possible that one of them was called 'Matay'.

I have mentioned in the statement that the disputed structure was demolished on December 6, 1992. I do not know who demolished it. I was not present at the site when the structure was demolished. I do not know if the structure was demolished by Hindus or Muslims. Before the demolition I had gone to Lucknow to attach a pace maker. I returned from Lucknow a day before the structure was demolished. On December 6, 1992 I was at my home. I did get out from my house but did not visit the disputed

place because there was a chance of losing your life in all the chaos. I would not be able to tell you when the demolition of the disputed structure began, because I was fitted with a pace maker and was recuperating.

Question: Were you apprehensive about the possibilities that the structure could be pulled down on December 6, 1992.

(Upon this question, learned advocate of Plaintiff in original suit no. 3/89, Shri Ranjeet Lal Verma raised an objection that the issue of demolition is subjudice and the question cannot be asked because the government itself had no such apprehension.)

Answer: There was no apprehension in this regard since the morning of December 6, 1992.

I went for darshan at the disputed site some 4-6 days before December 6, 1992. I have heard nothing about the demolition of the disputed site on. For the first time I heard about the demolition of the disputed structure around 4-5 pm on December 6, 1992. I do not know if curfew was imposed or not in Ayodhya after the demolition of the disputed structure. In my mohalla, Vashist Kund, no house belonging to Muslims were burnt. I do not have any knowledge if any house belonging to Muslims were burnt or damaged by fire. I have already stated that I was recuperating on that day.

It is not correct to say that some Muslims were killed in Ayodhya on December 6, 1992. I know Hazi Mahboob and his brother Abdul Ahmed of Ayodhya. They reside in Theedee Bazaar. The house of these people are at a distance of a furlong from my residence. I knew Hazi

Phaiky Sahib, father of Mahboob Sahib. He was a good man. He regularly offered namaaz. The house of Hazi Mahboob is situated adjacent to a road and housed a flour mill. This was burnt by people on December 7, 1992. The bhawan demolished on December 6, 1992 was called Babri Masjid by Muslims. I do not know whether Phaiku Sahib was associated with the governance of Babri Masjid or not. I do not know whether Phaiku Sahib was a party to the suit in regard to the disputed Bhawan, filed in the court for the first time after the after the place was attached in 1949. I know Shri Hasim Ansari of Ayodhya. I have seen his house, in Kotia Mohalla. I do not know if his house was burnt on December 6, 1992 or afterwards. I have never been to the house of Hasim sahib. Hazi Akhlakh resides within a furlong of my house. I have no knowledge if his house had been set on fire on Dec. 6, 1992. There were thatched houses of people of the Qureshi community some way behind the disputed Bhawan. I have no knowledge if these houses were set on fire or damaged. he himself said that they have concrete houses now. I cannot say for sure if, prior to Dec. 6, 1992, their houses were thatched or not. On Dec. 6, 1992 I passed by the house of Hazi Mahboob but I did not go inside his house. I exchanged greetings with him, on that day as he was sitting at his house.

When I went to the disputed site I had not seen Hazi Phaiku there.

(Para 10 of the affidavit was read out to the witness.)
I do not know whether I have written the things in this para or not. I have written December 22-23 there. I do not know whether this date relates to the year 1949 or not. n the second and the third line of the para I have written that "It was totally wrong that an idol was installed in the Grbh

Griha on December 22-23.” I do not know if this incident is anyways related to 1949 or not. I have also mentioned in that para that “Some Mukami Muslims..... led to false action.” I do not remember in what connection I have said this. I cannot say what false action I referred to or if it is related to the incidents of 1934. Who were the Mukami Muslims referred to by me, or who pressurized the government I do not know as I was barely two years old at that time. I have been told these things by my father. My father never told me any names of people who pressurized the government. He simply said that Hindus were taxed. I was about 18-19 years old in 1949.

Question: You have mentioned in the third and fourth line of para 10 of the affidavit filed by you, that some Muslims have pressurized the Government to take action. Clarify whether the action you referred to is connected with the incident of 1934 or 1949.

Answer: So far as I know, this incident was related to the year 1934.

No incident of installation of idols in the disputed Bhawan had taken place on Dec. 22-23 of 1949. I am unable to say when the idols were placed under the disputed three domed structure. I am unable to say when my father died, it may be 10, 20 or 50 years ago. My father died before the disputed structure was attached in 1949. I do not remember when my father and uncle told me about this incident, as I cannot recollect it.

The statement written in para 10 of the affidavit that “My father and uncle.....graves were damaged” were read out to the witness. the witness said there is a mention of some graves being damaged. these were

located in Kuber Tila, near the disputed premises. There were temples and no graves in the southern and Northern part of the disputed premises. In the riots of 1949 parts of the Western wall was demolished but no dome was damaged as it was a temple. I have mentioned in para 10 of my affidavit that the disputed shrine was not damaged because it was not a temple. I meant the Western wall suffered some damages but the domes of the disputed structure were intact. It is not correct that Muslims used to travel along the road adjacent to Ram Janambhoomi even after the riots of 1934 and offered Namaaz in the disputed premises or buried their dead in areas surrounding the disputed premises. It is incorrect that there was a place named Ganj Sahoda near the Eastern part of the disputed premises and it had a number of graves. It is incorrect that there were a large number of graves in the Northern side of the disputed premises or to the Southern side of the road. (para 12 was written mistakenly in the affidavit, serially it should be para 11) I have mentioned in para 11 (12) of the affidavit that the outer parts remained intact. By outer part I mean part of Ram Chabutra where there is an idol of the Lord. There was an idol of Ram Lalla and Shaligram Shila on Ram Chabutra and in the cave beneath there was an idol of Kaushaliya and another idol, of whom I am not being able to recollect presently. On the Chabutra there were idols of Ram, Laxman, Bharat and Shatrughna. In addition to these there was a Shaligram Shila on the Ram Chabutra. The idols of the four lords were of their childhood image. The idol of Ram Lalla was made of brass, All the other idols were smaller than the idol of Ram Lalla. I do not know what metal they were made of. The idol of Ram Lalla was some 3-4 feet high. All the other idols were shorter. The idol of Hanumana was over a shelf. This shelf was beneath the Chabutra and on one side of the cave underneath. I used to go to Ram Chabutra

for darshan daily, during this period. Priests used to sit on the Chabutra. There were idols of three monkeys atop the Chabutra, these were made of straw. All the three doors were connected and there was an idol in the centre point of this three domed structure.

Para 13 of the affidavit was read out to the witness. The witness said that there were two pillars at the gate, besides the Kasauti pillars, mentioned in the first line of the para, through which people entered the disputed premises. There were four pillars to a door, in the doors of the three domed structure. There were two pillars in the front part of the gate and two in the rear portion.

Question: There were no pillars in the front or the rear side of the doors in the Northern and Southern side. What do you say in this regard.

(Upon this question learned Advocate Shri R.L. Verma on behalf of Plaintiff in others Original Suit no. 3/89 has raised an objection that it has not been asked whether this door was beneath the dome or not. there were three doors beneath the dome, to the North, East and Southern direction. Hence the mere word "door" is not clear.)

Answer : It is incorrect to say that there were no door in the front or in the rear of the Northern and Southern door. The fact is that there were four pillars to a door.

An idol of Hanumana, on the two outer pillars were recognizable because of the Mahaberee (vermilion) on these idols. I cannot say whether there was an idol of Dev Kanya or not. i also cannot say whether there were idols of Yakshas on these two pillars or not. There were some idols on the three pillars fixed inside. Darshan has to be from outside the iron gates in the disputed Bhawan and it was not clear whose idols were on the pillars of the doors inside. I have mentioned in para 13 of my affidavit that there were idols of Dev Kanyas and Yakshas on the pillars

'inside' the structure. The said affidavit was written ten months ago. But now after ten months have passed, I do not recollect anything in this regard. Presently I have not totally lost my memory, but I cannot remember entirety, what was written in the affidavit. I have said in the affidavit that there were statuettes of peacocks on the pillars. but I cannot say on how many pillars these statuettes were on. I have gone to the place under the three domes of the disputed Bhawan. When the court allowed entry I went there. I cannot say if the said order of the court, allowing entry into the disputed Bhawan was passed in 1986 or not, but I did went there.

Para 15 of the affidavit was read out to the witness. Witness said that he knows about the things that are mentioned in the affidavit. Sita Koop mentioned in the first line of the para was situated in the South Easterly direction of the disputed premises. there was an idol of Sumitra in Sumitra bhawan, but is not very sure of the fact. I never went inside Sumitra Bhawan. Whether there were idols of four brothers including lord Rama in the Bhawan I am not sure as I used to take 'darshan' from the outside itself. Sumitra Bhawan is situated some 100 feet from the disputed structure. Sita Koop and were not repaired/restored after they were demolished. Besides there were a number of small temples, which were demolished.

Statement heard and confirmed

Sd

Shri Ram Ashrey Yadav

Dt.: 23.11.2004

I have dictated to the stenographer who typed it in the open court. Furtherance to this, the suit may be listed for advance cross examination on 24.11.2004. Witness should ensure his presence.

Sd

(Hari Shankar Dubey)

Commissioner

Dt.: 23.11.2004

Before: Commissioner Shri Hari Shankar Dubey,
Additional Dist. Judge/OSD Hon'ble High Court,
Lucknow Bench, Lucknow.

(Commission appointed by Hon'ble Full Bench vide order dated 4.11.2004 in other original suit no. 3/89 (original suit no. 26/59) Nirmohi Akhara versus Baboo Priya Dutt Ram and Others.)

Dt. 21.11.2004

D.W. 3/9, Shri Ram Ashrey Yadav

(Furtherance to dated 23.11.2004, in D.W. 3/9, cross examination on affidavit, by Shri Zaffaryab Zilani, Advocate on behalf of Defendant no. 9, Sunni Central Wakf Board, U.P., Lucknow begins.)

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I have in para 5 of the main examinee affidavit, mentioned about the place of Chatti Puja. This was the place where Chatti used to be arranged. I have not read about this program but have heard about it. I do not know if the custom of Chatti is crores of years old or thousands of year old. Lord Rama was born in Treta Yug, that was crores of years ago. I do not have any knowledge in this regard. I do not know if the foot prints at the Chatti Puja sthal (place) were there from the time of Lord Rama or they are of recent origin. These foot prints are of marble stone and numbers eight. Chauka Belna were made of stone and Chulha (oven) of clay. For how long they existed I do not have any idea. The place where the foot prints were was called Sita's Rasoi. There was Sant Niwas and a mess adjacent to the Eastern wall in the South of the entrance, where Sadhus and cooks used to live. There

was a tin roof over this structure. The mess and Sant Niwas were together 25-30 feet in length and about 8-10 feet in width. Whether there were almirahs and boxes inside the Sant Niwas or not. There were two doors on the Northern and Southern side of Sant Niwas and store room. The doors were made either of tin or wood. I do not recollect when I saw Sant Niwas and the store room for the first time. I used to go to the Sita Koop to drink the water, in my childhood.

I do not know how many people takes part in the Nawa Path, one thousand, two thousand or five hundred. There was no limit as such in the number of people who could take part in a Bhandara (common lunch or dinner). Everyone who visits are provided food. I saw the Nawa Path and Bhandara in my childhood, some 40-50 years back. In the first Bhandara that I saw I remember seeing thousands of Sadhus. I do not know the name of any of them. Nawa path occurred at about 7-8 am in the morning. I stayed there for about half an hour or an hour. I do not remember how old I was at that time. Perhaps I was 20-22 years old. Bhandara is started after Nawa Path is over. I have not partaken of the food in that Bhandara.

I have seen an idol of Baraha Bhagwan (the boar incarnation), on the Eastern and Southern wall of the disputed premises. Besides these places I never saw a similar idol anywhere. The idol/statuett of the Baraha Bhagwan was in the form of a pig, sculpted on a wall. I cannot say how big it was because I have never measured it. The idol was probably life-sized. I cannot say if the idol was constructed in 1950 or not. I have been seeing this idol for as long as I can recollect. That there was no idol of Baraha is not correct.

I cannot say if idols in the disputed Bhawan have been buried in the debris of Dec 6, 1992. I cannot say that the idols that were there were the same idols as of Dec 6, 1992. It is incorrect that Shiv Durbar, that finds mention in my affidavit came up after 1950. It existed before that time. I cannot say how old the disputed Bhawan was and who constructed it because I am no engineer. I have heard a lot in this regard but when I do not know anything about this how can I say anything.

Question: The disputed Bhawan according to me was constructed about 475 years ago, during the reign of Babar as a Babri Masjid?

Answer: I cannot say anything in this regard.

A stone idol was kept beneath the dome of the disputed bhawan, upon a stone throne, there was a stone slab and a throne of wood or brass was kept on it. The throne was in close proximity to the wall beneath the dome.

There are a number of Kaushalya Bhawans in Ayodhya. there is no Kaushalya Bhawan adjacent to the disputed structure. kaushalya bahwan is at a distance of two to four hundred years from Manas Bhawan.

Question: Whether Kaushalya Bhawan is situated at the same place where it was built up during the reign of King Dasrath?

(Upon this question learned advocate Shri R.L. Verma on behalf of Plaintiff in other original suit no. 3/89, has raised an objection that the question has already been answered by the witness. So allowing the same question to be asked again cannot be justified)

Answer: The Kaushalya Bhawan was constructed by the sadhus.

The said Kaushalya Bhawan is not at the same place where it was constructed during the reign of King Dasrath. The said Bhawan was built before my time.

Question: Whether any bhawan in Ayodhya situated at the same place where it was reportedly situated at the time of King Dasrath.

Answer: Ram Janambhoomi, Kaushalya Bhawan, Kaikeyi Bhawan, Sumitra Bhawan are among them. Kaushalya Bhawan, Sumitra Bhawan and Kaikeyi Bhawan are part of the three domed structure.

Question: Whether the Bhawan which you are referring to as Ram Janambhoomi Mandir, according to you was known as Kaushalya Bhawan, Sumitra Bhawan and Kaikeyi Bhawan at the time of King Dasrath?

Answer: The abode of the mothers is the home of the sons. The place I am referring to as Ram Janambhoomi is the same place where Kaushalya bhawan, Sumitra bhawan and Kaikeyi bhawan existed.

I have heard these from people. I have not read it anywhere. It is said that there is mention of this fact in the Ramayana, but as I cannot read I will not be able to tell you anything about it.

Question: Your Guru Ram Mangal Das, have resisted the demolition of graves near the disputed site? What do you have to say?

(Upon this question learned advocate Shri R.L. Verma on behalf of Plaintiff in other original suit no. 3/89, has raised an objection that the question is in the form of a suggestion of an alleged action. Permission should not be granted for asking such suggestive questions.)

(Learned Advocate Shri Ajay Kumar Pandey on behalf of Plaintiffs in Other Original Suit no. 5/89, has also raised an objection over such a question, saying that question containing slander cannot be allowed.)

Answer: Neither I went to demolish the graves nor I know anything in this context. So far as my guru is concerned he used to say – “may god give good sense to all.”

My guru used to take special care of graves and Mazaars in Ayodhya. He was of the opinion that Bhagwan and Allah are one and the same and to attain any of them desist from defacing either a tomb or a temple.

It is utterly incorrect that I never visited the disputed site before 1950 and am giving a false statement in this regard. The statement that there were no idols before the night of Dec. 22/23 1949 is totally false. It will be absolute falsification of the truth to say that prior to Dec. 22 1949 Namaaz was being offered five times a day on the disputed premises.

Question: My question is that the disputed premises was constructed during the time of Babar as a Babri Masjid and Namaaz was being regularly offered from the premises. What do you have to say in this regard?

(Upon this question learned advocate Shri R.L. Verma on behalf of Plaintiff in other original suit no. 3/89, has raised an objection that the question is complex and that it has already been answered by the witness. The first part of the question is also a repetition, so the question can not be permitted.)

Answer: I have never seen Namaaz being offered from the disputed premises.

It is incorrect to state that the disputed premise was not the birth place of Lord Rama and the disputed structure was not Ram Janambhoomi temple.

(Cross examination by Advocate Sh. Zaffaryab Jilani, on behalf of Defendant no. 9, Sunni Central Board of Wakf, U.P., concludes.)

(Cross examination by Advocate, Sh. Mustaq Ahmed Siddiqui on behalf of Plaintiff no. 7 in Other Original no. 4/89 on behalf of Mohd. Hassan, plaintiff No. 5 in Other Original Suit no. 5/89, begins.)

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I am saying that the disputed structure is a temple not only on the basis of the stone inscribed with the phrase 'Nitya yatra' on the campus but on popular sayings of Ram Das, Bhagwan Das and others. People who told me these were all from Ayodhya and none of them is surviving. I have been hearing these things since my childhood. There is a road towards the North of the disputed premises and a temple stands just beyond that road. That temple is known as the birth place of Lord Rama. I have not seen if a stone is there. It must be there. When the stones were placed

there I do not know. There is a temple by the name of Faquere Ram, to the North of the Janam Sthan temple. There is a temple of Kale Rama in Ayodhya. This temple is situated just behind the Nageshwar Nath temple. All the idols of this temple are made of black Kasauti stone. Hence the name. Idols of Lord Rama and Hanumana and other gods adorn the Kale Rama temple. Mahaberee is a mixture of vermilion, oil of Chameli and scent and is offered to Lord Hanumana. Lord Hanumana is recognized on the basis of his physique in the idol and not only via the smeared Mahabeeree. Lord Hanumana is the embodiment of strength. There was an idol of Lord Hanumana on the outer of the Kasauti pillars. I have not seen any idol of Lord Hanumana in the form of an insect. I have heard that Lord Hanumana reduced himself to the size of an insect to go to Lanka. I know that Hanumangarhi is located in Ayodhya. I went there to offer prasada. There is a large idol of Lord Hanumana there.

Three lines of para 9 of the main examinee affidavit have been read out to the witness, The coronation of Lord Rama referred to in this paragraph happened in the Treta Yug. I am saying these on the basis of what others have told me. I have not read anywhere if the coronation ceremony took place or not. Both versions may be correct. A temple is recognizable by its doors, the throne, the idol of the presiding deity, and on the basis of regular worship and abulation performed thence. The birth place is called the Garbh Griha. There is a part called Jagmohan in the temple. If anyone constructed the structure, installed an idol of Lord Rama and the ceremony of consecration of the deity was performed then only the place becomes a temple. I have mentioned about graves being damaged/demolished in the fourth line of Para 10 of the main examinee affidavit. These were damaged/destroyed

after incidents of cow slaughter. I cannot say where these graves were situated because I was only a child at that time. I have mentioned about graves being damaged in my affidavit, but I never saw a grave being damaged. The cow slaughter happened at Shahjahanpur, and the graves may have been there, I cannot say for sure.

The statement referred to in the last para of Pg. 33, dated 23.11.2004 that "These graves were adjacent to the disputed premises, in the nearby Kuber Tila. Some of the graves which were damaged/demolished lay to the South West of the disputed premises." have been read out to the witness. The witness confirmed the veracity of the statement. The statement that I am giving today is also correct. I do not remember whatever I said yesterday. I will forget the present statement I am making in a couple of hours. My memory is not good and I keep forgetting things. Sometimes I have difficulty in recognizing family members too. I have submitted an affidavit, before cross examinations begun. Before submitting the affidavit I was brought to a room where a submission was written. It all happened some 10 months ago. I do not remember what was written in the affidavit. But if it is read out I will recollect the things that were written. My tendency of forgetting things first happened some ten months ago. Besides all these facts I am old. The idol of Baraha incarnation on the wall of the disputed premises was of medium size, neither big, nor small. These images were similar to that of pigs and they were etched on the walls. I do not know whether these idols existed before or were later additions. The Janm Sthan Mandir was to the North of the disputed structure. there was a road to the South of the disputed structure. There was a temple near it, called Sita's Rasoi (kitchen). the road to the South was lower

than the other roads and another temple existed there. this temple may have been a Chabutra.

I used to and still do cultivate the lands of Bada Sthan in Ayodhya. Bada Sthan has lots of lands. There are four 'Patties' (strips), each under the control of a separate Mahant. These Mahants each control large tracts of lands. There is a temple named Bari Chawni in Ayodhya. Bari Chawni controls large tracts of lands and I have seen tractors there. Choti Chawni owns no land. Bada Sthan might have lands in different districts and also outside the state because they used to be big Zamindars. I do not have any personal knowledge in this regard. I cannot say if the lands were donated by people to Bada Sthan or not. How they came to own the lands I don't know. People say that there was a tract of land adjacent to the North of the disputed premises. The Janam Sthan temple owned a tract of land in 'Arti' village. That village itself belongs to the Janam Sthan temple. This village is situated in Faizabad. An idol of King Dasarath and his entire family were on the premises of the Ram Janambhoomi. Three domes of the disputed structure are situated in a straight line, adjacent to each other. Shri Bhaskar Das became a priest of the Nirmohi around the time of independence. Bhaskar Das was a Sarpanch and Mahant of Nirmohi Akhara. Prior to this he was a priest of the Nirmohi Akhara for sometimes. Because of some differences he went back to the Janm Sthan temple for some period. Baldev das was a priest all his life. After his death Bhaskar das became the priest. I do not know when he died. He might have died 2-3 years ago or 40-50 years ago. besides Bhaskar Das and Baldev Das I used to know other Mahants of the Nirmohi Akhara, but am unable to recollect their names. Raghunath Das was also a Mahant and performed the pujas. Now a days

Sia Raghav Saran is not to be seen around, maybe he is no more.

I have mentioned in the affidavit filed by me about the acquiring/attachment of 1982. Structures in the outer half, e.g. Ram Chabutra were acquired/attached. There was a temple at the Ram Chabutra called Ramji temple. there were a number of small shrines over the Sita Koop (well) but the government demolished temples and cleared the land. I do not know if there was a temple called Sita Koop or not. Similarly i do not know the names of the temples/shrines constructed over the Sita Koop. In the disputed premises there was Sita Koop on one side and Ram Janambhoomi temple on the other side.

As referred to in the affidavit I was the Treasurer/cashier of the Ram Janambhoomi Committee. For how many years I held the post I do not remember exactly. But it would be years. I do not remember when the Committee was formed. There is a mention in the affidavit that Prakatotsav was is celebrated annually by the Ram Janambhoomi Sewa Samity. This is celebrated on Pausha Tritiya on the month of Pausha. When it started I do not know. Perhaps since Ayodhya was inhabited. It is incorrect to say that celebrations have started after Dec 22 1949 or 1950 after idols were allegedly installed on the premises. I never held the post of Panch, Sarpanch or any other offices of the Nirmohi Akhara because only Sadhus could hold these posts. Both ascetics and those who had families were members of the Ram Janambhoomi Sewa Samity. There is a Mazaar of Hazrat Ibrahim in Ayodhya where Urs was celebrated every year. Ram Gullela temple lies adjacent to the Amanwa temple in Ayodhya. I cannot say whether Ram Lalla used to play at the site of the Ram Gullela temple or not.

Para 18 of his main examinee affidavit was read out to the witness. Three temples Ram Lalla, Garbh Griha and Ran Janambhoomi and Ram Chabutra (lying in the outer parts) were referred to in this para.

I do not know how Namaaz is offered. I have seen people sitting and standing up during offering Namaaz, in a mosque near my house. I have seen it from the flour mill. Except Thedi Bazar mosque I have not seen any other mosque because I have never visited them. Urs of Hazarat ibrahim is celebrated at Gola Ghat. This mohalla is called Saidwara mohalla. It is also called Swargdwar mohalla. There is a large, dilapidated mosque, the Lakhori mosque at a short distance from where Urs is celebrated. Nobody offers Namaaz there. There is a Nau Gazi (Nine martyrs) sthan in Ayodhya. It is said that there was a grave of Nau Gazi Peer there. Muslims treat this as a holy place. Besides Nau Gazi there are other graves along the way, behind the police station. These are in extremely dilapidated condition. The place is larger than this place, where my statement is being recorded. There is one Chakrateerth mohalla in Ayodhya, but no village by this name exists there. There is a large tomb of Bijli Saheed to the South east of the house of Haseem Sahib. Muslims treat these as a holy place. Mani Prabat is also situated in Ayodhya. there is a place of Seersh Paigambar behind Mani Prabat and I have visited this place. My guru also used to frequent this place. I do not know about Hazrat Adam, who is said to have created this world. I did not know whether Seersh Paigamber was the second or third generation of this Paigambar, but I know that this is a holy place. It is also considered a holy place for followers of Jains. There are a number of Jain temples in Ayodhya. I cannot say if Ayodhya is religiously significant for

Buddhists. Ayodhya is a holy place for Hindus, Muslims, Jains and Sikhs. I do not know if Ayodhya is called Khurd Mecca or not. It is incorrect that I am making a false statement to establish the disputed structure as the Ram Janambhoomi temple. That a mosque existed at the disputed premises and Namaaz was being offered five times a day prior to Dec 22 1949 is also not true.

I knew Maulavi Gaffar Sahib. He is no more. Abdul gaffar is talled the Araa Machine. i cannot say if he used to offer Namaaz in the disputed structure or not. It is incorrect to say that during the period of Roza, Namaaz of tarawih was offered there. I never saw the priest of Ram Chabutra distributing laddoos to Namazis.

Statement read and confirmed.

Sd

(Sh Ram Ashrey Yadav)

Dt 24.11.2004

I have dictated to the stenographer who typed it in the open court. The suit may be listed for advance cross examination on 25.11.2004. Witness to be present.

Dt.: 24.11.2004

Sd/-

(Hari Shankar Dubey)

Commissioner

Before: Commissioner Shri Hari Shankar Dubey,
Additional Dist. Judge/OSD Hon'ble High Court,
Lucknow Bench, Lucknow.

(Commission appointed by Hon'ble Full Bench vide order dated 4.11.2004 in Other Original suit no. 3/89 (original suit no. 26/59), Nirmohi Akhara versus Baboo Priya Dutt Ram and Others.)

Dt. 25.11.2004

D.W. 3/9, Shri Ram Ashrey Yadav

(Furtherance to cross examination dated 24.11.2004 on an affidavit of Sh Ram Ashrey Yadav, in D.W. no. 3/9, by Sh. Mustaq Ahmed Siddiqui, Advocate Sh Nadeem Siddiqui, Advocate (brief holder) said he is not going to do further cross examination from Mohd. Hasim, plaintiff no. 5 in Other Original Suit no. 5/89 and plaintiff no. 7 in Other Original Suit no. 4/89 and they are concluding the cross examination. Hence cross examination is concluded.)

Sh Nadeem Siddiqui, Advocate (brief holder), Sh Irfan Ahmed, Advocate and Sh Fazle Alam, Advocate, have informed that they are accepting the cross examination done by Sh Abdul Mannan, Advocate, Sh Zaffaryab Zilani, Advocate and Sh Mustaq Ahmed Siddiqui, Advocate for Plaintiff no. 6/1 and Plaintiff no. 6/2, suit no. 3/89 and defendant no. 26, suit no. 5/89.

Cross examination on behalf of Plaintiff/Parties concluded.
Witness released.

Dated 25.11.2004

Sd/-

(Hari Shankar Dubey)

Commissioner