

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4905 - 08 OF 2011

IN THE MATTER OF:

NIRMOHI AKHARA

... APPELLANT'S

VERSUS

RAJENDRA SINGH & ORS.

... RESPONDENT(S)

VOLUME-3

EXHIBITS AND RELEVANT
DOCUMENTS FILED BY THE
APPELLANT-DEFENDANT No-3
NIRMOHI AKHARA IN ORIGINAL
SUIT No. 5 OF 1989

ADVOCATE FOR THE APPELLANT

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5 OF 1989**

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ADVOCATES FOR THE APPELLANT: MRS. PRATIBHA JAIN

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Annexure-P1

Annexure A-7

क्रमा संख्या	नाम विवरण सामान	मात्रा अंक	क्रमा संख्या	नाम विवरण सामान	मात्रा अंक
1	मुकुट सोने का	1	21	पुत्र पुत्रा चंदी का	1
2	गुंडल सोने का (चमड़े की)	2	22	लेप	1
3	कांठा (16 टमा)	1	23	तलबंद	2
4	कांठा (14 टमा)	1	24	ढाल	1
5	कांठा (छोटे टमा)	1	25	पांदा का	(चमड़े की)
6	गाला (14 टमा)	1	26	पैजो	(चमड़े की)
7	गाला (14 टमा)	1	27	कुरी	(चमड़े की)
8	गुगा गुक (14 टमा)	1	28	चिड़िया	(चमड़े की)
9	लरी (छोटी)	1	29	गाला	(चमड़े की)
10	मिचरी सोना (गोटे का)	1	30	हथके	(चमड़े की)
11	मिचरी (छोटे का)	1	31	हथ	(चमड़े की)
12	मिचरी	3	32	हथ	(चमड़े की)
13	मिचरी (छोटे का)	1	33	हथ	(चमड़े की)
14	मुकुट चंदी का	12	34	हथ	(चमड़े की)
15	गुंडल (चमड़े की)	10	35	हथ	(चमड़े की)
16	पिचका	10	36	हथ	(चमड़े की)
17	पुत्र पुत्रा	1	37	हथ	(चमड़े की)
18	पुत्र पुत्रा	1	38	हथ	(चमड़े की)
19	गुंडा	2	39	हथ	(चमड़े की)
20	गुंडा	1	40	हथ	(चमड़े की)
			41	हथ	(चमड़े की)
			42	हथ	(चमड़े की)
			43	हथ	(चमड़े की)
			44	हथ	(चमड़े की)
			45	हथ	(चमड़े की)
			46	हथ	(चमड़े की)
			47	हथ	(चमड़े की)
			48	हथ	(चमड़े की)
			49	हथ	(चमड़े की)
			50	हथ	(चमड़े की)

उक्त सामान मुकुट, चंदी है।

पुत्रा, पुत्रा चंदी

उक्त सामान मुकुट, चंदी है।

Annexure-P2

ANNEXURE P-2

List of items relating to worship those were given to Pujari
Sh. Shiva Raghav Sharn Ji, Charan Sewak Pujari Ji,
Ramjanmbhumi (Nirmohi Akhara), Ayodhya for the
purpose of worship.

Sl. No.	Description of item	Qty.	Sl. No.	Description of item	Qty.
1.	Mukut made up of Gold	1 No.	21.	Ghun-Ghuna made up of Silver	4 Nos.
2.	Kundal made up of Gold (4 pairs)	8 Nos.	22.	Top made up of silver	2 Nos.
3.	Kantha made up of Gold (6 Dhana)	1 No.	23.	Sword made up of silver	2 Nos.
4.	Kantha made up of gold (5 Dhana)	1 No.	24.	Dhaal made up of silver	2 Nos.
5.	Mala made up of Gold (Small comprising of 25 Dana)	1 No.	25.	Paduka made up of silver (a pair)	2 Nos.
6.	Mala made up of gold (comprising of 14 Dana)	1 No.	26.	Painjani made up of silver (a pair)	2 Nos.
7.	Mala made up of gold (comprising of 47 small Dana)	1 No.	27.	Chair made up of silver (small)	1 No.
8.	Nimayukh made up of gold (comprising of 4 Dana)	1 No.	28.	Chidiya made up of silver (small)	2 No.
9.	Lari made up of gold (small)	1 No.	29.	Gaay (Cow) made up of silver (small)	2 Nos.
10.	Sikri Gold made up of gold (thick dana)	1 No.	30.	Haathi (Elephant) made up of silver (small)	2 Nos.
11.	Sikri Gold (small)	1 No.	31.	Chhata made up of	5

	dana)			silver	Nos.
12.	Tilak made up of Gold	3 Nos.	32.	Chhatra made up of silver (Latkon Baba)	6 Nos.
13.	Throne (Singhashan) made up of silver over which all four brothers are sitting	1 No.	33.	Thali (Plate) made up of silver	1 No.
14.	Mukut made up of silver	12 Nos.	34.	Lota made up of silver	1 No.
15.	Kundal made up of silver (5 pairs)	10 Nos.	35.	Glass made up of silver (2 big and 1 small)	3 Nos.
16.	Tilak made up of silver	10 Nos.	36.	Container made up of silver	1 No.
17.	Bow-arrow made up of silver (small)	1 No.	37.	Bowl made up of Chandan (small)	1 No.
18.	Bow-arrow made up of silver (big)	1 No.	38.	Itra-container made up of silver (small)	1 No.
19.	Chatua made up of silver	2 No.	39.	Firki playing instrument made up of silver-Kaath	2 Nos.
20.	Jhun-Jhuna made up of silver	5 Nos.	40.	Two pieces of silver for the purpose of Tilak	2 Nos.
			41.	Parcel ingredients (bell, sarput, conk etc.)	2 Nos.

4

		42.	Vijay Ghanti (bell) (to be played at the time of Aarti)	3 Nos.
		43.	Electric Fan	1 No.
		44.	Singhasan (Throne) made up of silver over which all four brothers are sitting is fitted in the temple which is marked as No.13	1 No.
		45.	Attires of Sriram Lala Ji	7 Nos.

Above articles are for the purpose of worship, those were
handed over to the Pujari.

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Ward about 2200 1951

In the court of the 1st Addl. Sessions Judge, Faizabad
Criminal appeal no. 50 of 1951

Order of judgment dated 23-8-51 passed by
Sri R. B. Saxena 1st Addl. Sessions Judge, Faizabad.
Bhaskar Das Chela of Ganga, Ho Homam-
garhi city and P.O. Ajodhya P.S. Kalyanpur
District, Faizabad. Appellant.

vs

State

Respondent.

claim for appeal against the order of Sri
R. B. Saxena I. A. S. Magistrate 1st class Faizabad
sentencing the appellant to 1 month R.I. and
Rs. 50/- fine.

no. 20

23-8-51

in Jalpa Pat. Division

Sri Ram Misra

Judgment

This is an appeal from an order
passed by Sri R. B. Saxena Magistrate 1st class,
Faizabad convicting the appellant Bhaskar
Das u/s 297 I. P. C. and sentencing him
to undergo simple imprisonment for a period
of one month and to pay a fine of Rs. 50/-
and in default of payment of fine to undergo
simple imprisonment for period of one month.

The prosecution case is that there
is building at Ajodhya which is claimed
by Hindus as Janam Bhram temple and
by the Muslims as Babri Mosque. There was
a likelihood of breach of peace. Police
pickets have been posted there to



केवल नकल की फीस के लिए

U- 222/50 W.P.

P. M. S.

Date on which application is made for copy accompanied by the requisite stamps.	Date of posting notice on notice board.	Date of delivery of copy.	Signature of official delivering copy.
आवश्यक स्टांप सहित प्रार्थना पत्र देने की तारीख	नोटिस बोर्ड पर नकल तैयार होने की सूचना की तारीख	नकल वापिस दिए जाने की तारीख	नकल वापिस देने वाले अधिकारी का हस्ताक्षर
23-8-57 23rd. Aug. 1957	9-9-57 9th. Sept. 1957		

maintain law and order including Kesho Pd. and Ram chandra constables, under Dilawar Hussain head constable. There are graves around that building. On 4.7.50 at 7.30 A.M. Kesho Pd. saw the accused writing the names of Sanakadi, Lomas, etc. which are the names of Hindu deities. On these graves with coal tar. He reported the matter to Dilawar Hussain head constable. Ram chandra constable saw

Angira and samadhi north of the building. He reported the matter to the Head Constable who then went to the spot and said that the dead body writing was fresh and wet. He sent information to Ajodhya P.S. and Jaizabad. The S.O. Ajodhya reached the spot at P.M. A report ext. P-1 was lodged at the Police station Ajodhya and the case was investigated. After investigation the appellant was charged sheeted. The appellant denied having written anything and said that the shrines are not graves of Muslims but samadhi Hindu saints. He pleaded not guilty and that P.Ws. are keen to implicate him.

The prosecution examined 4 witnesses in the lower court. P.W. 1 is Dilawar Hussain, Head Constable. He states that he was informed by Kesho P.D. and Ramchandra Constables that the appellant had written names of Hindu saints on the graves to the North and South of the building claiming it as Hindu as Janam Bhumi temple and Muslim as Babri Mosque, that he went to the spot and found that the writing was fresh and wet, that he sent information about it to Ajodhya P.S. and to Jaizabad. P.W. 2 is Dilawar Hussain states in Cross-examination that no dead body was buried there and he had been deposited there and that he cannot tell the difference between samadhi and grave.

but he does not say in what direction the structures in dispute were. He further states that he does not know who were buried and where, in them. He also states that no one came to clean them or to light lamps there, that no one told him that they were graves of his ancestors and there was no sign to indicate as to whose graves they are. He further states that one Zahoor told him that he had got a decree for that land as grave yard. Zahoor has not been examined and no decree alleged to have been obtained by him has been filed. This witness also states that he has not seen a samadhi.

P.W. 2 Khera P.D. states that he saw the appellant, Bhoshkar writing the names of saints on graves with each tar and when he was asked not to do, he ran away. In cross-examination he states that he does not know what is a samadhi that he can say that it is a graveyard but he cannot say from whom he heard this. He also states that no one was buried there where he has been posted there and there was no name or description on them. He does not know if any person of the family of the deceased buried there is alive and that no one went there to light a lamp on the graves. P.W. 3 Ram Chandra also states that he saw the appellant writing the names of Hindu saints on them. In cross-examination he states that he does not know as to who are buried in those graves that he has not seen a samadhi that he cannot distinguish a samadhi from a grave.

that the public say that they are graves but he cannot say from whom and on what occasion and when he knew this P. W. 4 Ram Sube S. I. investigated the case. He prepared the site plan Ex. P. 2 and he saw the writing on the graves. In cross examination he states that the chabutra to the north of the building is called chhathi of Ram Janam Bhumi that he does not know who was buried there that to the north of graves there are Turbats and that in samadhis there are no turbats. that there were delapidated graves and that there were no signs on them.

This is all the evidence led on behalf of the prosecution in the court of the learned Magistrate at the 1st instance. Two witnesses were examined by the appellant. They supported the defence version. They are P. W. 1 Govind Das and P. W. 2 Siva Ram Das. They state that to the north and south of the building known as Janam Bhumi temple there are samadhi of sanakadi, Lames, Angira and other Hindu deities and that these samadhis are worshipped by the Hindu pilgrims.

The prosecution evidence shows that the appellant did write the names of Hindu deities on the graves as alleged by the prosecution witnesses. The question for determination is whether they are graves of Muslims or samadhi of Hindu deities. The prosecution evidence as discussed above fails to establish that these structures are Muslim graves. The learned Magistrate has not shown any

judgment that neither relations of the Muslims
 and nor those of vishis have survived to depose
 and the prosecution and defence evidence stands
 on equal footing on this point and there is
 no reason why one should be believed and
 other be disbelieved. The learned Magistrate
 in spite of this finding obviously came to the
 conclusion that those structures are graves
 of Muslims and not samadhis. The learned
 Magistrate tried to base his finding on some
 circumstances which are: (1) that the commissioner
 whose map prepared in civil suit was
 filed in this case was not examined and
 therefore the map has no value. (2) and that
 on all sides of plots no 160 there are grave
 yards in the map of the commissioner for
 example in plot no. 161, 160, 171 and 172 and
 therefore the structures in dispute are also
 graves. The learned Magistrate seems to be under
 the impression that the burden was upon the
 appellant to prove his case and not upon the
 prosecution to prove its case. The Magistrate has
 at length discussed the defence evidence and
 pointed out its weakness and has not discussed
 the prosecution evidence and has contended
 himself with the statements to which the pro-
 secution witnesses make in examination in chief.
 The learned Magistrate also seems to be under
 the impression that the statement under section
 342 Cr. P. C. is something different from the
 plea of the accused, as the learned Magistrate
 observes that the accused did not take the plea
 that the structures were samadhis and that
 it was only under section 342 Cr. P. C.
 that the plea was put forward.

that before 2 years the Muslims offered their prayers at this place. The learned Judge has misdirected the Magistrate. The Magistrate stated that before 2 years the Muslims offered their prayers in the building which was claimed by them as Babri Mosque and not at the graves. The learned Magistrate abruptly came to the conclusion that he agreed with the P.W.'s that there are graves and not Samadhis. The learned Magistrate held that it is not necessary to establish an offence under section 297 I.P.C. that the place should belong to some other religion and that the Muslims can be guilty for an offence whether the graves are Samadhis or Muslim graves.

The appellant went in appeal to the Court of the Sessions Judge, Jaizalpur who, it seems, agreed with the learned Magistrate that the place need not belong to some other religion and the learned Sessions Judge held that the offence under section 297 was made out against the appellant even if it was not proved that the structures were graves of Muslims.

The appellant went up in appeal to the Honorable High Court and it was held that if the graves are Samadhis it is difficult to say that an offence under section 297 was committed by the appellant.

should appear to have been
 presented by the appellant. The case
 remanded with the direction that the
 case be reheard and decided according
 to law after arriving at a finding on
 the question as to whether graves in question
 are Muslims graves or Hindu Samadhis.

The learned Addl. Sessions Judge,
 heard the appeal on remand sent back
 record of the case to the lower court.
 Directed that as in revenue officer
 plot no. 160 in which the Janam Bhoomi
 of a Babri Mosque is said to lie, is
 as a Hindu that plot no. 172 lying
 south of plot no. 160 is noted as
 Hindu and plot no. 158 lying to the north
 of plot no. 160 is noted as Sarak Puthla
 as he could not give the extent of
 plot no. 160 on the spot and as the learned
 Sessions Judge, who first decided the appeal
 found that it was necessary to find
 whether the trespass was committed
 on plot no. 160 or in plot no. 172, it was
 necessary to find out the plot or plots in
 which the graves lie. The learned Magistrate
 was directed to direct the parties to
 depositions of the parties concerned
 directing him to make measurements
 prepare a map showing the plots
 in which the graves in question lie.
 On remand the learned Magistrate
 found that the parties had not
 complied with the directions of the court.

O.P. 6

are shown at nos. 6, 7, 11 and 18. Chabulias are shown at nos. 19, 20 & 21. He states that all these structures lie within plot no. 160 which was entered as revenue papers as Abadi and plot no. 172 having an area of 2 Bigha 7 Biswa lying to the south of plot no. 160 is entered as a graveyard. He states that he does not remember if there are any graves in plot no. 172 and that he has not shown any grave or Samadhi in plot no. 172 (C.1). He also states that the plot no. 160 is entered as Abadi and an index of a list is given there, that no body shown told him the places where Samadhis, Plot Markers and Samadhis were written. He cannot tell the difference between a grave and a Samadhi, that in North ex C.1 resembling graves may be Samadhis and that no body told him if they are graves or Samadhis. He further states that the numbers 17 & 18 are quite adjacent to the boundary of the plot no. 160 and that no. 172 is at a distance of more than 60 feet towards its south. The argument of learned Magistrate that plot no. 172 lying to the south of plot no. 160 is a graveyard, the structures at plot no. 172 are graves is falsified by the fact that plot no. 172 is a graveyard. He states that plot no. 172 is a graveyard. He states that plot no. 172 is a graveyard.

in delapidated graves are found at a
distance of 100' from Southern boundary
of No. 16 on the Station. During the period
of 35 years during which he was
in charge of the station no dead body was
found there and that structures at nos.
17 & 18 shown in Ext. C1 are called
as graves.

The evidence on record including
statement of 2 witnesses examined
under section 540 Criminal P.C. and by the
Magistrate on record do not establish
the structures in the form of graves to
north and south of the building
of the temple. The evidence of the
witnesses of the graves of the temple and the
evidence of the observation of the Honorable
Magistrate under section 547
has been made out against the
accused. Therefore the appeal and acquit
appellant of the offence under section
547 P.C. He need not surrender to the
police and the fine if paid shall be
allowed to him.

For the accused
Sd/- P. V. Sankar
For the prosecution
Sd/- [Signature]
[Signature]
[Signature]

Annexure-P4 15

~~Annexure - 2~~ A-4

IN THE COURT OF THE I ADDITIONAL SESSIONS JUDGE,
FAIZABAD

CRIMINAL APPEAL NO. 50 OF 1951

.....

Copy of the judgment dated 3.8.57 passed by Sri
R.K. Sircar Ist Addl. Sessions Judge, Faizabad,
Bhaskar Dass Chela of Nainagi n/o Hanumangarhi
City and P.O. Ajodhya P.S. Kotwali, District
Faizabad

...Appellant

Versus

State

...Respondent

Claim for appeal against the order Shri A.B.
Saxena I.A.S. Magistrate Ist Class Faizabad sen-
tencing the appellant to 1 month R.I. and Rs.
50/- fine.

J U D G M E N T

This is an appeal from an order passed by
Sri R.K. Saxena, Magistrate Ist Class Faizabad
convicting the appellant Bhasker Das u/s 297 IPC
and sentencing him to undergo simple imprisonment
for a period and in default of payment of fine to
undergo simple imprisonment for period of one
week.

contd.

The prosecution case is that there is building at Ayodhya which is claimed by Hindus as Janma Bhumi Temple and by the Muslims as Babri Mosque. There was a likelihood of breach of peace. Police pickets have been posted thereto maintain law and order including Kesho Prasad and Ram Chandra constables, under Dilawan Hussain Head Constable. There are graves around that building. On 4.7.1980 at 7.30 A.M. Kesho Prasad saw the accused writing the names of Sanakadi, Lomas etc. which are the names of Hindu devinses on these graves with coal tar. He reported the matter to Dilawan Hussain Head constable, Ram Chandra constable saw the accused writing the names of Nared Angira and Sankai with coal tar on the graves to the South of the building. He reported the matter to the Head Constable who went to the spot and seeing that the coal tar writing was fresh and wet. He sent information to Ayodhya P.S. and Faizabad on phone. The SO ayodhya reached the spot at 3 P.M. A report ext. P.1 was lodged at the police station Ayodhya and the case was investigated. After investigation the appellant was charge sheeted. The appellant denied to have written anything and said that the structures are not graves of Muslims but Samadhis of Hindu Saints. He pleaded not guilty and said that PWs. are keen to implicate him falsely.

contd.

The Prosecution examined 4 witnesses in the lower court. PW1 is Dilawar Husain, Head Constable. He states that he was informed by Kesho Pd. and Ram Chandra Constables that the appellant had written the names of Hindu sa ints on the graves to the north and South of the building claimed by Hindus as Janam Dhumi temple and Muslims as Babri Mosque. that he went to the spot and found that the writing was fresh and wet, that he sent information about it to Ayodhya P.S. and to Faizabad but P.W.1 Dilawar Husain states in cross examination that no dead body was buried there since he had been deputed there and that he can not tell the difference between Samadhis and graves. He further states that graves of Muslims are North to South and not east to West but he does not say in what direction the structures in dispute were the further States that he does not know who were buried and when, in them. He also states that no one came to clean them or to light lamps there, that no one told him that there were graves of his ancestors and there was no sign to indicate as to where graves they are. He further states that one Zahoor told him that he had got a decree for that land as grave yard. Zahoor had not been examined and his decree alleged to have been obtained by him has been filed. This witness also states that he has not seen a Samadhi.

contd.

PW2 Kesho Pd. states that he saw the appellant Bheshnar writing the names of Hindu Saints on graves with coal tor and when he was asked not to do; he ran away. In cross-examination he states that he does not know what is a Samathi that people say that it is a grave yard but he cannot say from whom he heard this. He also states that no one was buried there since he has been posted there and there was no signname or description on them. He does not know if any person of the family of persons buried there is alive and that no one went there to light a lamps on the graves. The appellant writing the names of Hindu Saints on them. In cross-examination he states that he does not know as to who are buried in those graves that he has not seen Samadhi that he cannot distinguish a Samadhi from a grave correctly.

that the public say that they are graves but he cannot say from whom and on what occasion and when he knew this PW4 Ram...Dubey S.I. Investigated the case. He prepared the site plan Ext.P2 and he saw the writing on the graves. In cross examination he states that the Chabutra to the north of the building is called Chhathi of Ram Janam Dhumi that he does not know who was buried there that to the north of graves there are Turbats and that in Samadhis there are no turbats...that there were

contd.

delapidated graves and that there were no sign on them.

This is all the evidence led on behalf of the prosecution in the court of the learned Magistrate at the 1st instance. Two witnesses were examined by the appellant. They supported the defence version. They are D.W.1 Govind Das and D.W.2 Siya Ram Das. They state that to the north and south of the building known as Janam Bhumi temple there are Samadhi of Sankadi Lomas Angira and other Hindu devines and that there Samadhis were worshipped by the Hindu Pilgrims.

The prosecution evidence shows that the appellant did write the names of Hindu devines on the graves as alleged by the prosecution witnesses. The question for determination is whether they are graves of Muslims or Samadhis of Hindu devines. The prosecution evidence as discussed above fails to establish that these structures are Muslims' graves. The learned Magistrate himself observed in the judgment that neither relations of the Muslims and nor those of have to depose and the prosecution and defence evidence stands on equal footing on this point and there is no reason why one should be believed and other be disbelieved. The learned Magistrate in spite of this finding

contd.

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curiously came to the conclusion that those structures are graves of Muslims and not Samachis. The learned Magistrate tried to base his finding on some circumstances which are - 1. that the Commissioner whose map prepared in Civil Suit was filed in this case was not examined and therefore the map has no value, 2. and that on all sides of plots Nos. 160 there are grave yards in the map of the Commissioner for example in plot no. 161, 160 171 and 173 and therefore, the structures in dispute are also graves. The learned Magistrate seems to be under the impression that the burden was upon the appellant to prove his case and not upon the prosecution to prove its case. The Magistrate has at length discussed the defence evidence and pointed out its weakness and has not discussed the prosecution evidence and has contented himself with the statements which the prosecution witnesses made in examination-in-chief. The learned Magistrate also seems to be under the impression that the statement under section 342 Cr.P.C. is something different from the case of the accused, as the learned Magistrate observes that the accused did not take the plea that was only under Section 342 Cr.P.C. And the plea was put forward. The learned Magistrate observes that D.W. Govind Das has admitted that before 2 years the Muslims offered their prayer

contd.

at this place. The words 'this place' has misled the Magistrate. The witnesses clearly stated that before 2 years the Muslims offered their prayers in the building which is claimed by them as Babri Mosque and not at the grave. The learned Magistrate abruptly came to the conclusion that he agreed with the P.W's that there are grave and not some other. The later on he observed that it is not necessary to establish an offence under-section 297 I.P.C. that the place should belong to some other religion and that the Hindu can be guilty for such offence whether the graves are someother or Muslims grave.

The appellant went in appeal to the Court of the Sessions Judge, Faizabad, who, it seems, agreed with learned Magistrate that the place need not belong to some other religion and the learned Sessions Judge, held that the offence under Section 297 was made out against the appellant even if it was not proved that the structures were grave of Muslim.

The appellant went up in appeal to the Hon'ble High Court and it was held that if the graves are Hindus Samadhies it is difficult to say that an offence under-section 297 was committed by the appellant by foolishly the names of certain Rishi on them but if they are Muslims grave one

contd.

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offence under Section 297 would appear to have been committed by the appellant. The case was remanded with the direction that the appeal be reheard and decided according to law after arriving at a finding that the question as to whether graves in question are muslim graves of Minor Samadities.

The learned Addl. Sessions Judge, who heard the appeal on remand sent back the record of the case to the lower court. He directed that as in revenue apper plot not 160 in which the Janama Bhoomi temple or Babri Mosque is said to be is noted as Abadi that plot no. 172 lying to the south of plot no. 160 is noted as Kabristan and plot no. 155 lying to the north of plot no. 150 is noted as Sarak Pukhta and as he could not give the extent plot 160 on the spot and as the learned Sessions Judge, who first decided the appeal observed that it was necessary to find out whether the trees pass was committed in plot no. 160 or in plot no. 172, it was necessary to find out the plot or plots in which the graves lie. The learned Magistrate, Faizabad was directed to record the position of the... concerned after directing him to make measurement and prepare a map showing the plot or plots in which the graves in question lay.

contd.

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On demand the learned J.M. were examined two court witnesses and for the first time and Aditya ex patwari C.W-1, Bhabuti Prasad filed a site plan ext. CI in which structure resembling graves are shown at nos. 5 & 6 and 17 and 18 and structures are shown at No. 19, 20, 20 & 21. He states that all these structure lies in Lishtwar plot no. 172 which was entered in revenue papers as Adadi and plot no. 173 having an area of 2 Bighas of Adias lying to the south plot no. 160 is entered as a Graveyard. He states that he does not remember if there are graves in plot no. 172 and that he has not seen any graves or Samadhi in plot no. 173 in ext. CI. He also states that the plot no. 160 is entered as Adadi and an index of a temple is given there that no body should or told him the places where Lomas Narkenday Samadhi were written, that he can not tell the difference between a grave and a samadhi, that in north in Ex. CI resembling graves now the samadhis and that no body told him if they are graves or samadhis. He further states that the plot no. 172 is at a distance of more than 60 feet towards its South. The argument of learned Magistrate that as plot no. 172 lying to the South of Plot No. 160 is a grave yard, the structures at 17 & 18 are graves is satisfied by this statement of C.W-1.

contd.

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C.W.2 is Ayodhya Prasad Ext. Patwari of Ayodhya khas or Ayodhya. He states that plot no. 192 is in the South of plot no. 160 and entered as grave yard but at present there are no graves. He states that some deledated graves are found at a distance of 100' from Southern boundary of plot no. 160. He states that during the period of 30 or 35 yards during which he was Patwari of Ayodhya no dead body was buried there and that structures at nos. 5, 17, plus 18 shown in Ext.C.1 are called Samadhis.

The evidence on record including the statement of 2 witnesses examined under sections 540 criminal Cr.P.C. by the learned Magistrate on record do not establish that the structures in the form of graves to the north and South of the building known as Nanam Bhoom temple or Sabri Mosque are graves of Muslims and thus according to the observations of the Hon'ble High Court no offence under Section 297 I.P.C. has been made out against the appellant. I therefore the appeal and acquit the appellant of the offence under section 297 I.P.C. He need not surrender to his bail and the fine if paid, shall be refunded to him.

Sd/- R.A. Sircar
1st Addl. Sessions Judge,
Faizabad
3.8.57.

IN THE COURT OF THE JUDGE, FAIZABAD

Case No. 533 of 1966
State

Versus

Fram Das & Others,
U/s. 107/117 Cr.P.C.,
P.S. Ayodhya,
Faizabad.

ORDER.

Opposite Parties Fram Das, Ram Kewal Das, Ram Lakhan Das, Chela Hari Das, Ram Lakhan Das Chela Birwar Das, Ram Kishan Das, Ram Bachan Das, Ram Das Das, Bajrang Das, and Kedar Nath were served with a notice u/s. 112 Cr.P.C. by my predecessor on 26.3.66 to show cause as to why each of them should not be ordered u/s. 107 Cr.P.C. to enter into personal bonds of Rs 2000/- with two reliable sureties in the like amounts to keep peace for a period of one year as they are likely to commit breach of peace on account of their dispute regarding pargariship and possession of Ram Jagan Bhumi, Ayodhya. This action was based on the report of police station, Ayodhya. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ The c.p.s. were also examined individually and all of them asserted that there was no apprehension of breach of peace from them.

It may be stated here that Mahant Sri Raghunath Das of Hirnoli Akhara having grown old appointed Mahant Fram Das, C.P. his successor and accordingly executed a registered deed. It is further said that Ram Lakhan Das Golki who has been living in this akhara did not recognize this succession and, therefore, ignored the claims of Mahant Fram Das. A dispute between Fram Das and Ram Lakhan Das naturally arose which has been fanned by the supporters of both the aforesaid persons. So much so that the c.p.s. (and also Ram Lakhan Das Golki and his supporters) committed violence on 25.3.66 at about 9.00 P. The police had to rush up to the spot and arrested the c.p.s. as well as Golki and his supporters u/s. 151 Cr.P.C. and challaned the c.p.s. u/s. 107/117 Cr.P.C.

Mahant Fram Das c.p. in his statement has stated that Ram Lakhan Das Golki and his supporters got inimical to him as soon as he came to Ayodhya to live at Hirnoli Akhara.

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0374) 876 58 125/13

...has been mentioned to P.V.2 Sri Paras Nath Singh also deposed on oath as P.V.7 and corroborated the statement of S.I. Paras Nath Singh whom he had accompanied to the Ram Janam Bhumi temple. Sri Kashi Pd. Dube, H.C.no.13 of outposts Janam Bhumi Ayodhya, P. S. Ayodhya deposed as P.V.6 and supported the instance of quarrel on 25.3.66, as stated by P.Vs. 4 and 7. Sri Shiv Charan Pandey, H.C.no.54 C.P., police office, Faizabad who was head moharrir at P.S. Ayodhya from September 65 to May, 1966 deposed in the court as P.V.8 and proved Ext.Ka12, Ka13, Ka14 and Ka15 and Ka 16 which were the reports made against the o.p.s. from time to time and which was registered at P.S. Ayodhya. He also proved Ext.Ka1, Ka2, Ka3, Ka4, Ka5 and Ka6. The reports against the o.p.s.

Considering the evidence given by the prosecution and its own witnesses it can easily be seen that the o.p.s. have very bad relations with Ram Lakhan Golki and his supporters. This fact is further established from the instance of 25.3.66 when the o.p.s. assembled at the temple of Ram Janam Bhumi and fought against their rivals but not P.V.2 all the P.Vs. support prosecution case. P.V.2 has stated that he does not know anything about the relations of the o.p.s. with Ram Lakhan Das Golki. As it is clear from the statement of Ram Lakhan Das Golki and also the statement of Ram Das u/s. 342 Cr.P. a dispute does exist between the o.p.s. and the statement of P.V.2 does not, therefore, prove the case.

The enmity of the o.p.s. with Ram Lakhan Das Golki will be seen from the fact that according to Mahant Prem Das has failed to prepare accounts of the funds has not been terminated. The dispute regarding the property is not over and, therefore, the enmity also continues. The instance (fighting) of 25.3.66 is an exhibition of the feeling and the hatred of the o.p.s. which they have fostered on account of non-recognition of their possession by Ram Lakhan Das and his friends. There is no reason to believe that in such a case the o.p.s. will without their being bound down by the law they would maintain peace.

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(4)

In view of the discussion made above I am convinced that the o.p.s. are inimical to Ram Lakhan Das Golki and his party supporters and in case some extrication on them is not imposed they are likely to take law in their own hands and make some violence against Ram Lakhan Das Golki and others. The o.p.s. have failed to show a satisfactory cause as to why they should not be bound down u/3.107 Cr.P.C. The notice dated 26.3.66 u/s.112 Cr.P.C. given by my predecessor is, therefore, confirmed. The o.p.s. Prem Das, Ram Kewal Das, Ram Lakhan Das Chela Hari Das, Ram Lakhan Das chela Girwar D.s, Ram Kishun Das, Ram Nachan Das, Ram Deo D.s, Bajrang Das and Kedar Nath will, therefore, furnish individually a personal bond of Rs 2000/- with two reliable sureties in the like amount to keep peace for a period of one year. In case they fail to furnish their personal bonds and sureties as ordered each of them shall be detained in jail for a period of one year.

(B.S. Shukla)
City Magistrate,
Patna. 29.6.66

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
S.O.S. NO. 10000
VERGIL
DATE OF PRODUCTION
RECEIVED / NOT RECEIVED BY THE COURT
Public Court
Typed by Records
29.6.66

IN THE COURT OF THE CITY MAGISWTRATE, FAIZABAD *287*

Case No. 535 of 1966

State

Vs.

Prem Das & Others

U/s 107/117 Cr.P.C.,

P.S. Ayodhya

Faizabad.

ORDER

Opposite Parties prem Das, Ram Kewal Das, Ram Lakhan Das chela ari Das, Ram Lakhan Das chela Nirwar Das, Ram Kishan Das, Ram Bachan Das, Ram Deo Das, Bajrang Das, and Kedar Nath were served with a notice u/s 112 Cr.P.C. by my predecessor on 26.3.66 to shjow cause as to why each of them should not be ordered u/s 107 Cr.P.C. to enter into persona bonds of Rs.2000/- with two reliable sureties in the like amounts to keep peace for a period of one year as they are likely to commit breach of peace on account of their dispute regarding pujariship and possession of Ram Janam Bhumi, Ayodhya. This action was based on the report of police station, Ayodhya. The o.p.s wer also committed individually and all of them asserted that there was no apprehension of breach of peace from the.

It may be stated here that Mahant Sri Raghunath Das of Nirmohi Akhara having gown old appointed Mahant Prem Das, O.P. his successor and accordingly executed

a registered deed. It is further said that Ram Lakhan Das Golki who has been living in this akhra did not recognize this succession and, therefore, ignored the claims of Mahant Prem Das. A dispute between Prem Das and Ram Lakhan Das particularly arose which has been fanned by the supporters of both the aforesaid persons. So much so that the o.p.s (and also Ram Lakhan Das Golki and his supporters) committed violence on 25.3.66 at about 9.00 p. m. The police had to rush upto the spot and arrested the o.p.s as well as Golki and his supporters u/s 151 Cr.P.C. and challenged the o.p.s under section 107/117 Cr.P.C.

Mahant Prem Das o.p. in his statement has stated that Ram Lakhan Das Golki and his supporters got inimical to him as soon as he came to Ayodhya to live at Nirmohi Akhara apprehending that he would be appointed successor of the Mahant. Moreover, Golki was asked to give proper account which he was expected to maintain as Golki (Treasurer) and he failed to give the account. The statement of Sri Prem Das supports the report of the police that the relations between the O.P.s and Ram Lakhan Das Golki and his supporters are very afraid because of their dispute regarding this succession and possession of Ram Janam Bhumi. The other O.p.s do not speak anything new except support the statement of Prem Das.

The prosecution has examined 8 witnesses to prove the apprehension of breach of the peace from o.p.s. The chief prosecution witnesses is Ram lakhan Das Golki himself who has been referred to in the foregoing lines. He states that he has very bad relations with the

o.p.s and that the o.p.s threatened him many times with the investigation of the Mahant Raghunath Das. This witness has proved Ext. Ka1 to Ext.Ka6, the reports which he lodged regarding the activities of the o.p.s. against him. He further states that on 25.3.66 the o.p.s assembled in the temple of Ram Janam Bhumi and committed violence against him and some other persons. Raj Mangal Das P.W.5 and Ashvani Kuimar P.W.5 also state on oath that the relations between Ram Lakhan Das Golki and the o.p.s are bad. Ashvani Kumar has even stated on oath that the o.p.s and Ram Lakhan Das Golki and his supporters assembled in the compound of Ram Janam Bhumi on 25.3.66 and fighting against each other when the police came on the spot who intervene into the matter. This witness has been cross examined at length but he has consistently proved that there is dispute between the o.p.s. and Ram Lakhan Das Golki. S.I.K. Paras Nath Singh P.W.4 has corroborated the prosecution case as stated above and has deposed that on 25.3.66 when he received information that there was imminent danger for peace at Nirmohi Akhara and that both the parties were collecting their supporters, he rushed to the spot alongwith Sri Shitla Pd. Pande, S.I. and constables. He found on the spot parties fighting with the help of arrows, lathies and spears etc. when the parties did not come to reconciliation, he arrested the o.p.s S.I. Shitla Pd. Pande whose name has been sanctioned by P.W.4 Sri Paras Nath Singh also deposed on oath as P.W.7 and corroborated the statements of S.I. Paras Nath Singh whom he had accompanied to the Ram Janam Bhumi temple. Sri Kashi Pd. Dube, H.C. No. 13 of

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outpost Janam Bhumi Ayodhya, P.s. Aydhya deposed as P.W.6 and supported the instance of quarrel on 25.3.66 as stated by P.W.s 4 and 7. Sri Shiv Charan Pandey, H.C. no. 54 C.F., Police Office, Faizabad who was head moharrir at P.S. Aydhya from September, 65 to May, 1966 deposed in the court as P.W.8 and proved Ext. Ka12, Ka 13, Ka 14 and Ka15 and Ka16 which were the reports made against the o.p.s from time to time. And which was registered at P.S. Aydhya. He also proved Ext.Ka1, Ka2, Ka, Ka4, Ka5 and Ka6. The reports against the o.p.s

Considering the evidence given by the prosecution witnesses it can be easily be seen that the o.p.s have very bad relations with Ram lakhan Golki and his supporters. This fact is further established from the instance of 25.3.66 when the o.p.s assembled at the temple of Ram Janam Bhumi fought against th their rivals but P.w.2 all the p.w.s support prosecution case. P.W.2 stated that he does not know anything about the relations of the o.p.s with Ram lakhan Das Golki. As it is clear from the statement of Ram Lakhan Das Golki and laso the statement of Prem Das u/s 342 Cr.P.C. a dispute does exist between he and the statement of P.W.2 does not, therefore have any significance.

The enmit of the o.p.s Ram Lakhan Das Golki who has been treasurer of Nirmohi Akhara and who according to Mahant Prem Das has failed to prepare accounts of the funds has not so far terminated. The dispute regardintg the prompt is not over and, therefore, the emity also contiuiies. The instances

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Annexure A-7

Annexure-P7

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Small Judicial Form No. E.-2. { N. K. P.-No. 21 of 1922.
D.-2000 of 1921.

OPENING PAGE OF A CIVIL APPEAL FILE

No. 10 of APPEAL Civil Court instituted on the 11.1.1923
10.1.1923

Disposed of by M. Mahmmud Hassan Khan Civil Judge

From the order of P. Mammath Nattu Upadhyaya Jyghad
Jyghad dated 12th December 1922

Mahmmud Nartam Dass Plaintiff Appellant,

VERSUS

Ram Surup Dass Defendant-Respondent.

Date
Nature of case and
Point of issue. } Claim for possession &

Order of
Lower Court. } Dismissed the suit with costs.

Valuation of appeal is Rs 500/-

Grounds of appeal and
Objection of Respondent. } on separate sheet.



(fighting) opf 25.3.66 is an exhibition of the feeling and the hatred of the o.p.s which they have fostered on account of non-recognition of their possession by Ram Das and his friends. There is no reason to believe that in case the o.p.s. are let off without their being bound down u/s 107 Cr.P.C they would maintain peace.

In view of the discussion made above I am convinced that the o.p.s are inimical to Ram Lakhan Das Golki and his supporters and in case some extraction on them is not imposed they are likely to take law in their own hands and made some violence against Ram Lakhan Das Golki and others. The o.p.s have failed to show a satisfactory cause as to why they should not be bound down u/s 107 Cr. P.C. The notice dated 25.3.66 u/s 112 Cr. P.C. given by my predecessor is, therefore, confirms. The o.p.s Prem Das, Ram Kewal Das, Ram lakhan Das chela hari Das, Ram Lakhan Das chel Girwar Das, Ram Kishan Das, Ram Bachan Das, Ram Deo Das, Bajrang Das and Kedar Nath will, therefore, furnish individually a personal bond of Rs.2000/- with two reliable sureties in the like amount to keep peace for a period of one one year. In case they fail to furnish their personal bonds and suretries as ordered each of them shall be be detained in jail for a teriod of one yhear.

(B.S.Shukla)

City Magistrate

Faizabad 8.9.66

Th

22nd Sept 1923

Present

Dkt. no. 11 of 1923

Dkt. no. 11 of 1923

Judgment

Judgment in 22nd Sept 1923

12/9/23

Judgment

The applt as Mahant & manager of the temple Janam Asthan alias Janam Bhawan, Ashiana near ... situated in Dist. West Benares, Agidhya, sued the respdt in the Court of the District Judge for the recovery of possession of 3 his share land out of a plot no 163 measuring 2 by 3 his share in Dist. West Benares, Agidhya Parg. Nawab Qudus on the allegations that he was the owner of the said plot as being in possession of the same since a long time. That in Dec. 1921 the deflt wrongfully dispossessed the applt out of the aforesaid land by building a compound with a Chakutra (platform) thereon. Hence the suit.

The respdt admitted the building of a compound & Chakutra on the plot in question but denied the claim. He pleaded that the applt had no right in the land in suit nor had he ever been in possession of the same. That the land in suit appertained to the temple of West Benares as its share. That it belonged to West Benares, who was in possession of the same. That Bhagwan Das & Gopal Das Chakras, Mahant West Benares gave the land in suit to Bhagwan Das, & his Chakras Mahant Mathur Ramji.

by a registered deed dated 25 Oct 1892. That Bhagwan Das 'Siddhi' gave the land in suit to ^{the plaintiff} ~~the defendant~~ Das. The
 Order of Appellate Court and ^{registered deed dated 16 Jan 1946} ~~the plaintiff~~ 1946.

ground of decision accepting: That ~~the plaintiff~~ Das on the death of his father
 or rejecting appeal. Das the deft as his chela was in possession

of the land in suit. That the deft's his predecessors

in interest had been in adverse proprietary possession

of the land in suit for the last 20 years. That the deft

was seized any time & he possessed no right to sue.

The deft's app't in his replication said that the

land in suit marked red in the plan drawn by the

ammir appointed for the purpose was all along patta

land till the deft made the chabutra in dispute.

That the land in suit belonged to the Razul and

the plaintiff as Mahant of the Janamasthan & his

predecessors had all along been in possession of

and he ceased his title in possession. That no

case from the Razul had been taken.

The deft's deft denied the land in suit to have

belonged to the Razul deft's men.

The learned Munsif dismissed the claim.

The plaintiff preferred this appeal on various

grounds taken in the memorandum of appeal.

Now the main point for determination in this ap-

peal is whether the plaintiff has been in possession of

the land in suit for a long time and as such is en-

titled to recover possession of the same from the

def't.

It is a well known principle that the law in suit

belongs to the plaintiff & that no case has been

4-
 taken from the land. The debt is admittedly
 now in possession of the land in suit.

Under these circumstances the ^{7th} ~~1st~~ cannot
 sue the debt for possession, because possession
 is, in general, a good title against all but the
 true owner, i.e. the hereditary Department.

Again it is admitted by the ^{7th} ~~1st~~ in his applica-
 tion that the land in suit was all along patta
 land till the debt made the distribution in dispute.

Now the land in suit being admittedly patta land
 the ^{7th} ~~1st~~ cannot acquire any rights in it by placing
 a tablita on it as he swears. The debt, therefore, who is
 in possession, may not have an indefeasible right
 as against the hereditary, but yet a better right
 than the ^{7th} ~~1st~~ & his heirs in money set up, the right
 of the hereditary to the land in suit in order to dispose
 that of the ^{7th} ~~1st~~.

Besides the ^{7th} ~~1st~~'s evidence goes to show that
 his cesses used to keep three shops just in front
 of the Janam Asthan gate (vide evidence of M.S.)
 Assuming that the ^{7th} ~~1st~~ was in possession of any portion
 of the patta lands by leasing the same to the seller of
 flowers & batakshas he cannot be in possession
 of the land in suit thereby, because the front
 of the Janam Asthan is a long strip of patta
 land in suit as is shown by its division plan
 in which it has been held that a ^{7th} ~~1st~~

rights by adverse possession and the
 conveyed to the land of which he is in actual
 possession. The fact has not been proved
 that he is in actual possession of the land in suit.
 He may be in actual possession of a portion
 of the plot No 163, a portion of the land in suit
 in suit, just in front of the gate in the
 gate, but his land is not in front of the
 the front of the main gate. Hence his
 rights must be confined to the portion of
 the plot No 163 just in front of the main
 eastern gate & not to the land in suit.
 Under these circumstances I am of
 opinion that this appeal must fail.
 I am for dismissing his appeal with
 costs conform the decree of the Court below.
 Order 41 rule 20 C.P.C.

22/10/23 Ibrahim and Husan Khan
 Appellants' pleader present &
 Respondents' pleader present.
 Judgment pronounced
 22/10/23
 22/10/23
 22/10/23

Annexure-P8

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ANNEXURE-1A-8

OPENING PAGE OF A CIVIL APPEAL FILE

No. 10 of APPEAL Civil Const instituted on 11.1.1923

18.1.1923

Disposed of by M. Mohammed Hasn Khan ADJ

Faizabad.

From the order of P. Mannath Nath Upadhi a Munsif
Fyzabad dated 12th December, 1922.

Mahant Narotam Dass

Plaintiff-Appellant

Versus

Ram Saroop Dass

Defendant-Respondent

Date)

Nature of case)

and)

Point of Issue)

Claim for possession.

Order)

of)

Lower Court)

Dismissed the suit with costs.

Valuation of Appeal is Rs. 500/-

Ground of appeal

and)

Objection of Respondent)

on separate sheet.

.../-

-: 2 :-

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22nd Sept. 1923

Present:- Pltiff-Applt. throu B. Sita Ram P.

Defdt-Respdt. through

Heard arguments

Judgment on 22nd Oct., 1923

22/9/23

Judgment

The appellant as Mahant and Manager of the temple Janam Asthan alias Janam Bhumi, situation in Kot Ram Chander, Ajudhya and the defendant in the court of munsif of Fyzabad for the recovery of possession of 3 bis. 17 and out of a plot No. 163 measuring 2 big 3bis situate in Kot Ram Chander, Ajudhya Parg. Haveli Oudh on the allegations that he was the owner of the said plot as being in possession of the same since a long time. That in Dec. 1921 the defendant- wrongfully dispossessed the plaintiff-appellant out of the aforesaid land by building a compound with a chabutra (platform) thereon. Hence the suit.

The respondent admitted the building of a compound and chabutra on the plot in question

.../-

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but denied the claim. He pleaded that the appellant had no right in the land in suit nor had he ever been in possession of the same. That the land in suit appertained to the temple of Mast Rama as its sahan. That it belonged to Mast Ram who was in possession of the same. That Bhagwan Das and Gopal Das Chelas of Mahant Imart Ram gave the land in suit to Bhagwan Das, Udasi Chela of Mahant Madho Ranji by a registered deed dated 25th Oct., 1892. That Bhagwan Das Udasi Udasi gave the land in suit to Narayan Das by a registered deed dated 9th January 1896. That Narayan Das on the death of Narayan Das the defendant as his chela was in possession of the land in suit. That the defendant and his predecessor in interest had been in adverse proprietary possession of the land in suit for the last 30 years. That the claim was raised by time and the plaintiff had no right to sue. The plaintiff-appellant in his replication said that the land in suit marked not in the plan drawn by the Amin appointed for the purpose was all along carti land till the defendant made the chabutra in dispute. That the land in suit belonged to

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Nazul and the plaintiff as mahant of the Jaganasthan and his predecessor land all along been in possession and inserted his title on possession. That no lease from the Nazul had been given. The defendant denied the land in suit where was belong to the Nazul Department. The learned Munsif dismissed the claim. The plaintiff has preferred this appeal on various grounds taken in the memorandum of appeal. Now the main point for determination in the appeal is whether the plaintiff has been in possession of the land in suit for a long time and as such was entitled to recover possession of the same from the defendant.

It is admitted by the plaintiff that the land in suit belongs to the Nazul and that no lease had been taken from the Nazul. The defendant is admittedly now in possession of the land in suit. Under these circumstances the plaintiff cannot give the defendant for possession, because possession is, in general, a good title against all but the true owner, i.e. the Nazul Department. Again it is admitted by the plaintiff in his replication that the land in suit was all along pati land till the defendant

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made the chabutra in dispute. Now the land in
admittedly
suit being ~~parti~~ land the plaintiff cannot
acquire any right in it by placing a tukht on
it as is given. The defendant therefore, who
is in possession, may not have an indefensible
right as against the Nazul has got a better gith
than the plaintiff and therefore it may set up
the right of the Nazul with land in suit in order
to dispose that of the plaintiff.

Besides the plaintiff evidence goes to
show that his cess is used to reap their crops
just in front of the Janmasthan gate (vide
evidence of plaintiff) assuming that the plain-
tiff was in possession of any portion of the
plot No. 163 by leasing the same to the seller of
flowers and batashas he cannot be in possession
of the land in suit thereby, because the front
of the Janmasthan is a long way off the land
in suit as is shown by the Amin's plan inasmuch
as it has been held that a wrong rights by
adverse possession was to be conferred to the land
of which he is in actual possession. The plaintiff
has not been proved to be in actual possession of
the land in suit. It may be in actual possession

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of a portion of the plot No. 163, a portion of which is the land in suit, just in front of the Janan asthan gate, but the land in suit is far off the front of the said gate. Hence his rights must be confirmed to the portion of the plot No. 163 just in front of the Janan asthan gate and not to the land in suit.

Under these circumstance I am of opinion that this appeal must fail. I therefore dismissing the appeal with costs confirm the decree of the court below. Order 41 Rule 30 C.P.C.

22/10/23 Mohammad Hussain Ali.

Appellant's pleader present.

Respondent defendant's pleader present.

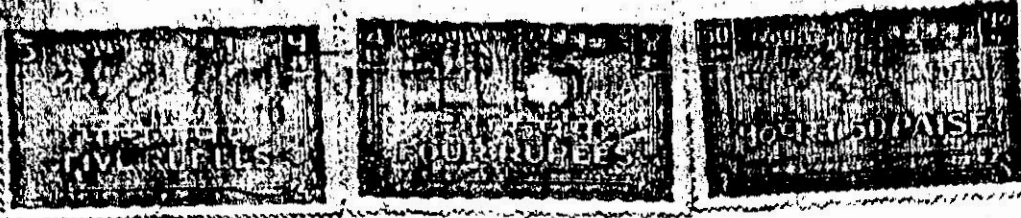
Judgment pronounced.

sd/-

22/10/23.

31.10.11
आध्यात्मिक श्रीमान विविध ज्ञान महावेग फेंजावादे

(पादपत्र हरण नं० 7 का० 1 जा०वी०)



31.10.11
1- महन्थ गंगोपादसास उग्र 75 साल चेला महन्थ राम गंगोपादसास के निरमांही

अलाहा महन्थ व सरवराहकार वादा नं० 2 साकिन समीप जन्म भूमि मंदिर रामकोटे

अयोध्या परगना हवेली अथ तहसील व जिला फेंजावादे ।

2- सातिकराम मगवान विराजमान मंदिर 101/2/23 अजयि महन्थ व सरवराहकार

महन्थ गंगोपादसास वादा नं० 1 ।

3- महन्थ नारिकादास उग्र 65 साल चेला वावा गोविन्ददास महन्थ व सरवराहकार

ठाकुर रामलालजी विराजमान मंदिर 101/2/23 साकिन समीप श्री रामजन्म भूमि मुहूर्त

रामकोटे शहर अयोध्या परगना हवेली अथ तहसील व जिला फेंजावादे ।

4- मगवान रामलालजी विराजमान मंदिर 101/2/23 अजयि महन्थ व सरवराहकार

नं० 3 अ. इटिकावास

5- लक्ष्मणजी महाराज विराजमान मंदिर सुमित्रा मक संतोष मंदिर श्रीरामजन्म भूमि

वादा सरवराहकार व महन्थ गंगोपादसास चेला रामदास रामकोटे अयोध्या परगना

हवेली अथ तहसील व जिला फेंजावादे ।

6- महन्थ गंगोपादसास चेला रामदास उग्र लगभग 70 साल महन्थ व सरवराहकार

नं० 205/2

साकिन मंदिर सुमित्रा मक मुहूर्त रामकोटे अयोध्या परगना हवेली अथ तहसील

जिला फेंजावादे वादागण

८ भाषा लघु प्रमाण सिद्धि लघु प्रमाण
१० लघु प्रमाण सिद्धि लघु प्रमाण

२- विश्व हिन्दू परिषद का कार्यालय अयोध्या मणिरामदास झा की जंगल
उत्तारप्रदेश मणिरामदास की जागीर का सुबेकाट शहर अयोध्या परगना
हमीरौ अकबराबाद व जिला फैजाबाद -- प्रतिवादीसंग

दाया स्थाया निष्पद्यता

वादीगण निम्नलिखित निवेदन करते हैं :-

घा रा १ - यह कि जात प्रसिद्ध श्री फन रामानन्दोय ~~विश्वरूप~~ निरामही अलाउ के
अन्तर्गत अलाउ के स्नामित्व का जात अखि मयिर श्री रामराम मूमि
अयाध्या के मुहता रामकटि मे स्थित है जिसका पूर्ण विवरण नक्शा
नजरी सलग्न वादप मे दिया गया है ।

धा रा०- यह कि निरमाही प्रसादा रामानन्दोय वैरागी सम्प्रदाय का उक्त

पत्नीयता मठ है जिसके अन्तर्गत ब्रह्मादे के साधू व भक्त अपने अपने मंदिर
काकर वही स्थित सरवराहकार अपने अपने अधिष्ठात देवता की पूजा
पाठ व उत्सव समारोह करके का विव रहते बड़े जोरों पर हैं ।

धारा 3- यह कि नशा मजरी में विक्रित मदिरा व स्थल अपार... व... य

तलब नर तथा कस ग र ब्रह्मर से जाहिर किया गया है जो इस

वा द्यम्ब्र का विष्णय वस्तु हे ।

प्रा. ४-२-३६ कि. विवादित स्थल में महदुरी पदार-३ व. त. न. च. सीमा पर २०-२-३६

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मिलीयत है जिसमें सात्किराम भावान विराजमान हैं और जिसमें
सर्वराहकार व महान्य वादी न० १ गोपालदास हैं जो निरमोही ब्रह्मा
के एक पक्ष हैं।

महाराष्ट्र सरकार
मुंबई
२०/११/५५

धारा 5-यह कि विनाशित स्थल महदूरे अद्वार न ल, व त न सीतारूप मंदिर
जिसमें अधिष्ठात देवता भावान रागललाजी विराजमान हैं और
जो वादी न० 4 का भिन्नविषय है तथा जिसमें सरवराहकार कादी
न० 3 हैं और अर्चक पुनरी मांजूदा हाक्ता में हरिदास हैं।

धारा 6-यह कि उक्त मंदिर सीतारूप में वादी न० 4 का मंदिर व सरवराहकार
मुजारी व अर्चक के मंदिर संबंधी कोठार मण्डार चेंका व फुलवारी, सहन
आदि स्थित है जिस पर वादी न० 3 परमेश्वर सरवराहकार कावित्र है
और जो पुनरी अर्चक हरिदास गाराश्नजाम देते रहा है।

धारा 7-यह कि विनाशित स्थल महदूरे अद्वार न ल, क स ग व नरेशा नरेश पुनरी
आदीय सुमिता मान भी हैं जिसमें लक्षणजी महाराज वादी न० 5
विराजमान हैं और जो मिलीयत ठादुरजी को मजदूर हैं और इनके मांजूदा
सरवराहकार वादी न० 6 हैं उक्त सुमित्रा मने मंदिर में सत्तन निवास
कोठार चेंका व ठादुरजी का फुलवारी का मोन तोना ता का वाकें
जो कादागण न० 5 व 6 के स्वाभित्व व कर्त्तव्य में हैं।



धारा 8-यह कि उपरोक्त मंदिरों के मान्य व सरवराहकार निम्नलिखित तौर पर
निरमोही ब्रह्मा से ही संबंधित रहे हैं और मांजूदा सरवराहकारान
धारा न० 1 का धारा 8 के पूर्वार्थ में उपरोक्त विनाशित मंदिर व

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राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि विराजते
श्री नारायण १२/५

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि विराजते
श्री नारायण १२/५

राम राम गीपाल सि विराजते
श्री नारायण १२/५

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि विराजते
श्री नारायण १२/५

राम राम गीपाल सि विराजते
श्री नारायण १२/५

राम राम गीपाल सि विराजते
श्री नारायण १२/५

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि विराजते
श्री नारायण १२/५

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एम्
मं राम गीपाल रास कायि अ केशो-

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि विराजते
श्री नारायण १२/५

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि वि ल ज न के
बाल नाद के १२ फे / एके

राम राम गीपाल सि बिलजत्र के
बाल बाइके १२ फे १८५७
मं. राम गीपाल रास कायै अ कोजी-

राम राम गीपाल सास काय्ये अ कोजी-
बाल नाद के १२ फा १९५८
राम राम गीपाल सास बिलजत्र के

(5)

की मूमि पर जब था विवादित मंदिर की मूमि का दातिग्रस्त
 कर प्रतिवादीगण को कोई विधिक अधिकार नहीं है और न ही
 प्रतिवादीगण से विवादित मूमि का कोई वास्ता, सराकार रहा
 है और न ही कभी कब्जा रहा है बल्कि जवान लाठी डंडे के बल पर
 विवादित स्थल में किसी जाह्न अपनी राजकीय मनाकादा की
 पूर्ति के लिए शिलान्यास का धमकी देते हैं और इस तरह की धमकी बलवार
 के माध्यम से वादीगण ने पड़ी और उनके कार्यकर्ता ने मांके पर आकर वादीगण
 को एक साथ धमकी देते हैं जिससे पंडित होकर वादी न० 1 व 3 ने
 जिलाधिकारी महादेव को 19-10-89 को एक दरतास्त भी दिया और जिसका
 फाइनल जनमार्ग में 24-10-89 को हुआ जिससे प्रतिवादीगण व उसके
 कार्यकर्ता मांके पर आकर वादीगण को धमकी देते हैं कि वादीगण की
 स्वामित्व के बीच किसी समय कर दोगे और प्रतिवादीगण के कार्यकर्ताओं ने
 यह भी धमकी दिया कि यदि तुम लोगे नहीं मानोगे तो तुम लोगों का अपहरण
 कर लेंगे और जान से मार डालेंगे।

धारा 12-यह कि फिनाय मुलासमत दावा हाजा अन्दर हदुद अस्तियार बदा ला हाजा

मंदिर-वादीगण

करने ताई फाई व करने जवान शिलान्यास प्रतिवादीगण फिनाय 24

को देने धमकी जारा कार्यकर्ताओं प्रतिवादीगण से इस न्यायालय के राजाधिकार

में उत्पन्न है।

धारा 13-यह कि फातिफ दावा हाजा में जायदाद देवास्तार सम्पत्ति है फिनाय

ताई का जार माय नही हो सकता है इसलिए उसकी फातिफ मांक स्वल्प

(8)

3/8/07

मु० 30500) लाय किया जा रहा है जो इस न्यायालय के बाथी
 अधिकार के लिए पर्याप्त है वाक्य मुक्ति हुआ हस्ताई दवावी का है
 इसलिए उक्त मात्तियत के 118 भाग 2900) होता है और जिस पर
 कोर्टफोस मु० 309-50पै० को बढ़ा किया जा रहा है।

लगाया गया है प्रगतिविक्रय
 मिलवाये हैं 29/12/07

धारा 14-यह कि वादीगण निम्नलिखित वादसी की याचना करते हैं :-

१- जिनरी हुआ हस्ताई दवावी वह वादीगण तिलक प्रतिवादीगण

इस अमर की साक्षर फरमायी जावे कि प्रतिवादीगण विवादित स्थल व
 मंदिर मुत्तलके वाक्य हाजा/ ~~कादमी~~ से वादीगण के ज्ञानितपूर्ण कब्जे व
 स्थल में कोई जाड़े फाड़े, सादे साद कर किसी तरह का शितान्यास कर न रहे

मदातस्त सदैव सदैव के लिए व को
 ब- दांगर या मजोद दादरसी को करीन इन्साफ हा वादीगण को प्रतिवादीगण से
 दिलाया जावे।
 ग- सर्व मुद्दमा वादीगण को प्रतिवादीगण से दिलाया जावे।

विवादित मंदिर मय देवास्तार स्थल उत्तम नक्शा (वादीगण)
 सूची व वादपत्र हैं। १ रामगोपालदास

मं वादी न० 1 प्रमाणित करता है कि
 प्रस्तुत वादपत्र की धारा 13, 14 का कथन
 मेरे ज्ञान से व धारा 13, 14 का कथन मेरे
 विचार से सत्य है इसके न कुछ गन्त न कुछ
 हिपाया है ईश्वर मेरी मदद करे तत्काल किया
 महात्मा गान्धी फौजवा द वाज दिनांक 27-10-89 उ०।

हरीदास
 राख गोगलदास

वादी न० 1
 म० रामगोपालदास

विवादित मंदिर मय देवास्तार
 नक्शा (वादीगण)
 दाता - कोत

१ रामगोपालदास

2

आनी ६ भा वं हिनली आनी ६ भा वं हिनली

WORLDWIDE REPORTS

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老幼咸宜

विषय: 11/11/23

STAMPED BY THE OTHER PARTY

५०९८/२ ~~वर्ग-५~~ ~~एक बोर्ड~~ ~~महोदय~~

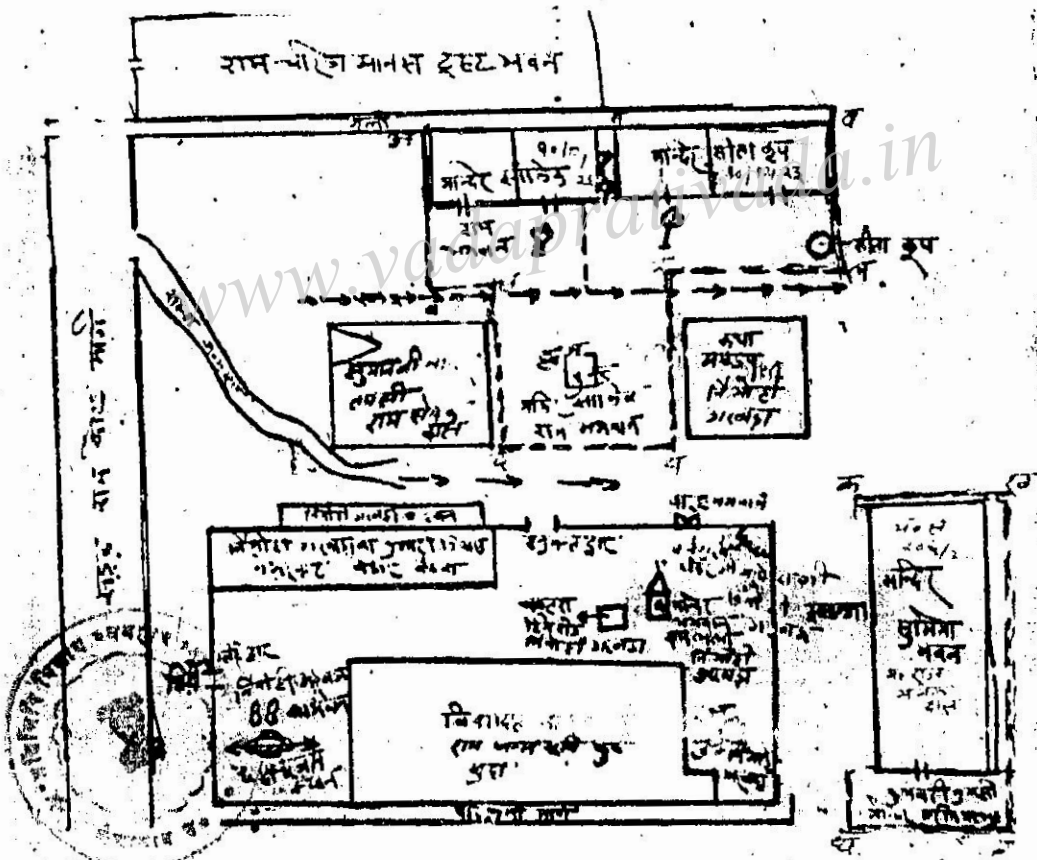
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नमो माताय कृष्णाय नमः
इत्युक्तं पं. २७
पञ्च नाम विद्यालय सामन्ति & अष्टाक निर्यात



Callan on the side. *Callan*

ॐ नमो भगवते वासुदेवाय ॥ १ ॥

प्रधान प्रतिनिधित्व
प्रधान प्रशासनिक

१७७७

११५१

एम्. सी. दास, १९४५

45

S2
Annexure 4/10

Annexure-P10

Annexure -

IN THE COURT OF CIVIL JUDGE, FAIZABAD
SUIT No. 426/89

Mr. Ram Gopal Das and.Plaintiff

Versus

Ashok Singhal etc.Defendants

COPY OF PLAINT

IN THE COURT OF CIVIL JUDGE, FAIZABAD
(Plaint U/O 7 Rule 1 C.P.C.)

1. Mahant Ram Gopal Das aged about 75 years
Chela Mr. Ram Bhoshan Das Panch, Nimachi
Ashara Mahant and Sarvashakar Plaintiff No. 1
R/o Jnan Bhoomi Mandir Ram Kot Ayodhya Perg.
Haveli Ouch Tehsil & Distt. Faizabad.
2. Salig Ram Bhawan Virajman Temple 10/12/23
through Mahant and Sarvashakar Mahant Ram
Gopal Das Plaintiff No. 1.
3. Mahant Dwarika Das aged about 65 years Chela
Baba Govinda Das Mahant and Sarvashakar Thekur
Ram Lalleji Virajman Mandir 10/12/23 near
Temple Shri Ram Jnan Bhoomi, Mahalla Ram Kot City
Ayodhya Perg. Haveli Ouch Tehsil & Distt. Faizabad.

...../2

53

-: 2 :-

4. Bhagwan Ram Lalaji Wastan Mandir 1/2/1 through Manant and Sarveshakar Plaintiff No. 1 Mahant Dwarika Das.
5. Laxmanji Mahar Wastan Mandir Sumitra 1/2/1 Bhoomi through Sarveshakar and Manant 1/2/1 Mangal Das Chola and Das Ram Kot City Ayodhya Perg. Haveli Oudh Tehsil and Distt. Faizabad.
6. Mahant Raj Mangal Das Chola Ram Das aged about 70 years Mahant and Sarveshakar Mandir Sumitra Bhavan H.No. 506/2 Mohalla Ram Kot Ayodhya Perg. Haveli Oudh Tehsil and Distt. Faizabad.

Versus

1. Ashok Singhal, General Secretary, Vishwa Hindu Parishad, branch Mani Ram Dasji Ki Chawani through Ram Vilas Das Dashistha Bhavan Mandir Naya Ghat City Ayodhya Perg Haveli Oudh Tehsil and Distt. Faizabad.
2. Vishwa Hindu Parishad Office Mani Ram Das Chawani through Mani Ram Das Chawani Basedee Chat City Ayodhya Perg. Haveli Oudh Tehsil and Distt. Faizabad.

....Defendants

..../3

SUIT FOR PERMANENT INJUNCTION

Sir,

The Plaintiff submit as below:-

1. That World famous Temple Sri Ram Janam Bhoomi in ownership of World famous Shri Panch Ram Mandir Nirmohi Akhara is situated in Mohalla Ram Kot Ayodhya. Whole discription of which has been given in the map annexed.
2. That Nirmohi Akhara is a Panchayat Math of Ramnandi Secretary of Madhyam Pradesh Panches under the Akhara Akhars used to install this own temples and own duties are continuing coming in possession over it by discharging Raja Patt and other ceremonies of duty.
3. That the above temple and land are shown by letter As, Ba, Ga, Da, Ea, Fa, Ga, Ha, Aaa and Ka Khe Ga She which is the main property of this case.
4. That in disputed property shown in annexed map by letters As, Ba, Ga, is in ownership of Plaintiff No. 2 where Shagun Salig is in possession and Hi Sachakar is in possession is Plaintiff No. 1. Bopal Das who is one of the head of Nirmohi Akhara.

.... /4

5. Disputed property No. 12 is as follows: It is site Koop Mandir where duty of Bhawan Ram Lalaji is installed and which is in ownership of Plaintiff No. 4 and His Sarvashakar is Plaintiff No. 3 and Archer Pujari is at present and D.S.

6. That Kotwar Bhander Baithka and Phoolwari Sabao regarding the said temple Sita Koop is situated there over which Plaintiff No. 3 is Qabuz as Sarvashakar and all the management is being seen by Hari Das as Pujari and Archak.

7. That disputed property pointed by letters Ka, Kha, Ga, Gha attached to Plaintiff is the Sumura Bhawan temple where duty of Laxmanji is installed and which is in ownership of above duty and his present Sarvashakar is plaintiff No. 6. These residential position Kotka, Baithka, Phoolwari are attached to said temples and lying formerly three frontage which is ownership and possession of Plaintiff No. 5 and 6.

8. That Mohant and Sarvashkar of above temples are connected with Nirmohi Akhara in the following way, and present Sarvashakar Plaintiff No. 1 and Plaintiff ancestor had established the disputed temple and related land since long and their ancestor's were also the Sachu and Panch of Akhara

.... /5

whose consent said temple was constructed and duties were installed. The plaintiff no. 1 & 2 are using the land marked by letters So, Sa, Da, Ya, Ra for the management of temple by discharging Hawan Pujamithal and for sitting of workshopers since long peacefully by asserting his known to all

9. That Guro of Plaintiff No. 3 Guro Govinda Dasji Nirmohi had asked as Pujari of Bhagwan Ram Lalaji of Ram Janam Phoomi since 1911 and was also present at the time of attachment on 11.12.49 and has been managing temple and Chatti Pujan Panch Lukhi Shankerji and Ganeshji etc, with shop in management and ownership of Akhara is mentioned in the map, and since 1949 Babul Shilad Des and Ganesha Des has managing it as Pujari of Nirland Akhara and Guro of Plaintiff No. 6 Mohant Mr. Des the oldest person was the Sadhu of Akhara and he remained is Mohant and Sahhakar of Sumitra Phawan till his life time and after him Plaintiff No. 6 succeeded of Mohant and Sarvashakar.

10. That Nos of houses in Municipality record of disputed temples Salig Ram Bhagwan and Sita Koop temple are----- jointly and the entry is made in the name of Mohant according to custom.

..../6

11. That the Plaintiff are in possession of the disputed properties since long accordingly and Defendants have no right to interfere over possession of Phodwar and Sahun Land etc, or, the, and neither the Defendants had any concern with the disputed land and nor they were in possession ever. But are threatening with muscals powers to install shilayanayas on any of the place mentioned for fulfilling their political motive. The aforesaid type of threat has been read by Plaintiff through newspapers and workers of Defendants have also given threat jointly to Plaintiff and aggrieved by which plaintiff No. 1 at have filed Petition to District Magistrate, Faizabad on 19.10.89 which was published in Jan - March on 24.10.89 at the Defendants and his workers are threatening to Plaintiff on spot to do in the ownership of plaintiffs and workers of Defendants have also given threat to kidnap and kill the plaintiff.

12. That cause of action of the suit has arisen on 24.10.90 when the Defendants and workers of Defendant gave given the said threat within the pecunary jurisdiction of this Hon'ble Court.

13. The valuation of the suit being endorsed property has got no market value hence, notional valuation of Rs. 10,500/- is being fixed which is

...../7

well within the pecuniary jurisdiction of this Hon'ble Court and since suit is for permanent injunction so on its valuation Rs. 1/5 Pached is 2100/- and a Court fee Rs. 309/50 is being paid.

14. The Plaintiff pray for the following relief:-

- a) Decree of Permanent injunction be passed in favour of plaintiffs and against the Defendants to the effect that defendants be restrained from interfering with the peaceful possession of plaintiff over disputed land and temples which is shown in map annexed and marked by letters As, Ba, Ga, and Ka, La, Ma, Na, Pa, Ra and Ka Kha, Ga, Gha, by breaking or firing it and be restrained to do any Shilayanyas forever.
- b) Further and additional relief which may be deemed to be just may be awarded to plaintiff against the defendants.
- c) Cost of suit be awarded to plaintiff against defendants.

Plaintiff

Ram Gopal Das

59.
Annexure A-11

न्यायालय श्रीमान् सिविल जज महोदय, फैजाबाद

मूलपाद सं० 426/89

मं० गोणलदास आदि - बनाम - विश्व हिन्दू परिषद आदि

पेशी. 8-11-89

प्रतिवेदन अमीन

महोदय,

उपरोक्त वाद में श्रीमान् जी के आदेशानुसार
वादी के अधिवक्ता को सर्व सूचित करके दिनांक 6-11-89
को सुबह 8-30 बजे स्थल पर पहुँचा। स्थल पर
वादी के अधिवक्ता श्री रणगीत लाल वर्मा एडवोकेट
मौजूद मिले। प्रतिवादी या उनका कोई पैदावार वहाँ
पर मौजूद नहीं मिला।

मैंने वादीगण के अधिवक्ता के निरादेही
व सहायता से वादग्रस्त भूमि का निरीक्षण किया,
और आवश्यक पैमाइश करके मानचित्र स्थल
1 इंच = 2 गज पर तैयार किया, जो मेरे
रिपोर्ट का अंश होगा।

स्थल पर वादग्रस्त भूमि व उत्तरी सीमा
को भी मापकर मानचित्र में प्रकाशित प्रदर्शित
कर दिया है। रास्ते को तीर के निशान से
चिन्हित करके मानचित्र में दर्शाया गया है।
उक्त चिन्हित स्थल पर ईंट का खड्डा लगा है।
यह वादग्रस्त भूमि श्रीरामजन्मभूमि मन्दिर के दक्षिण
व दक्षिण स्थित है।

वादग्रस्त भूमि को मैंने वादी के निरादेही
व वादपक्ष के साथ संलग्न site plan के सहित
लाल रंगाना भी देखा व अक्षर ABCDEFGHIJ व
MJKL तथा इन्हीं वादग्रस्त भूमि की लालरंगाना के
देखा व अक्षर क ख ग घ ङ
से सीमित करके प्रदर्शित कर दिया है।

(2)

14/12/11

इस वादग्रस्त श्रम में वादीगण 1 व 2 का टिकट
 टिकट पुरानी दीवाल पर है तथा एक प्रणाली पाद
 का केस भी स्थित है कफर 94 से सीमित लंबाई पर
 पुरानी ईंट की बाहरकीकली भी स्थित है। इसी वादग्रस्त
 श्रम में सीताक्ष्ण मंदिर, जाली जमीन, टिकट 85, मंदिरिका मंदिर
 भी जलहाली का स्थान, चबूतरा जिसमें एक प्रणाली पीपल का पेड़
 है व सीताक्ष्ण नं० 3 स्थित है। यह वादग्रस्त
 श्रम शुरू स्थित खड्ड खड्डा व पश्चिम स्थित
 समतल जगह। तब स्थित है। तथा दूसरा वादग्रस्त
 श्रम जिसको मैंने मान्यता से लाख शोभागर्भ की देखा
 व कफर 115 K L से सीमित बड़े प्रदर्शित कर
 दिया है, इस श्रम में एक हैंड पम्प, मीटर का फाल
 व एक प्रणाली हवन कुण्ड स्थित है जिसको वादीगण
 ने अपना बताया। इसमें मंदिरिकेत वादग्रस्त श्रम
 के मैंने लाख शोभागर्भ की देखा व कफर
 का व स द य से सीमित मंदिर का मंदिर
 में प्रदर्शित कर दिया है। इस वादग्रस्त
 श्रम में चबूतरा व मंदिर सुमिता मंदिर
 प्रणाली तथा कुछ पत्तों श्रम स्थित है जिसमें
 ब्रह्म के पेड़ पत्तों श्रम है स्थित है तथा
 चबूतरा के शुरू कोने पर एक पट्ट
 पक्कर नं० 4 भी स्थित है। इस श्रम
 का भी वादीगण ने अपना बताया। स्थान
 पर काफी भीड़ होने से बाह्य वादग्रस्त
 श्रम नं० 3 का वादग्रस्त श्रम नं० 1 से मंदिर
 नहीं जा सका। और इसी वादग्रस्त

61

108-1
25

14/3/12

श्री लं 3 के उत्तर जन्म श्री स्थित है
जन्म रिपोर्ट व तम्बू की मांग
श्री के समस्त अवलोकन के लिए प्रस्तुत है।

RECEIVED
14/3/12
THE HON. THE JUDGE
AT THE COURT OF THE DISTRICT JUDGE
AT THE DISTRICT JUDGE
AT THE DISTRICT JUDGE
AT THE DISTRICT JUDGE

8-11-89
दिनांक 8-11-89

www.vadaprativada.in

कल प्रतिनिधि
1/4/12
कल प्रतिनिधि
कल प्रतिनिधि

62
Annexure A-12

Annexure-P12

ANNEXURE - 30

In the Court of Civil Judge Fyzabad

Regular Suit No. 420/89

Mr. Gopal Das etc. ... Plaintiffs

Versus

Vishwa Hindu Parishad ... Defendant

REPORT AMIN

Sir,

I reached on spot on 6.11.89 at about 8.30 a.m. after giving notice to the counsel of plaintiff according to your order. Shri Ranjeet Lal Vama advocate was present on spot. Defendant or his any worker was not present there.

I inspected the disputed property with the help and identification of plaintiff's counsel and prepared a map on scale of 1" = 2 Gatha which is part of my report.

Disputed property with boundary has been shown in map after measurement. Way has been marked with arrow mark in map, which is made by bricks. This is situate towards east and north of Sri Ram Janam Bhoomi temple.

.../-

63

-: 2 :-

I have demarcated the disputed land by red ink and by letters A B C D E F G H I and M J K L and other disputed land by red ink and by letters Aa Ba Sa Da Ya, On identification of plaintiff's counsel and with the help of map attached to the plaint

Plaintiffs 1 and 2 has a tin shed on old bricks wall in the disputed land. There exists one "Pekar" tree. There is an old bricks boundary wall on letter I H. This disputed land consists of Sita Koop temple, open land, tin shed, sthan of Mahant Dwarika Das Phalhari, Chabutra where an old "Pipal" tree exists and Sita Koop no.3 exists. The other disputed land which I confined with red ink and by letter M J K L on the map, carries in it Hand pipe, Neem tree one old "Hawan Kund" which was claimed by plaintiff as their own. Besides this, disputed property NO.3 was also confined with red ink and by letters Aa, Ba, Da, Sa Ya in the map. Here exists chabutra and old temple Sumitra Bhawan and some parti land. There exists a Pillar stone No.4 towards eastern corner of temple. This land was claimed by plaintiffs their own.

.../-

64

-: 3 :-

Due to heavy rush on spot disputed spot No.3
could not be attached with spot No.1 by
measurement and there is situated Mandir Janam
Bhoomi towards north of spot No.1.

Report and map submitted to your
honour.

Uma Kant Malviya
Court Amin
Civil Court, Faizabad

8.11.89.

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www.vadaprativada.in

IN THE COURT OF THE HON. MR. JUDGE

PRESENT: SHRI A.K. SINGH, M.L.S.

CRIMINAL REVISION NO. 49 OF 1982.

Dharam Das vs. Abhiram Das.....Revisionist.

Vs.

Sri Poon Bama and Nirochi Ahir

through

Ram Kewal Das and 2 others.....Opposite party

JUDGMENT.

This is an application in revision against the order dated 6.3.82 passed by the City Magistrate, Faridkot, in a case under Sec. 497 Cr. P.

On the facts of the case, the learned Magistrate was satisfied that there was an apprehension of breach of the peace and a preliminary order dated 15.2.82 was passed against the revisionist and the respondent no. 2 to show the written statement. Subsequently, the respondent no. 1 moved the court for his impleadment which was allowed. The respondent no. 1 objected against this order on the ground that the learned Magistrate had no jurisdiction to implead or to bring on record a person who was not a party to a dispute which gave jurisdiction to the Magistrate. The impleadment of party no. 1 is beyond the purview of the case under revision and would give rise to complicated question of title of the present proceedings. The learned Magistrate did not apply his mind and passed an absolutely incorrect order.

2.

I have heard the parties present. I do not find any force in this revision. The case of Ganga Singh v. Mohammad Shah Khan, 1976 Cr.L.J. 357 is a direct authority on this point. It says that where the Magistrate after issuance of the preliminary order, gets information that some other person to whom the order was not originally directed is also concerned in the dispute, the impleading of such a person as a party cannot be said to be beyond the jurisdiction of the Magistrate. The impleadment cannot be deemed to have changed the nature or character of the preliminary order. Further, it is also in the interest of justice and necessary for avoiding multiplicity of proceedings to let every person who claims to be concerned in the dispute to have an opportunity to put forward his claim. Mere delay in applying for impleadment cannot be a ground to refuse impleadment. The respondent no. 2 had moved an application in the court below for impleadment claiming to be owner in possession over the subject matter of dispute. He was, therefore, very much concerned person and was rightly impleaded.

Order

The revision is dismissed with costs.

JUDGMENT signed, dated and pronounced in open court

Sd/- K.K. Singh

(K.K. Singh)

Adl. Sessions Judge,
Faizabad.

पतिनिर्णय
22/07/83

67 - 68

Annexure-P14

ANNEXURE - 32

IN THE COURT OF THE IV ADDL. SESSIONS JUDGE, FAIZABAD.

PRESENT: SHRI K. K. SINGH, H.J.S.

CRIMINAL REVISION NO. 60 OF 1982.

Dharam Das Chela Abhiram Das.

Revisionist.

Versus

Sri Panch Rama Wandi Nirmohi Akhara

through

Ram Kewal Das and 2 others.

Opposite parties.

JUDGMENT

This is an application in revision against an Order dated 6.3.82 passed Sri Shree Patgi, the then City Magistrate Faizabad, in a case under Sec. 145 Cr. P.C.

On the report of P.S. Ayodhya the learned Magistrate was satisfied that there existed a dispute and there was an apprehension of breach of peace. A preliminary order dated 18.2.82 was passed requiring the revisionist and the respondent No. 2 to submit the written statement. Subsequently, the respondent No. 1 moved the court below for his impleadment which was allowed. The revision is directed against this order on the grounds that the executive Magistrate has no jurisdiction to implead or to bring on record a person who was not a party to a dispute which gave jurisdiction to the Magistrate. The impleadment of party No. 1 is

....2

is beyond the purview of the case under revision and would give rise to complicated question of title in the present proceeding. The learned Magistrate did not apply his mind and has made absolutely incorrect order. I have heard the parties present. I do not find any force in this revision. The case of Gange Singh Vs. Mohammed Shah Khan, 1976. Cr.L.J. 357 is a direct authority on this point. It says that where the Magistrate after issuance of the preliminary order, gets information that some other person to whom the order was not originally directed is also concerned in the dispute, the impleading of such a person as a party cannot be said to be beyond the jurisdiction of the Magistrate. The impleadment cannot be deemed to have changed the nature or character of the preliminary order. Further it is also in the interest of justice and necessary for avoiding multiplicity of proceedings to let every person who claims to be concerned in the dispute to have an opportunity to put forward his claim. Mere delay in applying for impleadment cannot be a ground to refuse impleadment. The respondent No. 2 had moved an application in the court below for his impleadment claiming to be owner in possession over the subject - matter of disputed. He was, therefore, very much a concerned person and was rightly impleaded.

ORDER

The revision is dismissed with costs.

13.5.93

Sd/- K.K. Singh
IV Addl. Sessions Judge,
Faizabad.

JUDGMENT signed, dated and
pronounced in open court today.

Sd/- K.K. Singh
IV Addl. Sessions Judge,
Faizabad.

13.5.83.

Q. Now, you said that you were not sure whether or not you saw the man who was shot, is that right?

100-443887-100

मार्ग ७ - १० - ३२

10/10/19

[illegible]

[illegible][illegible][illegible][illegible]

10

10/10/10

ਪ੍ਰਮਾਣਿਕਤਾ ਦੇ ਸਿੱਟੇ ਦੇ ਅਨੁਸਾਰੀ ਹੋਵੇ

प्रमाण की प्रशंसा के लिए - अतिरिक्त २ पंक्तियाँ

and at that time she was married.

at the plant

उपहृत सन्मन्त्र १ उपहृत ३४१ विष्णु त्रैलोक्य सन्मन्त्र

६- इससे श्री ००१/१०६ मिली है। अ. उपर्युक्त यथास्थिति में है।

सं. हाकिमीत १ एपात ५२ जत पुर्वी पांढरी से जत

ਅਸੀਂ ਆਪਣੇ ਅਰਥ ਅਤੇ ਸਮਾਜ ਦੇ ਹਿੱਸੇ ਵਜੋਂ

354 12/10/21

दशनाथजी के लिए विशेष श्रद्धा

_____ x _____

प्रा. राजनीत ५२ म जल स्रोत नदी जे सह्यद्रे हिमनदी
जे अक्षा १०° ३०' उत्तरात जे सायबेरीया प्रा. राजनीत

2. ਮੀਰ ਦੀ ਕੀ ਸਿਰਜਣਾ ਨੇ ਸਾਡੇ ਮਨ ਨੂੰ ਖੁਸ਼ਮਾਸ਼ੂਮ
 ਕਰ ਦਿੱਤਾ ਤੇ ਅੱਜੀਕਲ ਸਾਡੀ ਰਚਾਰੀ ਪਾਉਂਦੀ ਹੈ ਜਾਂ ਨਹੀਂ

२३-६ ३६६६६ २२२२२ १११११ १११११
 २३-६ ३६६६६ २२२२२ १११११ १११११

हमारा शासक आदि- १ एलिस रिसेन्ट २। नि यान्ही ३।

यही है। यह जनजाती प्रतीति की सेवा दान शा

आदि सामने खींचने से भटक रहे नारायणजी से

आपका धन कष्ट से घिरा है अपने आगे

[illegible]

एकत्रिंशत् अन्तर्गतं २ विर - यदा प्रागर्तं बह्व

नदी जागह और न नदी के जलवाही नदी

नाम : सखीद चौधरी है इसके अलावा सखी

35 वी चमत्काराचा तर्क हे । अतः जगव्याप्तीचा तर्क

१. गान्धारी शरीर वाचने
 २. गान्धारी शरीर वाचने

पञ्चदशमागने गालो ह सखनरुई जि
पञ्चदशमागने गालो ह सखनरुई जि

[illegible]

1- निम्नानुसार गोबली में की जायदाद पद 4000 से होगी.

महाराष्ट्र शासन, न्याय विभाग, मुंबई

अनुसूचित जाति विभाग

१०८

Please put money into the

Donation box for the aid of

the temple receiver,
H.H. N. on ...

[illegible]

मिलणू जेजाणू

[illegible]

1

www.vadapratiivo

www.adaaplan.ru

[illegible]

अचल से निपुण विद्वान्
(बौ० बौ०. एवम्)

[illegible]

(~~Werbung~~ ^{sa} ~~zu~~ ~~Werbung~~)
~~10.000~~
~~10.000~~

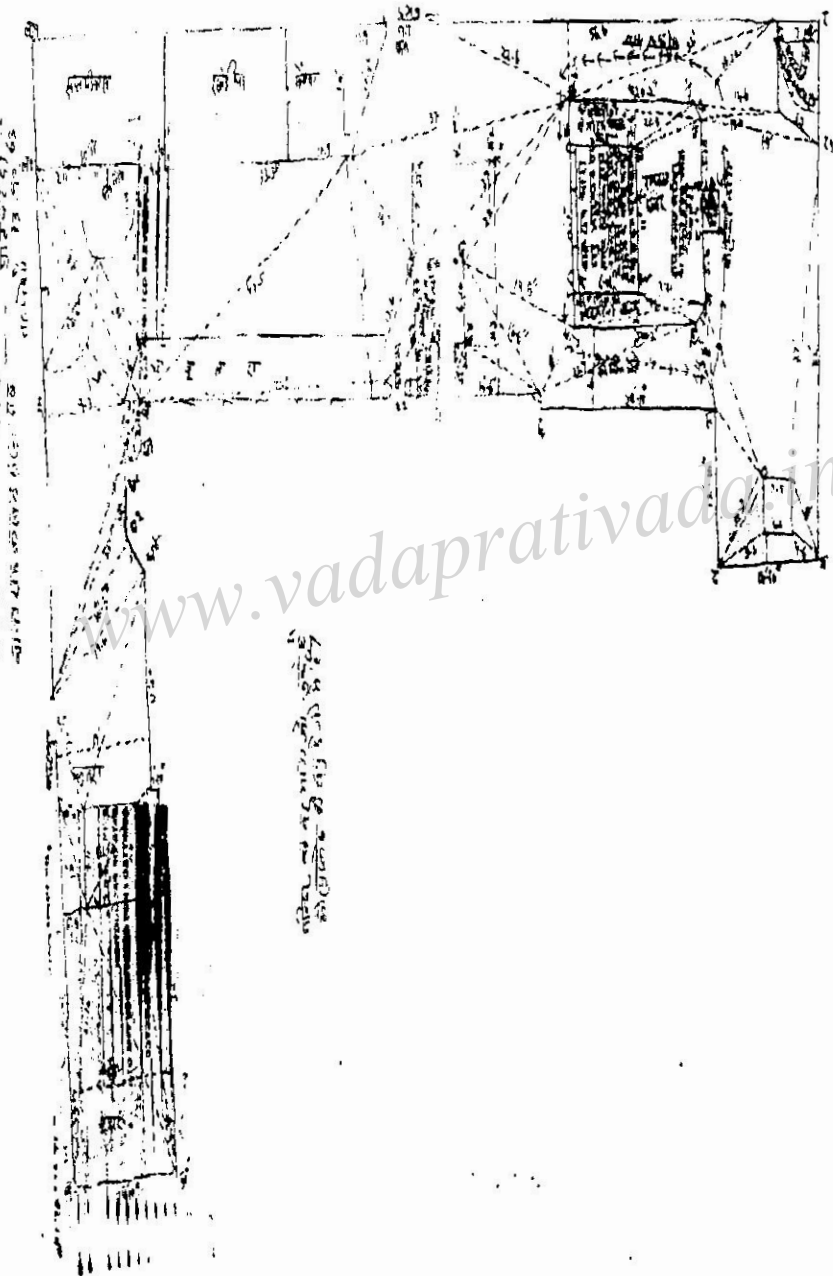
Form 92-10-6256
Ex C-8.

Chief } - Responsible
 Command } to
 Council }

[Handwritten notes:]

Not sent
The
giveness
corn & dandelion
of dandelion
Dr. J.

1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12



Annexure-P16

83
Annexure A/16

ANNEXURE - 36

Copy of report Commission in the Court of
Civil Judge, Faizabad Reg. Suit No.9/1973 AD
Nimohi Akhara vs. Ram Lakhan Saran.

REPORT COMMISSION

I after receiving the Commission Order
in the above noted case after information to
parties served visited on spot on 22nd August
26th August and 16th September, 1973. The learned
counsel of parties sarvshri Ranjeet Lal Vama
and Ram Chander Vama were present on each day
on spot before when the work of Commission was
commenced and whatsoever they pointed out was
mapped. Prepared site plan of disputed temple
after measurement which is prepared on scale of
1" = 10' and is annexed with report.

Parties counsel have requested to note
down the contents of sign board and other contents
on wall of the temple. I have marked with
letters Aa, Ba, Sa, Pa, Yaa, Ra La and Vaya
by pointing it in my map which I prepared totally
on request of parties counsel. Temple lies
towards west from spot Ba, Ba, which is attached
one and is in custody of Police.

.../-

84

- 2 -

Then exists a tree towards east from spot Ya and there easily a pudca chabutra towards east of it. The root of Yada tree is enlarged from letter Ya upto the Chabutra. There exists another pudca chata chabutra adjacent to this chabutra towards north east corner which is 9' in length and breadth. An iron rod is affixed in its central place which is seven or eight feet in its height. It was said by both the parties that it is made for hosting flag. Depo-
nent Counsel has said it was made by Deponent for Shri Ram Bajan and puja.

There exist a Neem tree towards north from letter Ra which is comprised with a Chabutra also. A bamboo fence hut has been made towards east of the Chabutra after leaving fan of 1'-6" and there is an open door of Tattar towards north. There are deities of Bhagwan Shankar, Parvatiji, Ganeshji, Swami Kartikayaji, Nondeswara 'H' Awdeswara Nathji installed on this chabutra. plaintiff has said it to the temple of Shri Awdeshwarnath 'H'. There is one more chabutra who was north West from this place which is shown in the letter Ka, Kha, Ga, Gha, Cha. This

.../-

85

- 3 -

chabutra is above two and five inch height from the level of the land. This chabutra is tilted towards south which has been shown in the map Ta, Tha, Da, Dha. This chabutra Ta, Tha, Da, Dha carried a tulsi tree. Parties have said it to be the Tulsi Thara. This is above the height level by 3' 4" chabutra Ka, Kha, Ga, Gha. Ga, Gha is divided into four parts first part is Ta, Tha, Pa, Da, Ma, Ga, Gha which is open. Second part is Ta, Pa, Tha, Pa which has three doors opening towards north, all the three doors are made of Marble stones. The plaintiff has said to be it to the temple of Shri Ram Lal of Shri Ramjanam Bhagani, it consists of child unage of four brothers with several suli gram Bhagwan with other unage sitting in a silver throne. There is also image of Hanumanji. There are two round chabutra towards east and west of it which is shown in the map they are used for sheet of pujari and used it by climbing for an entry to the temple. This temple is surrounded by bamboo tatter by the three side and is blocked from the above. The other east and west part of Shri Ram Lalaji temple is open to sky. There is a cave from the

.../-

Figure :-

level of the land under the chabutra. The custom cave is shown in the map from letter Pa, Cha, Pa and the western cave is shown by the letter Ea, Eee, Da Ka. The plaintiff have indicated as Shri Ramjanam Bhoomi and Shri Ramji installed on the lap of Shrimati Kausaliya ji and said the western cave to Shri Ramjanam bhoomi temple where Bharat ji, Shatrughanji alongwith the charan paduka of Bhagwan Ram is installed. Worshipping after taking Darshan of Shri Ram Lal Mandir and after taking Darshan of deity installed into the cave takes round the whole chabutra marked by letter Ka. Kha. Ga. Cha, Ch, Cha. There exist a Akhand Kirtan chabutra towards the north of Ram Lalaji temple where worshipping used to discharge kirtan round the clock, this chabutra is shown in the map by letter Ka. Ka2. Ka3 and Ka4. I have shown in my map by letter Kha1, Kha2, Kha3, Kha4 towards west of the chabutra has been indicated by the plaintiffs as Bhaitaka but Respondent has said to Uddan throne. There is a village lamp (Deepak) which is between the wall and chabutra which is enlighten and the flame is covered

-: 5 :-

by a Jan. Diffis said to be a Akahndajyoti.

Thome is made of udden. The eastern and southern part of kirtan chabutra has said above it which is shown in the map by dotted line and is indicated by letter Ka1. Ga1. Ga2, Ga3.

Partles got jotted the existing articles present in the thome, it contains in it to calendar photograph just one of Hanumanji and second is Ram Panchyat or Ram Darbar. There are two glass photograph. One of Ram Darbar and other are cheeld unage of Bhagwan Ram Lalai, beneath the two calendar photograph. There is a time place watch in udden age near this photograph.

There are three glass photographs beneath the watch the fixation containings Chare Cham in it, the first second and contains the cheeld image of Bhagwan Ram and the third one is written Sita Ram and there after exist Akahndajyoti in front of it which have been described as above. There is a sign board above the thome with the following description Akahnd Kirtan is continuing here since 1949 anybody wants to give donation for cooperation of Akahnda Kirtan must receive receipt organiser Baba Ram Lakhan Saran Shri Ram Janam

.../-

88

-: 6 :-

Bhoomi Ayodhya.

Nirmanjan Sign Art.

Other Plaintiff have said the above board has been newly installed the above thome is put towards south of the main gate of the attach the disputed temple. There exist a big door towards east of Shri Ramanjan Bhoomi there exist three big rooms towards north of this main gate which have been made from the bamboo clamps and the tin shade.

The western wale of Sant Nivas is made of bricks but these bricks are not mortered. The southern room was said as drying room of plaintiff, the middle room as kitchen and the northern room is Sant Nivas. The plaintiff has asked to note down the plank chair boxes existing in southern room which also contains a water lap. This southern room has its opening door towards south and the middle kitchen has its opening towards south and the northern room. Sant Nivas open towards east. There exist an old Neem tree toward west of Sant Nivas and has a pakka chabutra beneath it for sitting and relaxing.

There is water tape connection towards

.../-

-: 7 :-

north West of Gint Nivas which is shown in the map by letter Ra, Wa at the distance of nine feet from it. There exist a round chakutra towards east of this water tap which is shown in the map dash point and ash point lie. There exist a gate from place La.1 towards West at a distance of 41 feet which remained close in my three visits. There is a thach sloping towards east from the wall Ra, Ba which is 6'-9" in breadth from east to West. There is a Bail tree touching this thach towards east. There is a chakutra existings towards east from this Bail tree which is said to be Kaushaliya Regayee or Chati Rajan sthan. This chakutra contains cooking fire place chauka, Bala and four foot prints cooking fire place lies at a distance of 1' 11" from the Western corner of the chakutra and from this place exist chakari Balina towards, east at a distance of 1' 6" and foot prints is situated at a distance of 1' 8" from cooking fire place all the duties installed and available sign board and donation boxes etc. cannot be shown in the map. Therefore all the above details have been given above map is made on scale. On my first

.../-

visit the parties have requested me to indicate all the window existing in the wall Wa, Pa, Ra in the map but on my next visit they did not tell me to show the window in the map. There are each window in the wall Da1, Da2, Da3, Da4. After the measurement, the parties made a request to me the inscription found in donation box on throne and on wall. The northern wall of the temple which is shown in the map Wa, La and towards West wall from the gate, the following inscription are available "Chatti Pujan Bhoomi Manager Ram Kewal Das Golki Nimohi Akhara Ayodhya. A tiny board with the following inscription hanging on the Bail tree towards West "Nimohi Akhara Shri Ranjanam Bhoomi. There exist the following writing on the western wall from Sant Nivas "spitting brushin, relieving are prohibited Golki Ram Kewal Das Nimohi Akhara Janam Bhoomi Ayodhya.

Deff. has laid that writing on wall have been written within two or three days the western door of Sant Nivas is made of Udden, a board is affixed on it and similarly a board is also installed on the southern tattar or kitchen room both of these boards depicts "Nimohi Akhara Shri

.../-

-: 3 :-

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Ram Janam bhoomi Manager Shri Ram Kewal Das
Golki.

A donation box is kept near the temple
of Shankarji and Parvatiiji which is shown in the
map at letter Ra has the following inscription
"Organiser Ram Kewal Das Golki Nimochi Akhara
Shri Ayodhyaaji. There exist two big boards above
caves situated towards East and West of Shri
Ram Lala Mandir which depicts as "Special information
Manager" God Gurnate Maryada Purnashoktan Shri
Ram Chanderji at the fourth stage of Preta Yug
took incarnation here as this holy place of Shri
Ram Janam Bhoomi. He conducted his onfield hood
alongwith his brother Bharat, Lakshman and Shatrughan
and that time this pleasant place of Ramjanam
Bhoomi was like a big place. Hindu in a lighten
rallient king Vir Vikramaditya had constructed
this magnificent temple Shri Ram Janam Bhoomi
of pious place on the black marble pillars prior
to a centry back it is said that this magnificent
palace was equipped with a Shikhar having seven
colour which was denominated for fulfilling the
wishes of Fokeer Fazal Abbas Jalal Shah by
Emperor Babar. Since then the Hindu community

.../-

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made several invasion for attainment of their
Astadar Bhagwan Shri Ram and Shri Ram Janam Bhoomi
during the time of British rule and many seen
fire their lifes Nimohi Akhara in its own leader-
ship had already obtained right of Puja path
worship since prior hundred years ago. The
Government has taken some part of it is under its
custody after attachment finding a dispute between
Hindus and Muslims in the year 1952. A civil
case is being continued by the sarveshkar of
Nimohi Akhara Shri Rameswar Das in the court
of Civil Judge Faizabad it is therefore requested
to all people to donate after receiving receipt
here for the protection of Hindu religion, for the
worship of Deity and for the service of Sadhus Saints
and for the help of the suit.

P S Nobody goes out side from here to
ask for donation therefore beware of
such person. Note it send donation on
this address:

Mahant Shri Rameshwar Dasji
Shri Ram Janam Bhoomi
Nimohi Akhara, Shri Ayodhya
Distt. Faizabad (UP)

.../-

Please take Darshan of Shankar Bhagwan
behind the temple.

Naranjan

The following information is depicted
on a board towards west side of temple Ram Lalaji:-

Be Victorious Shri Ram Janam Bhoomi.

The gentleman who wants to donate for
the temple and for the help of four brothers and
after donation may take receipt from the Pujari
sitting adjacent to Deity.

Address for sending help:-

Manager Mahant Rameshwar Das

Nirmohi Akhara Shri Ram Janam Bhoomi

Shri Ayodhya Ji.

Please take Darshan of the deities
undemeanly.

Important Notice.

May the great glory of the Ram Janam Bhoomi
shine and spread far and wide.

Gentleman and women who are desirous to
make charitable donations and give alms in aid
of Raj Bhog (For service and decoration) and

.../-

-: 12 :-

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pending cases of Ram Janam Bhoomi temple are requested and advised to present the above mentioned donation and give to the Lotus feet of the four brothers and take receipt on the very spot from Pujari just sitting near Bhagvan. The address for sending aho and donations given below:-

To the Yeyasthapak Mahant Rameshwar Das
Shri Ram Janam Bhoomi Mirmohi Akhara Ayodhya
Faizabad (U.P.)

Please have the Darshan of Bhagvan below also:-

Eastern cave lying adjacent to temple
Ram Lalla ji case temple has the following ins-
cription:

Kaushilya ji ki Gode Main Shri Ramji
Virajman and below in on the boarder of marble
chacepkhat in following inscription Ate Prashn.

Charan Das Pujari Siya Ragho Saran.-

Below the temple Ram Lalla a stone up
the following is inscribed Subhag Suy Seantiyu
Kaushilya Richer Ram Shishu Gode Liye.

.../-

Chenna Sewak Pujari .Diya.

Ragho Saran Shri Ram Janam Bhooni

On S1 wall towards west of Ram Lalla Temple there is kept a donation box depicting words as below;

Shri Ram Janam Bhooni

For Bog Rag of Temple in aid to Govt. put donation of Rupar etc. in the donation box.

K.K. Ram Varma

(Govt. Receiver)

There is a Board towards north of this donation box with following words:

Jai Janam Bhooni Important Notice.

1. Extaine old disputed temple Shri Ram Janam Bhooni which is under iron bar in custody donate on the donator box put hanging on wall for Seva Puj a Bhog of Deity.

In aid of Shri Ram Janam Bhooni only donate in the donation box to earn external bliss.

2. so do not donate to anybody else and

.../-

no body is sent to ask any donation from here.

Therefore beware from Cheaters who may ask donation on the name of Janam Bhoomi.

Requested by

Receiver appointed by Court

K.K. The Varna

There exists another from towards North from this Board where it is written

"Jai Shri Ram Janam Bhoomi"

The Bhog Ram of Bhagwan Shri Ram Chanderji installed, signeto as inornate in this original extrane old Ram Janam Bhoomi are being performed from the money of donation box therefore Hindu persons are requested to give financial aid to this best of effort for the protected of Ram Janam Bhoomi and for the protection of Hindu

Requested by

Manager Shiv Ram

Janam Bhoomi.

*2 Shantiart"

Donation Box is kept towards north of this

.../-

Board depicting Put money to donate box and share eternal bliss.

3. Thus do not give to any body else on above name. Nobody is sent to ask donation outside.

Therefore Beware of Cheaters asking donation of Janam Bhoomi Temple.

Requested

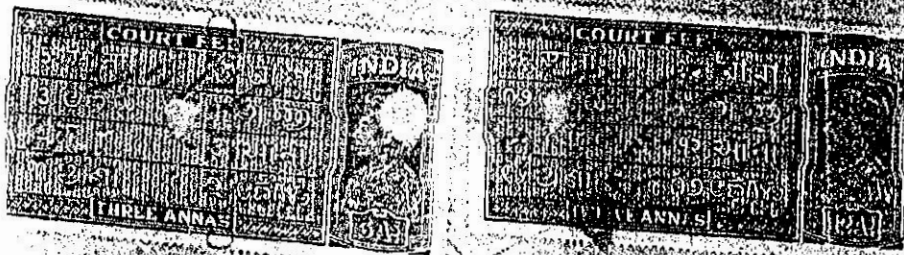
K.K. Ram Varna

Appointed Receiver from
Court.

Deff's counsel Shri Ram Chandra Varna gave an application on spot on 16.9.73 to the effect that measurement tap which was used on previous occasion is different from today so it may be rechecked. Therefore after rechecking measurement was corrected on his request.

There exists books and sweets shops outside the main gate towards north and south. Plaintiff has claimed it the shop of Nimohi Akhara.

All the things indicated by parties were made part of report and map. Report is installed.



राज्य

विपरीत

अमयराम दास तथा अन्य

विरुद्ध

अभियोग आदेश १४५ मन्व विधि संहिता के अनुसार
जिल्ला कथन श्री अमयराम दास की विरुद्ध

पेशी दिनांक २६ नवंबर १९७०



आदेश १ यह कि सूचना : नोटिस जो आदेश १४५ मन्व विधि संहिता के
वापसीन प्रवृत्ति हुई है वह अवैध तथा अमान्य है।

आदेश २ यह कि आदेश १ रुखिल सूचना : नोटिस जो विधि विरोध के
नाम न होने के कारण अवैध अमान्य तथा अमान्य है।

आदेश ३ यह कि सूचना दिनांक २६ नवंबर १९७० को प्राप्त होने के पूर्व तथा उसके
पश्चात् मन्दिार जन्म भूमि तथा स्वतः सम्बन्धित भूमि तथा भवन के विषय में
शान्ति मंग की आशंका रखता भवन तथा भूमि न हो रही तथा न हो जाने के कारण
आदेश १४५ मन्व विधि संहिता के अनुसार अवैध अवैध तथा अमान्य है।
आदेश ४ यह कि मन्दिार जन्म भूमि तथा स्वतः सम्बन्धित भवन व भूमि पर समस्त
१९३४ ई० से है बाद मतनुयायी हिन्दू मन्दिार को निरन्तर अधिकार पूजा की सुभा
उत्तरदायी तथा अन्य सहकारी मन्दिारियों के अधिकार तथा अधिकार विरुद्ध
अनुरूप रूप से जला जाता है अन्य विधि विरोध अवैध अवैध अवैध
विशेष आ मन्दिार अधिकार इस अवधि के भीतर नहीं रही है और न
सम्पत्ति है।

आदेश ५ यह कि जो जो व्यक्ति विशेष अवैध अवैध अवैध अवैध अवैध अवैध अवैध
कथन करते प्रतीत हो उनका अभियोग नै पुराना कानून अन्वय अवैध अवैध
या किन्तु ऐसा न होने के कारण समस्त अवैध अवैध अवैध अवैध अवैध
योग्य है।

आदेश ६ यह कि यह निर्दिष्ट विषय है कि विधि संहिता के अनुसार मन्दिार
व भवन निर्माण आदेश की सम्पत्ति है और उसपर उनका निरन्तर अधिकार
धिकार प्राप्त है।

धारा ७. यह कि सम्मत २००६ दिवसी के मूले से विवादास्पद मामला पर पुनरापेठ
राग नौग सुभा उत्तरवासी प्रतिवादी द्वारा उपचारित मामला सम्मत दिवस
जमता की सहायता से ~~सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ~~
से सम्मत होता है. ~~सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ~~

धारा ८. यह कि सम्मत १९९९ से सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ
नए आला जाता और ~~सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ~~
के भीतर उच्चर प्राचीन ~~सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ~~

धारा ९. यह कि अतिपक्ष दल ~~सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ~~
राजकीय कर्चासिग ने ~~सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ~~
दल को प्रयत्न किया. ~~सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ~~
की ओर अपात रहे. ~~सम्मत दिवस के मूले से विवादास्पद मामला पर पुनरापेठ~~
होगा और निषेध आता हो. प्रकृत, होगई

धारा १०. यह कि उपरिल कथितुहार समस्त कार्यवाही धारा १४५ दन्ड विधि सदि
वतुहार जो कीजारी है. यह संधा अतुचित व कथन है और निरस्त होना
बाहिर. मुक्त उत्तरवासी का नौगाधिकार पूर्वक समाप्त रहना चाहिए.

प्राप्ति : _____

वाधायमयारम धार

विपक्षी

दिनांक २६ दिसम्बर स १९९०

अधिवक्ता

15/5/92

TRUE COPY

Section Officer

Copying Department

High Court, Lucknow Bench

LUCKNOW



Annexure A-18

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ANNEXURE-34
C.A.N.

In the Hon'ble High Court of Allahabad

Lucknow Bench

COS No. 2-3

R.S. No. 12-11

Sunni Central West Board of U.S.

Vs.

Gopal Singh Wishedad and others.

In the Court of City Magistrate, Faizabad.

State-----

Verdict

Abdulla Ram Das and others.

OS.

Exhibits V/s 113 Cr. P.C.

Written statement on behalf of

Abdulla Ram Das

filed on 28-12-11

Para 1. That show cause notice V/s 113 Cr.P.C. is
illegal and improper.

Para No.2.

That said show cause notice is not addressed
to any person that is illegal irregular and not
pending.

Para 3.

That there existed no apprehension of breach of
peace with regard to the said temple Ganesh Thodni
and its connected land was construction even since
before the date of showcause notice nor there
exist after the show cause notice therefore a

.....2

proceeding "is ill and unnecessary".

Para 4 That since 1934 I.e. the answering defendant has vaishnav hindu is continuing in possession as Pujari regularly alongwith co-Pujari and other Sampradaya was not in possession nor in possession.

Para 5 That those person or sampradaya who were asserting there possession are necessary parties to the proceeding but it is not show therefore the whole proceeding is illand and deserves to be rejected.

Para 6 That it is undisputed subject that some other land construction from the disputed property belongs to Nirmohi Akhara as the owner and they are in peaceful possession over that property even to day.

Para 7 That the answering defendant as Discharging wife, Part, Raj, Boor, is the disputed temple prior to Samvat 2006 Vikram with the aid of the General Hindu and specially with the aid of the Vaishnav Sect of Hindus.

Para 8 That no mohamedans have ever entered over the disputed land since 1935 I.D nor any mohamedan have discharge prayer to God during this period.

Para 9 That due to the conclusion of some relatives and arrogant mohamedans some state employee attempted to let them enter into the temple and have also

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: 3 :

attempted to get remove the deity installed the temple but they failed in their mission due to institution of Civil suit in the Court of Civil Judge where injunction is operating.

Para 10 That all the aforesaid proceedings W/s 195 Cr. P.C. one illegal and improper deserves to be rejected and the deity to be restored to his possession as before.

SD/- Magistrate

With Reference to 195 Cr.

195 Cr. 195 Cr. 195 Cr.

True Copy

12-3-92 Section Officer

SD/- Illegible

Coping Dept High Court,

Lucknow Bench Lucknow.

Seal.

ॐ
* जय श्री राम *

श्री राम जन्म भूमि न्यास

गठन

एवं

आय-व्यय विवरण

10/1/89

10/1/89

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दिनांक 15 मार्च, 89

प्रमुख कार्यवाही

संयुक्त श्री राम न्यास (श्री हनुमान न्यास)

दशरथपुरम्, तिथर-5

पत्र नम्बर-110022 (मुद्रांक-5/10/89)

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श्री राम जन्मभूमि न्यास, गठन एवं आय-व्यय विवरण

मार्गशीर्ष मास शुक्ल पक्ष की तृतीया विक्रम सं० 2041 को धर्म स्थान मुक्ति यज्ञ समिति द्वारा लखनऊ (लक्ष्मणपुरी) में आयोजित विराट सभा में पूज्य जगद्गुरु श्री रामानन्दाचार्य श्री शिवरामाचार्य जी को अयोध्या स्थित श्री राम जन्म भूमि सुपुर्द करने का जनता द्वारा निर्णय किया गया। जिससे उस स्थान पर विराजमान भगवान श्री राम की सेवा पूजा तथा वही स्थित श्री रामजन्म भूमि मन्दिर का जीर्णोद्धार एवं पुनः निर्माण होकर सुचारु रूप से व्यवस्था सम्पन्न हो सके। तदुपरान्त आषाढ मास के शुक्ल पक्ष की त्रयोदशी सं० 2042 विक्रम को धर्म स्थान मुक्ति यज्ञ समिति ने प्रयाग में आयोजित अपनी बैठक में यह संकल्प किया कि पूज्य जगद्गुरु श्री रामानन्दाचार्य श्री शिवरामाचार्य जी को यह अधिकार दिया जाये कि इस धर्म के निष्पादन में सहायता एवं सलाह हेतु वे एक न्यास की योजना-विधि बोधना एवं स्थापना कर दें।

अतः उन्होंने मार्गशीर्ष मास के शुक्ल पक्ष की सप्तमी तिथि विक्रम सं० 2042 को श्री अयोध्या जी में श्री राम जन्म भूमि स्थल पर विराजमान भगवान श्री राम मन्दिर के न्यास और न्यासीगण की नियुक्ति का बोधना-मंत्र जारी किया जो दिल्ली में सब रजिस्ट्रार के न्यायालय में क्रमांक 16510 पर दिनांक 18 दिसम्बर, 85 को पञ्जीकृत किया गया।

पूज्य जगद्गुरु जी ने यह भी इच्छा प्रकट की कि यह श्री रामजन्म भूमि मन्दिर देश-विदेश के समस्त हिन्दुओं का प्रेरणा तथा श्रद्धा स्थान है और केवल श्री रामानन्द सम्प्रदाय की ही नहीं है। अतः इसमें केवल श्री रामानन्दाचार्य सम्प्रदाय के ही मानने वालों को न राजकर इसका अविष्टान-आपत्त बनाना जाये। इस दृष्टि से उन्होंने स्वयं को मिलाकर वस प्रमुख निम्नलिखित न्यासी बोधित किये। यह बोधना धर्म स्थान मुक्ति यज्ञ समिति की लखनऊ बैठक में आयोजित मास के शुक्ल पक्ष की तृतीया विक्रम

संवत् 2042 को की गई। इनमें सात प्रमुख धर्माचार्य और हिन्दू समाज के तीन लब्ध प्रतिष्ठित नागरिक हैं।

1. पूज्य जगद्गुरु श्री रामानन्दाचार्य श्री स्वामी शिवरामाचार्य जी महाराज।
2. पूज्य जगद्गुरु वरिष्ठ शंकराचार्य ज्योतिष पीठ श्री स्वामी शान्तानन्द जी महाराज।
3. पूज्य गोरक्षपीठाधीश्वर श्री महन्त अवेद्यनाथ जी महाराज।
4. पूज्य श्री महन्त नृत्यगोपाल दास जी महाराज, श्री मणिराम दास जी की छावनी, अयोध्या।
5. पूज्य प्रतिवादी भयंकर श्री महन्त परमहंस रामचन्द्र दास जी महाराज, श्री दिगम्बर अखाड़ा, अयोध्या।
6. पूज्य सन्तप्रवर श्री प्रभुदत्त जी ब्रह्मचारी महाराज।
7. पूज्य महन्त श्री रामकेवल दास जी महाराज, निर्मोही अखाड़ा, अयोध्या।
8. श्री विष्णुहरि जी डालमिया, नई दिल्ली।
9. श्री अशोक जी सिंहल, नई दिल्ली (विश्व हिन्दू परिषद के केन्द्रीय सैक्रेटरी जनरल)।
10. श्री दाऊदयाल जी खन्ना, उ० प्र० (स्वतंत्रता सेनानी एवं पूर्व स्वास्थ्य मंत्री उ० प्र० शासन तथा मंत्री धर्म स्थान मुक्ति यज्ञ समिति)

इसके साथ ही उन्होंने व्यवस्था दी कि वे न्यास के प्रमुख धर्मकर्ता श्री अशोक जी सिंहल प्रबन्धक और श्री विष्णु हरि जी डालमिया कोषाध्यक्ष रहेंगे। प्रबन्धक एवं कोषाध्यक्ष न्यासीगणों के अनुशासन एवं निर्देशन के अनुसार न्यास की देखभाल करेंगे।

न्यासी का स्थान रिक्त होने पर प्रमुख सहित प्रथम सात व्यक्तियों के स्थान को महात्माओं में से विश्व हिन्दू परिषद का मार्गदर्शक सम्बल मनोनीत।

करेगा और अन्तिम तीन के स्थान की पूर्ति भारत के विशिष्ट हिंदू नागरिकों में से विश्व हिंदू परिषद की केन्द्रीय कार्यकारिणी समिति करेगी।

उन्होंने यह भी घोषणा की कि उपर्युक्त दस न्यासीगणों के अतिरिक्त विश्व हिंदू परिषद का मार्गदर्शक मण्डल भारत के विभिन्न भागों से चार महारत्नाओं को मनोनीत करेगा जिसके अनुसार निम्नलिखित पूज्य धर्माचार्य मनोनीत किये गये :-

1. पूज्य जगद्गुरु श्री रामानुजाचार्य श्री स्वामी पुरुषोत्तमाचार्य जी महाराज, मुन्नीब किला, अयोध्या।
2. पूज्य बौद्धभिक्षु भन्ते श्री ज्ञानजगत जी महाराज, बौद्ध गया।
3. पूज्य जगद्गुरु श्री सद्वाचार्य श्री स्वामी विश्वेशतीर्थ जी महाराज, श्री पेजान्नर मठ, उडुपी, कर्नाटक।
4. पूज्य महन्त श्री रामविलास दास जी वेदान्ती महाराज, वशिष्ठ मठ, श्री अयोध्या (निर्वाणी अखाड़ा)

तथा विश्व हिंदू परिषद की केन्द्रीय कार्यकारिणी समिति भारत के दस विशिष्ट हिंदू नागरिकों को मनोनीत करेगी, जिसके अनुसार निम्नलिखित न्यासी और नियुक्त किये गये :-

1. श्री बट्टी प्रसाद जी तोषनीवाल, नई दिल्ली।
2. श्रीमंत राजमरता विजयाराजे जी सिन्धिया।
3. श्री श्रीशङ्कर जी दीक्षित, (उ० प्र० के पूर्व पुलिस महानिदेशक)
4. श्री शिवराय जी काटजू (उ० प्र० उच्च न्यायालय के पूर्व न्यायाधीश एक भारत सरकार के पूर्व गृहमंत्री श्री केशवराय जी काटजू के सुपुत्र)
5. श्री ओंकार जी भावे, (मंत्री श्री रामजन्म भूमि स्मृति यज्ञ समिति)
6. श्री देवकीनन्दन श्री अग्रवाल, (उ० प्र० उच्च न्यायालय के पूर्व न्यायाधीश)

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श्री हनुमान गढ़ी के पंच, पूज्य श्री महन्त अभिराम दास जी के सिष्य तथा अयोध्या के प्रसिद्ध पहलवान श्री धर्मदास जी श्री रामजन्म भूमि मन्दिर में स्थित श्री राम चबूतरा के कानूनी उत्तराधिकारी श्री सिया राघव शरण जी द्वारा नियुक्त किये गये हैं। श्री सिया राघव शरण निर्मोही अस्त्राडे से चल रहे विवाद में न्यायालय में जीत गये थे। श्री धर्मदास जी ने अयोध्या की विशाल जनसभा में यह घोषणा की कि वह श्री राम चबूतरे को श्री रामजन्म भूमि न्यास को सौंपते हैं। वे भी न्यासियों की बैठक में विशेष आमंत्रित हैं। उन्होंने श्री महन्त अभिराम दास जी द्वारा निर्मित श्री राम-जन्म भूमि पर स्थित कथा मण्डप को भी श्री रामजन्म भूमि न्यास को समर्पित कर दिया है ;

न्यास के दिन प्रतिदिन के कार्य का प्रबन्ध एवं संचालन धार्मिक विषयों में प्रमुख धर्मकर्ता के तथा सांसारिक व्यवहार में प्रबन्धक के निर्देशन और परामर्श के अनुसार किया जायेगा। न्यास की निधि की अभिरक्षा एवं सुरक्षा का उत्तरदायित्व कोषाध्यक्ष का होगा।

प्रारम्भिक व्यय की दृष्टि से प्रत्येक स्थायी न्यासी ने अपनी ओर से न्यास को अर्थ दान दिया। साथ ही आज्ञा दी कि न्यास की रसीदें अधिकृत व्यक्तियों को ही दी जायें। दैनन्दिन व्यय पूर्ति हेतु एक रसीद पूज्य श्री महन्त परमहंस रामचन्द्र दास जी महाराज, एक रसीद श्री अभिराम दास कथा मण्डप श्री रामजन्म भूमि, एक रसीद श्री रामजन्म भूमि मुक्ति यज्ञ समिति के मंत्री श्री ओंकार जी भावे तथा एक प्रधान कार्यालय में रखी गई।

प्रयाग में महाकुम्भ के अवसर पर आयोजित धर्म संसद में समस्त पूज्य धर्माचार्यों ने श्री रामजन्म भूमि न्यास द्वारा भारत के प्रत्येक ग्राम से समस्त ग्रामीणों द्वारा पूजित श्री रामशिलाओं को अयोध्या लाने के कार्यक्रम की पुष्टि की तथा भारत के सभी प्रखण्ड केन्द्रों में श्री राम महायज्ञ के आयोजनों में इन श्री रामशिलाओं के पहुंचाने एवं उनकी यात्राओं की निकालने में समस्त हिन्दू संगठनों तथा प्रत्येक सम्प्रदाय के महात्माओं से भरपूर सहयोग की अपील की। इस महान् मन्दिर के निर्माण हेतु भारत के प्रत्येक हिन्दू को कम से कम सप्ताह रुपया भेंट करने का संकल्प करना चाहिये ; जिससे हर हिन्दू गव से यह कह सके कि इस मन्दिर के निर्माण में मेरा भी योगदान है। यह कार्यक्रम शारदीय नवरात्रि के प्रथम दिन अर्थात् 30 सितम्बर, 89 से प्रारम्भ करके देवोत्थान एकादशी 9 नवम्बर 1989 तक चलेगा।

समयसमयमें यह भी निश्चित किया गया कि श्री रामजन्म भूमि न्यास की कठोर व्यवस्था में ही राशि के संग्रह करने का आयोजन हो तथा 30 सितम्बर के पूर्व श्री रामशिला पूजन एवं भेंट समर्पण के कार्यक्रमों का निषेध किया गया तथा प्रत्येक संत एवं समाज का हर व्यक्ति इस आदेश का कठोरता से पालन करे, ऐसा आग्रह किया गया। इस दृष्टि से हमारी समस्त धार्मिक जनता से प्रार्थना है कि किसी भी अनाधिकृत व्यक्ति को श्री रामजन्म भूमि मन्दिर के पुनः निर्माणार्थ किसी भी प्रकार से धन न दे। धन के लिए सवा रुपये, पाँच रुपये तथा दस रुपये के कूपन होंगे, उन पर श्री राम जन्म भूमि मन्दिर का प्रारूप, कूपन का क्रमांक तथा श्री विष्णुहरि जी डालमिया कोषाध्यक्ष के हस्ताक्षर अंकित होंगे।

दिनांक 27, 28 जून को हरिद्वार में आयोजित संत सम्मेलन में निश्चित किया गया कि यदि आवश्यकता होगी तो पूज्य श्री महन्त अवेधनाथ जी की अध्यक्षता में गठित धर्माचार्यों की पाँच सदस्यीय समिति को इन तिथियों के परिवर्तन का अधिकार होगा।

दिनांक 14 जुलाई, 89 को श्री दिगम्बर अखाड़ा, अयोध्या में आयोजित श्री रामजन्म भूमि न्यास की बैठक में यह भी निश्चित किया गया कि श्री रामशिलाओं के पूजन के प्रचार-प्रसार और उनकी अयोध्या दल्ला के भ्रम की अनुमति न्यास की एक उपसमिति द्वारा दी जावेगी जिसमें कोषाध्यक्ष श्री विष्णुहरि जी डालमिया, प्रबन्धक न्यासी श्री अशोक जी सिंहल तथा न्यासी श्री बद्री प्रसाद जी तोषनीवाल होंगे। यही उपसमिति तय करेगी कि प्रान्त-प्रान्त से एकत्रित धनराशि किस-किस राष्ट्रीयकृत अनुसूचित बैंक में वहाँ जमा की जावे।

दिनांक 1 फरवरी 89 को महाकुम्भ के संत महा सम्मेलन में पूज्य ब्रह्मर्षि श्री देवराहा बाबा ने सार्वजनिक घोषणा की कि श्री रामजन्म भूमि जहाँ है वही रहेगी और वही श्री राम का पवित्र मन्दिर अबस्य बनेगा। यह धर्म का कार्य है। आप सब धर्म की रक्षा करें। विश्व हिंदू परिषद श्री रामजन्म भूमि मन्दिर निर्माण का जो अभियान चला रही है उसे हमारा आशीर्वाद प्राप्त है। यह कार्य और संकल्प दोनों अत्यन्त सुन्दर हैं, ये अवश्य पूरे होंगे। सभी को उसमें सहयोग करना चाहिए। विश्व हिंदू परिषद के कार्यकर्ता मेरे आदेशों के अनुसार ही कार्य करते हैं। परिषद

रेरी आत्मा है, मैं परिषद का हूँ। विश्व के सभी हिंदुओं का मैं हूँ तथा सब मेरे अपने हैं। मेरा मंच जहाँ से मैं प्रतिदिन दर्शन देता हूँ विश्व हिंदू परिषद का ही मंच है।

न्यास की अयोध्या बैठक में यह भी निश्चित किया गया कि विशिष्ट सम्प्रदाय के आचार्यों से विशेष स्थान तथा विशेष अवसर पर श्री रामशिला पूजन 30 सितम्बर से पूर्व भी कराया जा सकेगा। अतः इसके अनुसार पूज्य देवराहा बाबा ने प्रयाग एवं वृन्दावन में, कांची काम कोटि पीठ के पूज्य परमाचार्य जी ने कांची पुरम में तथा ज्योतिष पीठ के वरिष्ठ शंकराचार्य श्री स्वामी शान्तानन्द जी महाराज ने श्री बदरिका आश्रम में तथा श्री राम महायज्ञ अयोध्या में लाखों की जनता के समक्ष श्री रामशिलाओं का विशेष पूजन कर भी दिया है।

नई दिल्ली के चाटर्ड एकाउन्टेन्ट श्री एम० वी० गुप्ता एण्ड कम्पनी द्वारा श्री रामजन्म भूमि न्यास के 31 मार्च 89 तक के आडिट किए हुए आय-व्यय का विवरण सर्व साधारण की जानकारी हेतु संलग्न है :—

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7

दिनांक 18 दिसम्बर 85 से 30 अप्रैल 87 तक का आय-व्यय खाता

आय	व्यय
	111C-1
	8
दान खाता 198030.85	छपाई एवं स्टेशनरी खाता 1146.25
भ्राज प्राप्त 661.25	मिश्रित व्यय 823.00
	भाड़ा/सवारी खर्च 1163.63
	बैठक खर्च खाता 989.50
	सहयोगी खाता 1,20,000.00
	(नीचे लिखा नोट देखें)
	बैंक चार्ज 244.35
	यातायात खर्च 3449.72
	नियोगी/कार्यकर्ता कल्याण
	खर्च खाता 3511.10
	डाक व तार व्यय 88.10
	वेतन खर्च खाता 7900.00
✓ कानूनी व्यय	3056.90
	अखंड पाठ खर्च खाता 5851.50
	कथामण्डप खर्च खाता 4249.25
	शरविन्द आश्रम
	खर्च खाता 3533.50
	पुस्तक एवं पत्रिकाएं 105.00
	साईकिल पर बिसाबट 192.00
	आडिट फीस 250.00
	आय का व्यय पर अधिक्त्य 42138.30
1,98,692.10	1,98,692.10

इसकी आयकर सारणी (रिटर्न) दिनांक 30 जून 88 को आय कर अधिकारी ट्रस्ट सर्किल 9 (3) नई दिल्ली में दाखिल की गई।

नोट :—

श्री अयोध्या जी में विश्व हिन्दू परिषद द्वारा श्री रामनवमी के दिन श्री राम जन्मोत्सव मनाने हेतु विश्व हिन्दू परिषद बिहार द्वारा साठ हजार रुपये तथा विश्व हिन्दू परिषद पश्चिम उ० प्र० द्वारा भी साठ हजार रुपये केन्द्रीय विश्व हिन्दू परिषद को भेजा गया था — यह 1 लाख 20 हजार रुपये की राशि बाद में विश्व हिन्दू परिषद पूर्व उ० प्र० को श्री रामजन्मोत्सव के व्यय हेतु भेज दी गई थी और यह राशि आय के अन्तर्गत दान खाते में और व्यय के अन्तर्गत सहयोगार्थ खर्च खाते की मद में दिखाई गई है। श्रीराम जन्मोत्सव का संपूर्ण व्यय विश्व हिन्दू परिषद (पूर्व उ० प्र०) ने किया था जिसमें वि० हि० प० (पश्चिम उ० प्र०) तथा वि० हि० प० बिहार ने अपना योगदान रु० 60 हजार भेज कर दिया था।

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दिनांक 1 मई 87 से 31 मार्च 89 तक का आय-व्यय खाता

111C-1.

आयकर कानून के नियमों के नये अनुसार (20 माह का खाता)

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आय	व्यय
दान खाता 54137.00	बैंक चार्ज खाता 163.15
ब्याज प्राप्त 3224.25	भाड़ा/सवारी खर्च 241.50
व्यय का आय	यातायात व्यय 1881.00
पर अधिक्य 2529.00	कथा मण्डप व्यय 9599.50
✓ कानूनी व्यय 27820.60	
	छपाई व स्टेशनरी 571.75
	आडिट फीस 500.00
	वेतन व्यय 13950.00
	नियोगी/कार्यकर्ता कल्याण खर्च खाता 319.10
	एकाऊन्ट लेखन व्यय खाता 400.00
	मिश्रित व्यय 2240.00
	अरविन्द आश्रम खर्च खाता 1990.65
	साईकिल पर घिसावट 213.00
59890.25	59890.25

31 मार्च 89 को 40642.35 रुपये न्यास के पास शेष थे जिसका व्यौरा निम्नलिखित है :—

1. बड़ौदा बैंक अयोध्या में स्थायी जमा	15000.00
2. कैनरा बैंक, नई दिल्ली के बचत खाते में	13884.50
3. बड़ौदा बैंक, अयोध्या के बचत खाते में	2960.40
4. बड़ौदा बैंक, लखनऊ के बचत खाते में	7386.80
5. घिसावट के बाद पुरानी साईकिल का मूल्य	172.00
6. श्री रोकड़वाकी-प्रधान कार्यालय में	1238.65

40,642.35

इस सम्बन्ध में कोई भी जानकारी प्रधान कार्यालय से की जा सकती है।

विष्णु हरि डालमिया श्री महन्त परमहंस रामचन्द्रदास अशोक सिंहल
कोषाध्यक्ष कार्याध्यक्ष प्रबन्धक न्यासी

प्रधान कार्यालय :— श्री रामजन्म भूमि न्यास
श्री संकटमोचन आश्रम, श्री हनुमान मन्दिर,
रामकृष्णपुरम, सेक्टर-6, नई दिल्ली-110022.
दूरभाष-678992,

SRIRAM JANMBHUMI CONSTITUTION OF TRUST AND
DETAILS OF INCOME-EXPENDITURE

In the grand meeting organized on Margshirsh Mas Shukla Paksh 3rd Vikram Samwat Year 2041, by Dharm Sthan Mukti Yagna Samiti at Lucknow (Laxmanpuri), the public has decided to hand over Sh. Ram Janmbhumi situated at Ayodhya to Sh. Jagadguru Sh. Ramanandacharya Sh. Shivramacharya Ji, so that Lord Sh. Ram placed at that place be worshipped and Sh. Ram Janmbhumi Temple be renovated and be re-constructed and arrangements be made in a proper manner. Thereafter, Dharm Sthan Mukti Yagna Samiti in its meeting held at Prayag on Ashad Mas Shukla Pakhs 13th Samwat Year 2042 (Vikram), has passed this resolution that this right be conferred upon Holy Jagad Guru Sh. Ramanandacharya Sh. Shivramacharya Ji that he may declare and constitute a trust as per the traditions for assistance and advise in execution of this religion.

Therefore, he has issued the declaration for constitution of temple of Sh. Ram situated at Sh. Ramjanmbhumi, Ayodhya Ji and appointment of its trustees on Shukla Paksha 7th Date Vikrami Samwat Year 2042, which was registered in the office of Sub-Registrar, Delhi at Sl. No.16510 Dt. 18th December, 1985.

Holy Jagadguru Ji has also expressed this desire of him that Sh. Ramjanmbhumi Temple is a place of

receiving inspiration and worship for all the Hindus across this country and world-wide and this place is not only for Sh. Ramanand Community. Therefore, not only be people belonging to Sh. Ramanandcharya community be kept, rather its establishment be made extensive. From this point of view, a declared under mentioned ten trustees including him. This declaration was made on Krishna Paksh 11th Vikrami Samwat Year 2042, comprising of 7 Chief Dharmacharya (Religious Guru) and 3 reputed personalities from Hindu Community:

1. Holy Jagadguru Sh. Ramanandcharya Sh. Swami Shivramacharya Ji Maharaj.
2. Holy Jagadguru Varisth Shankarachayar Jyotish Peeth Sh. Swami Shantanand Ji Maharaj.
3. Holy Gorakshpeethadheeshwar Sh. Mahant Avaidyanath Ji Maharaj.
4. Holy Sh. Mahant Nrityagopal Das Ji Maharaj, Sh. Maniram Das Ji Ki Chhawni, Ayodhya.
5. Holy Pratiwadi Bhayankar Sh. Mahant Paramhans Ramchandra Das Ji Maharaj, Sh. Digambar Akhara, Ayodhya.
6. Holy Sant Prawar Sh. Prabhudutta Ji Brahmchari Maharaj.
7. Holy Mahant Sh. Ramkeval Das Ji Maharaj, Nirmohi Akhara, Ayodhya.

8. Sh. Vishnu Hari Ji Dalmiya, New Delhi.
9. Sh. Ashok Ji Singhal, New Delhi (Central Secretary General of Vishwa Hindu Parishad)
10. Sh. Dau Dayal Ji Khanna, U.P. (Freedom Fighter & Ex. Health Minister, Govt. of U.P. and Minister, Dharm Mukti Yagya Samiti)

In addition, he has also provided that Chief Dharmkarta of trust Sh. Ashok Ji Singhal shall be Manager and Sh. Vishnu Hari Ji Dalmiya shall be the treasurer. Manager and Treasurer shall take care of the trust as per the supervision and direction of trustees.

In case the post of Chief Trustee up to first seven persons gets vacated then the board of directors of Viswa Hindu Parishad shall fill the same from among the Mahatmas and last three posts shall be filled by Central Executive Committee of Vishwa Hindu Parishad from among special Hindu citizen.

He has also declared that board of directors of Vishwa Hindu Parishad shall nominate four Mahatmas from various parts of India besides the above 10 trustees and accordingly under mentioned holy Dharmacharya have been nominated:-

1. Holy Jagadguru Sh. Ramanujacharya Sh. Swami Purshottamacharya Ji Maharaj, Sugreev Kila, Ayodhya.

2. Holy Baudhbhikshu Bhante Sh. Gyanjagat Ji Maharaj, Bodh Gya.
3. Holy Jagadguru Sh. Madhyacharya Sh. Swami Vishweshtirth Ji Maharaj, Sh. Pejawar Math, Udupi, Karnataka.
4. Holy Mahant Sh. Ramvilas Das Ji Vedanti Maharaj, Vashisth Bhawan, Sh. Adyodhya (Nirwani Akhara).

And the executive committee of Vishwa Hindu Parishad shall nominate 10 special Hindu citizens, accordingly, following more trustees were appointed:-

1. Sh. Badri Prasad Ji Todhniwal, New Delhi.
2. Sh. Mant Rajmata Vijayaraje Ji Sindhiya.
3. Sh. Sheeshchandra Ji Dixit, (Ex. Director-General of Police, U.P.)
4. Sh. Shivnath Ji Katju, (Retd. Justice of U.P. High Court and son of Sh. Kailashnath Ji Katju, Ex. Home Minister of Govt. of India.)
5. Sh. Omkar Ji Bhave, (Mantri Sh. Ramjanmbhumi Mukti Yagna Samiti).
6. Sh. Devkinandan Ji Agarwal, (Retd. Judge of Hon'ble High Court of U.P.)

Panch of Sh. Hanuman Garhi, the disciple of Holy Sh. Mahant Abhiram Das and famous wrestler of Ayodhya

Sh. Dharmdas Ji have been appointed by legal successor of Sh. Ramchabutra situated at Ayodhya Sh. Siya Raghav Sharan Ji. Sh. Siya Raghav Sharan have won the suit filed on behalf of Nirmohi Akhara. Sh. Dharmdas Ji has declared in a large gathering at Ayodhya that he hands over Sh. Ram Chabutra, Sh. Ramjanmbhumi to the trustees. He has also surrendered the Katha Mandap situated at Sh. Ramjanmbhumi constructed by Mahant Abhiram Das Ji over to the trust Sh. Ramjanmbhumi.

The management and operation of the day-to-day works of trust on religious subjects shall be carried out as per the direction of Pramukh Dharmkarta and its management relating to worldly affairs shall be carried out as per the direction and advise of Manager. Treasurer shall be responsible for security and safeguarding funds of the trust.

Each of the permanent trustee, from the viewpoint of preliminary expenses, shall donate money to the trust. In addition, it is ordered that receipts book of the trust be handed over only to authorized persons of the trust. For the purpose of day to day expenses, a receipt book be kept by Holy Sh. Mahant Paramhans Ramchandra Das Ji Maharaj, a receipt book be kept by Sh. Abhiram Das Katha Mandap Sh. Ramjanmbhumi, a receipt book be kept by Mantri of Sh. Ramjanmbhumi Mukti Yagna Samiti

named Sh. Omkar Ji Bhave and a receipt book be kept in the Head Office.

All Holy Dharmacharyas during the Dharm Sansad organized at Prayag on the eve of Mahakumbh, have confirmed the program of bringing Shilanayas from every village of India to Ayodhya executed by Sh. Ramjanmbhumi Trust and appealed before the various Hindu organizations and Mahatmas of the community for providing plenty of assistance in transporting these Sh. Ramshilas and taking out its procession from all the block centers of India to Sh. Ram Mahayagna. Every Hindu must pledge to give at least Rs.1.25/- for this great work of construction of temple, so that every Hindu may proudly say that he also has lent hand in construction of temple. This program shall run from first day of Shardiya Navratri, that is, from 30th September, 1989 up to Devotthan Ekadashi, that is, 9th November, 1989.

In the aforesaid Dharm Sansad it was also decided that program for collection of fund be organized under strict arrangement of Sh. Ramjanmbhumi trust and Sh. Ramshila Pujan (worship of Sh. Ramshila) and surrender of offering programs before 30th September was opposed and every saint and every person of society was requested to strictly adhere to this order. From this view point, all religious public are requested not to give any kind of money to any unauthorized person for re-construction of

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Sh. Ramjanmbhumi Temple. There shall be coupon of Rs.1.25/-, Rs.5/- and Rs.10/- for collecting money, which shall bear the layout of Sh. Ram Janmbhumi, Sl. No. and signature of Sh. Vishnu Hari Dalmiya, Treasurer.

It was decided in the meetings of saints on 27th and 28th June at Haridwar that if necessary, the Five member committee comprising of Dharmacharya presided by Holy Sh. Mahant Aavidyanath Ji shall have right to change these dates.

In the meeting of Sh. Ramjanmbbumi Trust held on 14th July, 1989 at Sh. Digambar Akhara, Ayodhya it was also decided that permission for propagation of worship of Sh. Ramshila and its expenses in transporting the same to Ayodhya shall be granted by a sub-committee of Trust comprising of Treasurer Sh. Vishnu Hari Dalmiya, Manager Trustee Sh. Ashok Ji Singhal and Trustee Sh. Badri Prasad Ji Toshniwal. This sub-committee shall decide that amount collected from various regions be deposited in which nationalized scheduled bank.

On 1st February, 1989, the Holy Saint Bhrahmrishi Sh. Devraha Baba of Mahakumbh has publicly declared in the Maha Sammelan that, "Sh. Ramjanmbhumi would be at the place where it is and sacred temple of Sh. Ram shall be certainly constructed". It is a religious work. You all are requested to protect religion. The drive which Vishwa Hindu Parishad is running for construction of Sh.

Ramjanmbhumi is blesseth by us. This work and resolution, both are extremely beautiful, which would definitely be accomplished. All of us need to provide our cooperation in this regard. The activist of Vishwa Hindu Parishad works only in accordance with my orders.

Parishad is my soul and I belong to Parishad. I am for entire Hindus of world and all Hindus are mine. The platform from where I daily give my appearance is the platform of Vishwa Hindu Parishad.

It was also decided in the meeting of trust held at Ayodhya that worship of Sh. Ramshila shall be got conducted from the Acharya, of Special Community at special place and on special occasion before 30th September. Therefore, accordingly, Holy Devraha Baba has performed worship of Sh. Ramshilas at Prayag and Vrindavan, Holy Parmacharya Ji of Kanchi Kaam Koti Peeth has performed worship of Sh. Ramshilas at Kanchipuram and Sr. Shankaracharya of Jyotish Peeth Sh. Swami Shantanand Ji Maharaj has performed worship of Sh. Ramshila at Sh. Badrika Ashram and special worship of Sh. Ramshilas was also performed at Sh. Ram Mahayagna Ayodhya in the presence of lakhs of people.

Audit of income-expenditure of Sh. Ramjanmbhumi Trust up to 31st March, 1989 by Chartered Accountant from New Delhi Sh. M.V. Gupta & Company is herewith attached:

Income-expenditure details from 18th December, 1985 up
to 30th April, 1987

Income		Expenditure	
Donation Account:	198030.85	Printing & Stationery:	1146.25
Interest Received:	661.25	Miscellaneous Expenses Fare/travel expenses	
		Meeting expenses account	1,20,000.00
		Co-operating account (See note below)	
		Bank Charge	244.35
		Transport expenses	3449.72
		Niyogi / Activist Welfare	88.10
		Salary expenses account	7900.00
		Legal expenses	3056.90
		Akhand Path Expense account	4249.25
		Arvind Ashram Expenses account	3533.50
		Books and magazines	105.00
		Wear and tear on Cycle	192.00
		Audit fee	250.00
		Income in excess of	42138.30

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	expenditure
198,692.10	198,692.10

Its return was filed on 30th June, 1988 before the
Income Tax Officer Trust Circle 9 (3) New Delhi.

Note:

For celebrating Sh. Ram Janmotsav at Ayodhya on the eve of Sh. Ramnavmi, Vishwa Hindu Parishad, Bihar has sent Rs.60 Thousand and Vishwa Hindu Parishad West, U.P. has also sent Rs.60 Thousand to Central Vishwa Hindu Parishad. This amount of Rs.1, 20,000/- was sent for the expenses of Sh. Ramjanmotsav to Vishwa Hindu Parishad East, U.P. and this amount has been shown under the head of income and co-operating expenses under the head of expenses. Entire expenses of Sh. Ramjanmotsav was borne by Vishwa Hindu Parishad (East U.P), out of which V.H.P. (West U.P) and V.H.P, Bihar have contributed Rs.60 Thousand each.

(TRUE TRANSLATED COPY)

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Income-expenditure details from 1st May, 1987 up to 31st

March, 1989

Income		Expenditure	
Donation Account:	54137.00	Bank Charge Account	163.15
Interest Received:	3224.25	Fare/Travel Expense	241.50
Expenditure in excess to income	2529.00	Travel expenses	1881.00
		Katha Mandap Expenses	9599.50
		Legal Expenses	27820.60
		Printing & Stationery	571.75
		Audit fee	500.00
		Salary expenses	13950.00
		Niyogi/Activist Welfare Expense account	319.10
		Account writing expense account	400.00
		Misc. Expenses	224.0.00
		Arvind Ashram Expense Account	1990.65
		Expenses on cycle	213.00
	59890.25		59890.25

सद्योऽप्येवं विदितं निष्पत्तिः च यस्य साक्षात्तत्वात् इत्यपि तद्विषयस्य निष्पत्तिः सा साक्षात्तत्वात् निष्पत्तिः

THE UNIVERSITY OF CHICAGO

[illegible][illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

10-11-68

Individuals		
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IN THE SUPREME COURT OF INDIA,

CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2017

IN

CIVIL APPEAL NO.4905 OF 2011

IN THE MATTER OF :

Nirmohi Akhara

...Petitioners

Versus

Rajendra Singh & Others

...Respondents

APPLICATION FOR FILING ADDITIONAL DOCUMENTS

To

Hon'ble Chief Justice of India

And His Companion Judges of the

Supreme Court of India at New Delhi

The humble application of

the petitioner abovenamed

MOST RESPECTFULLY SHEWETH:

1. That the petitioner above named respectfully submits this petition seeking special leave to appeal against the final judgment and order dated 30.9.2010 passed by the Hon'ble High Court of

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Allahabad in Original Suit No.1 of 1989 (Regular Suit No.2 of 1950), Original Suit No.3 (Regular Suit No.26 of 1989), Original Suit No.4 (Regular Suit No.12 of 961) and Original suit No.5 (Regular Suit No.236 of 1989).

2. That the petitioner seeks permission to file additional documents which are necessary for the disposal of the aforesaid appeals.
3. That the present application is bona fide and is in the interest of justice.

P R A Y E R

It is, therefore, respectfully prayed that Your Lordships maybe pleased to:

- (a) permit the petitioner to file additional documents;
- (b) pass such other and further orders as may be deemed fit and proper in the facts and circumstances of the present case.

DRAWN AND FILED BY

(MRS. PRATIBHA JAIN)

ADVOCATE FOR THE PETITIONERS

NEW DELHI

DATED

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2017

IN

CIVIL APPEAL NO.4905 -08 OF 2011

IN THE MATTER OF:-

Nirmohi Akhara

.....Appellant

Versus

Rajendra Singh & Ors.

Respondents

AFFIDAVIT

I, Karttik Chopra, S/o Vikram Chopra Resident of E-486, Greater Kailash - II, New Delhi - 110048 (India), presently at New Delhi, do hereby make oath and state as under:-

1. That I am Authority Signatory of the Petitioner in the present matter and being fully conversant with the facts and circumstances of the present case, I am competent to swear this affidavit.
2. That I have read the Interlocutory Applications and I have understood the contents of the same. The facts mentioned therein are true to my knowledge and belief based on the record of the case available with me.

DEPONENT

VERIFICATION:

I, the above named Deponent do hereby declare and verify on oath that the contents of the above affidavit are true to my knowledge and belief. Nothing material has been concealed therefrom and no part of it is false.

Verified at New Delhi on this the 4th day of December, 2017.

DEPONENT

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. NO. _____ OF 2017

IN

CIVIL APPEAL NO.4905 OF 2011

IN THE MATTER OF :

Nirmohi Akhara

...Petitioners

Versus

Rajendra Singh & Others

...Respondents

**APPLICATION FOR EXEMPTION FROM
FILING OFFICIAL TRANSLATION**

To

Hon'ble Chief Justice of India

And His Companion Judges of the

Supreme Court of India at New Delhi

The humble application of
the petitioner abovenamed

MOST RESPECTFULLY SHEWETH:

1. That the petitioner above named respectfully submits this petition seeking special leave to appeal against the final judgment and order dated 30.9.2010 passed by the Hon'ble High Court of Allahabad in Original Suit No.1 of 1989 (Regular Suit No.2 of 1950), Original Suit No.3 (Regular Suit No.26 of 1989), Original Suit No.4 (Regular Suit No.12 of 961) and Original suit No.5 (Regular Suit No.236 of 1989).
2. That the annexures accompanying the Petition for Special Leave Petition to Appeal is originally in Hindi and Urdu and the petitioner got the same translated into English from a local Advocate who is well versed with all hindi, English and urdu. It is, therefore, not only fit and proper but also in the intrest of justice

- and the English translation got done by the petitioners be taken on record and the petitioner be exempted from filing official translation for the same.
3. That the present application is bona fide and is in the interest of justice

P R A Y E R

It is, therefore, respectfully prayed that Your Lordships maybe pleased to:

- (a) exempt the petitioner from filing official translation of the Annexures; and
- (b) pass such other and further orders as may be deemed fit and proper in the facts and circumstances of the present case.

DRAWN AND FILED BY

(MRS. PRATIBHA JAIN)

ADVOCATE FOR THE PETITIONERS

NEW DELHI

DATED