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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF: -

M. Siddiq (D) Thr. Lrs.

... Appellant

VERSUS

Mahant Suresh Das & Ors. etc. etc.

... Respondents

AND

OTHER CONNECTED CIVIL APPEALS

NOTE ON EXHIBITS AND RELEVANT DOCUMENTS
FILED BY NIRMOHI AKHARA

BY DR. RAJEEV DHAVAN, SENIOR ADVOCATE

COMPILED BY:-

EJAZ MAQBOOL, ADVOCATE FOR THE APPELLANT

EXHIBITS AND RELEVANT DOCUMENTS FILED BY NIRMOHI AKHARA
(Only English version)

[VOLUME - I- Running Volume 90]

Date	Exhibit No.	Particulars	Finding in Judgment
19.03.1949 ✓	1	ANNEXURE P-2 Ikrarnama (Agreement) to be executed by Panches of Nirmohi registered in Sub-Registrar's Office, Faizabad laying down its constitution and functioning (Photostat copy filed in O.O.S. No.4/89 leading case). (Running Vol. 90, pg. 18-44)	Cannot be considered evidence- Irrelevant [Vol. II Pg. 1666, Para 3002 & 3003]
09.02.1961 ✓	2	ANNEXURE P-4 Order of City Magistrate, Faizabad permitting replacement of covers or sikri covers by the sheets on Nirmohi's own land uncovered by attachment. (Submitted to prove continuous possession) (Running Vol. 90, pg. 46)	Pertains to Outer Courtyard- does not help Nirmohi [Vol. II, Pg. 1663-1664, Para 3000 & 3000 (H)]
	3	ANNEXURE P-5 Certified copy of Original B.C. File No.397 of 63 in the name of Mahant Raghunath Das Chela of Dharam Das Ramkot, Ayodhya. (Running Vol. 90, pg. 47-48) [ILLEGIBLE] However judgment records: <i>There will arise no right of ownership over the land from this certificate...</i>	Pertains to Outer Courtyard- does not help Nirmohi [Vol. II, Pg. 1663-1664, Para 3000 & 3000 (I)] (torn and handwriting illegible- Cannot be relied)
	4	ANNEXURE P-6 Original copy of B.C. File No.397 of 63 in the name of Mahant Raghunath Das Chela Dharam Das (Architects's map & Certificate permitting construction of tin shed) (Running Vol. 90, pg. 49-50) [ILLEGIBLE]	Pertains to Outer Courtyard- does not help Nirmohi [Vol. II, Pg. 1663-1664, Para 3000 & 3000 (J)]
06.02.1961	5	ANNEXURE P-8 Application of Vedanti Raja Ram Chandracharya filed before City Magistrate, Ayodhya complaining that the Police is preventing construction of tin shed in outer courtyard. (Photostat version already file in O.O.S. No.4/89 leading case) (Running Vol. 90, pg. 52)	Pertains to Outer Courtyard- does not help Nirmohi [Vol. II, Pg. 1663-1664, Para 3000 & 3000 (K)]
29.12.1950	6	ANNEXURE P-10 WS of Baba Abhay Ram Das Panch, Nirmohi Akhara in the Court of City Magistrate in case No. 1/2/18 u/s 145 of Cr.P.C. (Running Vol. 90, pg. 57-59)	Inadmissible and irrelevant [Vol. II, Pg. 1670, Para 3013 (F) & 3014]

✓ *Balkar Das*

		<ul style="list-style-type: none"> Mandir Janmbhumi and land over which temple is situated are of the ownership of Nirmohi Akhara which is under the Mahant and Pnach of Nirmohi Akhara who have continuously in possession over it. There was no apprehension of breach of peace and no such apprehension is prevailing at present. The entire land and building are in the ownership of Nirmohi Akhara and the Nirmohi Akhara has been in possession over the aforesaid temple and lands for more than 12 years. No Muslim comes inside the temple and the place was never used for offering prayer since 1935-36. <p>This Document is annexed at Vol: III, Pg. 3831-3832</p>	Pertains to Outer Courtyard- does not help Nirmohi [Vol. II, Pg. 1663-1664, Para 3000. & 3000 (L)]
30.07.1953	7	<p>ANNEXURE P-12</p> <p>Order passed in Case No.1/2/18 records that: (Running Vol. 90, pg. 63-65)</p> <ul style="list-style-type: none"> The disputed property already in possession of the receiver and the said receiver has been looking after the property since 5.1.1950. From the administrative point of view the property is already under attachment and no breach of peace can occur. <p>This Document is Annexure at Vol. III, Pg. 3837-3838</p>	<p><i>This is the order consigning the Section 145 proceedings to record.</i></p> <p>[Vol. II, Pg. 1515-16, Para 2575, 2577]</p>
11.06.1900	8	<p>ANNEXURE P-14</p> <p>Qabuliyat (Agreement) permitting Jhingoo, son of Gaya to provide drinking water to the pilgrims visiting Ramjanambhumi, (Running Vol. 90, pg. 70)</p>	Pertains to land outside disputed premises- does not help Nirmohi. [Vol. II Pg. 1664-65, Para 3001 (A)]
13.10.1942	9	<p>ANNEXURE P-16</p> <p>Agreement Theka Shop of Janam Bhoomi Ramkot Ayodhya executed by Gopal, S/o Baboo Karim in favour of Narottam Das - for selling namkin. (Running Vol. 90, pg. 74)</p> <p>Note: This shop is outside the suit premises.</p>	Pertains to land outside disputed premises- does not help Nirmohi. [Vol. II Pg. 1664-65, Para 3001 (B)]
29.10.1945	10	<p>ANNEXURE P-18</p> <p>Agreement Theka Shop of Janam Bhoomi Ramkot Ayodhya executed by Mata Prasad in favour of Mahant Raghunath Das, Nirmohi Akhara. (Running Vol. 90, pg. 78)</p>	Pertains to land outside disputed premises- does not help Nirmohi. [Vol. II Pg. 1664-65, Para 3001 (C)]
21.02.1959		<p>ANNEXURE P-20</p> <p>Printed notice, Bramhadeo Printing Press. (Running Vol. 90, Pg. 81)</p>	Not exhibited before the High Court

13.02.1957		ANNEXURE P-22 Meeting Notice: (Running Vol. 90, pg. 84-86) Mahant Baldev Das requested for about 33 people to be present for a meeting in view of the special circumstances necessitating a discussion for running Sriram Janmabhoomi.	Not exhibited before the High Court
30.10.1922	11	ANNEXURE P-24 Nazul Department Certificate Plaintiff stating that: (<i>Suit No. 256 of 1922</i>). (Running Vol. 90, 91) <ul style="list-style-type: none"> The land belonged to the Nazul Plaintiff as Mahant of Janamshtan and his predecessors have all along been in possession and has the title of possession. 	Not conclusive evidence of possession [Vol. II, Pg. 1666-68, Para 3004 (A)]
22.10.1923	12	ANNEXURE P-26 Judgment in Appeal No 10 of 1923, entitled as <i>Mahant Narottamdas v. Ramsugroop Das</i> , filed for recovery of possession - dismissed. (Running Vol. 90, pg. 100-105)	This suit was unrelated with disputed site-See pg. 1665 [Vol. II Pg. 1664-65, Para 3001(D)] Inadmissible and irrelevant. [Pg. 1670, Para 3013 (C) & 3014]

[VOLUME - II - Running Volume 91]

Date	Exhibit No.	Particulars	Finding in Judgment
29.12.1949	1	ANNEXURE P-2 Preliminary order appointing receiver u/s 145 Cr.P.C. passed by Magistrate 1 st Class and Additional City Magistrate, Faizabad. (Running Vol. 91, pg. 3-5)	Attachment order [Vol. I, Pg. 39-40; Vol. II, Pg. 1453, Para 2403, Pg. 1690, Para 3073; Pg. 2013; Vol. III, Pg. 2919, 2990]
30.07.1953	2	ANNEXURE P-3 (Same as ANNEXURE P-12 - Running Vol. 90, pg. 63-65)	
05.01.1950	3	ANNEXURE P-5 Copy of the Inventory dated 05.1.50 in Case No. 1/3/15 of 9 U/s 145 Cr.P.C. . (Running Vol. 91, pg. 11-13) Note: In the English translation Entry 15 @ pg. 12, the translation erroneously mentions 'Ram Janam Bhoomi' which is not present in the original document at pg.9. This Document is Annexure at Vol. III, Pg. 3780-3783	Inventory. [Vol. I, Pg. 40; Vol. III, Pg. 2990, 3491]
04.06.1942	4	ANNEXURE P-7	

		Order on the compromise filed by the Parties, passed by Mr. Harcharan Dayal, Addl. Civil Judge, Faizabad in Suit No. 95 of 1941. (Running Vol. 91, pg.15-16) <i>Note: The Schedule A of the Terms of Compromise [pg. 41] show the existence of Babri Masjid as well as the graveyards.</i>	
	5	ANNEXURE P-9 Decree of compromise in Suit No. 95 of 1941. (Running Vol. 91, pg. 21-24)	
	6	ANNEXURE P-12 "Terms of Compromise" in Suit No. 95 of 1941, wherein the schedule of the property in dispute mentions Babri Masjid as well as the graveyards. (Pgs. 41-42) (Running Vol. 91, pg. 38-45) (Original is in Urdu)	
18.04.1942	7	ANNEXURE P-14 Copy of report filed by Commissioner in Suit No. 95 of 1941. (Running Vol. 91, pg. 57-76) <i>Note: This report refers to the temple Janam Asthan as a small chabutra. [Pgs. 63-64]</i>	
04.11.1966	8	ANNEXURE P-16 Judgment passed by D.N. Khanna U/s 145 Cr.P.C., P.S. Ayodhya relating to the dispute of grant like structure known as Ram Janam Bhumi temple structure. (Running Vol. 91, pg. 86A-86F) It was held that the first party (i.e. the Mahant Prem Das-representing Nirmohi Akhara) was not in actual possession and that the second party- Golki Ram Lakhan Das was in actual possession.	
09.09.1966	9	ANNEXURE P-18 Judgment passed by D.S. Shikda U/s 145 of Cr. P.C., relating to a dispute likely to cause disorder of peace regarding possession over structure known as Ram Janmabhoomi Temple. (Running Vol. 91, pg. 96-103) <ul style="list-style-type: none"> A small structure of the exterior courtyard of the old Ram Janmanbhoomi was under the management of Nirmohi Akhara-Raghunath Das. After Raghunath Das, Prem Das (first party) was appointed as Mahant. Golki (second party) did not comply with Shri PremDas's wishes and came out to fight causing a law and order problem. Since it was difficult to come to a conclusion as to which party was in the actual possession of the property, the question as referred to the Learned Munsiff, Faizabad to decide the issue. 	Not discussed in the judgment

03.01.1973	10	ANNEXURE P-20 i. Copy of Khara 1368 F of Village Kot Ram Chandra, Ayodhya; and ii. Copy of extract of Nazul Register No. 2, Village Kot Ram, Ayodhya. Remarks:- In the possession of Ram Das Nirmohi Janamsthan. (Running Vol. 91, pg. 106-107) Note: All the places mentioned are in the outer courtyard.	
19.03.1949		ANNEXURE P-21 Certified copy of Trust Deed. (Running Vol. 91, pg. 134-160) Internal document. Irrelevant.	Cannot be considered evidence- Irrelevant [Vol. II Pg. 1666, Para 3002 & 3003]
26.06.1988		ANNEXURE P-24 Copy of Agreement executed by Mahant Ramkeval das stating that all the Panchs shall take care of the dispute being pursued in the Courts. (Running Vol. 91, pg. 162-163) Irrelevant	Not exhibited before High Court.
23.06.1988		ANNEXURE P-26 Copy of proposal made in the meeting of Nirmohi wherein the names of new Panchs were proposed. (Running Vol. 91, pg. 166-167) Irrelevant	Not exhibited before High Court.
18.08.1988		ANNEXURE P-28 Copy of Agreement executed by Mahant Ramswarup Das in favour of the Panchs of the Nirmohi Akhara agreeing to abide by certain conditions pertaining to the litigation for safeguarding the temples of the Nirmohi Akhara, which includes the cases relating to Sh. Ramjanmbhumi, Lord Ramlala, Ramjnambhumi, Ramkot. (Running Vol. 91, pg. 173-177) Irrelevant	Not exhibited before High Court.
25.06.1988		ANNEXURE P-30 (Same as ANNEXURE P-24, Running Vol. 91, pg. 162-163)	Not exhibited before High Court.

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Date	Exhibit No.	Particulars	Judgment Reference
	108 C1/3	ANNEXURE P-2 List of Documents filed by Defendant No.3 (Dy. Commissioner) (Running Vol. 92, pg. 3-4).	Not exhibited before High Court.

		[Relating to worship given to pujari sh. Shiya Raghav Sharn ji, charan sewak pujariji, ramjanam bhumi (Nirmohi Akhara)]	
03.08.1957	C2	ANNEXURE P-4 Copy of the order in the Court of I Addl. Sessibn Judge, Faizabad, Crim. Appeal No. 50 of 1951, (<i>Bhaskar v State</i>) (Running Vol. 92, pg. 15-24) <i>Conviction order</i> sentencing one month simple Imprisonment awarded to the Appellant on charges that appellant had written names of hindu saints on the graves around Masjid was <i>set aside</i> on the ground that there were no evidence to establish the fact that the structures in the form of graves to the North and South of the building known as Janam temple or Babri Mosque are graves of Muslims.	Inadmissible and irrelevant [Vol. II, Pg. 1670, Para 3013 (A) & 3014]
08/05.09.1966	C3	ANNEXURE P-6 Copy of the order of the City Magistrate, Faizabad u/s. 107/17 of Cr.P.C in Case No.535/ 533 of 1966 pertaining to disturbance on 25.03.1966 between Raghunath Das and his successors Prem Das regarding the pujari ship and possession of the Ram Janam Bhoomi. The Court directed the OPW therein (belonging to Nirmohi Akhara and quarreling amongst themselves regarding pujariship and possession of Ram Janam Bhumi, Ayodhya) will all furnish individually a personal bond of Rs. 2000/- . (Running Vol. 92, pg. 29-33)	Inadmissible and irrelevant [Vol. II, Pg. 1670, Para 3013 (B) & 3014]
22.10.1923	C4	ANNEXURE P-8 Copy of opening page of a Civil Appeal in No.10 (Instituted on 11.01.1923) (Running Vol. 92, pg. 39-44) Additional Subordinate judge passed a judgment in Appeal No 10 of 1923, entitled as Mahant Narottamdas v. Ramswaroop Das, which was filed for claiming possession over Plot no. 163. The Court dismissed the said suit.	Inadmissible and irrelevant [Vol. II, Pg. 1670, Para 3013 (C) & 3014]
Undated	C5	ANNEXURE P-10 Copy of the Complaint filed against interference on suit property in Suit No.426/89 (<i>Mahant Ram Gopal Das, Nirmohi Akhara Vs. Ashok Singhal, Vishwa Hindu Parishad</i>) (Running Vol. 92, pg. 52-58) Prayer: (Pg. 58) <ul style="list-style-type: none"> Decree of permanent injunction be passed in favour of plaintiffs to the effect that defendants be restrained from interfering with the peaceful possession of disputed land and temples which are described to the plaint by breaking or digging it and be restrained to do any shilanyas forever. <i>Suit was decided on 04.12.1991</i>	Not much relevant to the point in issue. [Vol. II, Pg. 1670, Para 3015(B) & 3016]
08.11.1989	C6	ANNEXURE P-12	Not much relevant to the point in issue.

		Copy of Commissioner's report in Regular Suit No. 426/89. (Running Vol. 92, pg. 62-64)	[Vol. II, Pg. 1670, Para 3015(C) & 3016]
13.05.1983	C7	ANNEXURE P-14 Copy of the judgment in passed by the Court of IV Addl. Session Judge, Faizabad, Criminal Rev. No. 60 of 1982 against the order dated 06.03.1982. The Revision was directed against the order of Magistrate allowing Defendant No. 1 to be impleaded in the 145 Cr. P.C proceedings. The Revision Court found that Magistrate was right in allowing impleadment of respondent No. 2. (Running Vol. 92, pg. 67-69)	Inadmissible and irrelevant [Vol. II, Pg. 1670, Para 3013 (D) & 3014]
13.10.1973	C8	ANNEXURE P-16 Copy of Commissioner's Report submitted by Sri Parsehwari Nath Pandey in Reg. Suit No.9/1973. (Running Vol. 92, pg. 83-97) The report says as follows: 1. Describes the suit property. @page 83-84 2. Mentions there are two chabutras @ page 84 3. Mentions child image of ram lalla@ page 85-86 4. Akhand Kirtan is continuing since 1949. @ page 87 5. Notices several boards and notices that ask for donation in the name of Ram Janam Bhoomi.@ page 95-96	Inadmissible and irrelevant [Vol. II, Pg. 1670, Para 3013 (E) & 3014]
29.12.1950	C9	ANNEXURE P-18 Copy of WS of Abhay Ram Das claiming that notice under section 145 Cr. P.C is illegal filed in the High Court. (Running Vol. 92, pg. 100-102) - Claimed that some other land construction belonged to Nirmohi Akhara. @page 101 - That the answering respondent a vaishnavite was performing puja etc in the disputed temple.@ page 101 - No Mohammadans have entered over the disputed land since 1935.@ page 101 - -section 145 Cr. P C proceeding is illegal and possession be restored to the answering defendant. @page 102	Inadmissible and irrelevant [Vol. II, Pg. 1670, Para 3013 (F) & 3014]
Undated	C10	ANNEXURE P-20 Copy of Income-Expenditures of Shri. Ram JanmaBhoomi Niyas giving income expenditure from 18 th December 1985 to 30 th April 1987. (Running Vol. 92, pg. 114-124 @ 122)	Not much relevant to the point in issue. [Vol. II, Pg. 1670-71, Para 3015(D) & 3016]

22.12.1934	C11	ANNEXURE P-22 Translated copy of Notice dated 12.10.1934 with respect to fine imposed u/s 15A(2) of Police Act for realization from Hindu resident of Ayodhya. (Running Vol. 92, pg. 126) Illegible.	Inadmissible and irrelevant [Vol. II, Pg. 1670, Para 3013 (G) & 3014]
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[VOLUME - IV- Running Volume 93]

Date	Exhibit No.	Particulars	Findings in Judgment
16.10.1959	13	ANNEXURE A-1 Postal receipt of Registered letter sent to Priya Dutt dated 06.10.1959. (Running Vol. 93, pg. 1-2) Illegible. Note: This possibly is notice under Section 80 C.P.C. given to defendants no. 1 to 5 in Suit No. 3. (See Vol. I, Pg. 134-135, Para 21)	Not discussed
06.10.1959	14	ANNEXURE A-2 Receipt registered letter sent to S.P. Office Faizabad dated 06.10.1959. (Running Vol. 93, pg. 3-4) illegible	Not discussed
24.03.2009	15	ANNEXURE A-3 Extract from the Book "A History of Dasnami Naga Sanyasis" written by Sri Yadunah Sarkar Admitted (Running Vol. 93, pg. 5-21) Refers to Ramanadis and Vishnu swami and battles they fought particularly that for raja Jodhpur at the battles of Merta on 10 th September 1790. @ page 20-21	Not discussed
30.11.1959	16	ANNEXURE A-4 Registered letter by Dy. Commissioner Faizabad to Mahant Raghunath Das Chela Mahant Dharam Das stating that the suit, if any filed, would be defended on behalf of Defendant No. 1 to 5. (Running Vol. 93, pg. 22)	Not discussed
01.12.1959	17	ANNEXURE A-5 Envelop Registered A/D dispatched by Commissioner Faizabad dated 01.12.1959. (Running Vol. 93, pg. 23) Illegible	Not discussed
	18	ANNEXURE A-6 Acknowledgement S.P. Faizabad dated 07.10.1959. (Running Vol. 93, pg. 24) illegible	Not discussed
10.10.1959	19	ANNEXURE A-7 Acknowledgement Priya Dutt Ram receiver Janam Bhumi dated 10.10.1959. (Running Vol. 93, pg. 25)	Not discussed