

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

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SHORT NOTE ON EXHIBITS OF NIRMOHI AKHARA

BY

DR. RAJEEV DHAVAN, SENIOR ADVOCATE

ADVOCATE-ON-RECORD: EJAZ MAQBOOL

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SHORT NOTE ON EXHIBITS OF NIRMOHI AKHARA

I. OBSERVATIONS OF THE HON'BLE HIGH COURT

1. The exhibits of Nirmohi Akhara have been dealt in detail by Justice Sudhir Agarwal and he has categorized the said exhibits in the following categories:-
 - i. Documents which cannot be considered as evidence in favour of Plaintiff
 - ii. Documents which are irrelevant for the present case
 - iii. Documents which are inadmissible as well as irrelevant
 - iv. Documents which do not help the plaintiff as they pertain to land outside the disputed premises
 - v. Documents which cannot be relied upon/accepted for any purpose

2. Documents which cannot be considered as evidence in favour of Plaintiffs:-

- i. Exhibit 1 :- Copy of Ikrarnama (Agreement) to be executed by Panches of Nirmohi Akhara dated 19.3.49 registered in Sub-Registrar's Office, Faizabad (Photostat copy filed in O.O.S. No.4/89 leading case).
 - Para 3002 & 3003 @ pg. 1666/Vol. 2 of the Impugned Judgment
 - Pgs. 1-44 of Running Volume 90

3. Documents which are irrelevant for the present case

- i. Exhibit 2:- copy of an Order dated 9.2.61 passed by the Court of City Magistrate, Faizabad version filed in O.O.S. No.4/89 leading case)
 - Para 3000H @ pg. 1664/Vol 2 of the Impugned Judgment
 - Pgs. 45-46 of Running Volume 90
- ii. Exhibit C5:- copy of the Complaint in the Court of Civil Judge, Faizabad in Suit No.426/89
 - Para 3015A & 3016 @ pg. 1670-71/Vol 2 of the Impugned Judgment
 - Pgs. 45-58 of Running Volume 92
 - This exhibit has been filed in Suit 5
- iii. Exhibit C6:- copy of Report Amin in the Court of Civil Judge, Faizabad in Regular Suit No. 426/89
 - Para 3015B & 3016 @ pg. 1670-71/Vol 2 of the Impugned Judgment

- Pgs. 59-64 of Running Volume 92
- iv. Exhibit C10:- copy of Income-Expenditures of Shri Ram Janma Bhoom Niyas
 - Para 3015D & 3016 @ pg. 1670-71/Vol 2 of the Impugned Judgment
 - Pgs. 103-124 of Running Volume 92
- v. Exhibit 80:- Title page and relevant pages of the book entitled as "Sri Mad Dev Murari Ji ki Jeevani Tatha Sri Guru Parampara Prakash".
 - Para 3008 @ pg. 1668/Vol.III
 - Pgs. 1403 – 1411 of Running Volume 10

4. Documents which are inadmissible as well as irrelevant

- i. Exhibit C-2:- copy of the order in the Court of I Addl. Session Judge, Faizabad, Crim. Appeal No. 50 of 1951.
 - Para 3013(A) & 3014 @ pgs. 1669/Vol. 2
 - Pgs. 5-24 of Running Volume 92
- ii. Exhibit C-3:- copy of the order of the City Magistrate, Faizabad in Case No.535/533 of 1966.
 - Para 3013(B) & 3014 @ pgs. 1669-1670/Vol. 2
 - Pgs. 25-33 of Running Volume 92
- iii. Exhibit C-4:- copy of opening page of a Civil Appeal in No.10 of Appeal Civil Court Instituted on 11.01.1923.
 - Para 3013(C) & 3014 @ pgs. 1670/Vol. 2
 - Pgs. 34-44 of Running Volume 92
- iv. Exhibit C-7:- copy of the judgment in passed by the Court of IV Addl. Session Judge Faizabad in Criminal Rev. No. 60 of 1982
 - Para 3013(D) & 3014 @ pgs. 1670/Vol. 2
 - Pgs. 65-69 of Running Volume 92
- v. Exhibit C-8:- copy of Report Commission in the Court of Civil Judge, Reg. Suit No.9/1973
 - Para 3013(E) & 3014 @ pgs. 1670/Vol. 2
 - Pgs. 70-97 of Running Volume 92
- vi. Exhibit C-9:- copy of Written Statement in the Hight Court of Judicature of Allahabad, Lucknow Bench, Lucknow
 - Para 3013(F) & 3014 @ pgs. 1670/Vol. 2
 - Pgs. 98-102 of Running Volume 92

- vii. Exhibit C-11:- Certified copy of Notice dated 12.10.1934
- Para 3013(G) & 3014 @ pgs. 1670/Vol. 2
 - Pgs. 125-126 of Running Volume 92

5. Documents which do not help the plaintiff as they pertain to land outside the disputed premises

- i. Exhibit 8:- Copy of Qabuliyat by Jhingoo, son of Gaya in favour of Mahant Nirmohi Akhara regarding Sitakooop on 4 as. Stamp executed on 11.6.1900
- Para 3001 @ pgs. 1664-1665/Vol. 2
 - Pgs. 66-70 of Running Volume 90
- ii. Exhibit 9:- copy of original Agreement Theka Shop of Janam Bhoomi Ramkot Ayodhya executed by Gopal, S/o Baboo Karim in favour of Narottam Das dated 13.10.1942.
- Para 3001 @ pgs. 1664-1665/Vol. 2
 - Pgs. 71-74 of Running Volume 90
- iii. Exhibit 10:- copy of original Agreement Theka Shop of Janam Bhoomi RamkotAyodhya executed by Mata Prasad, S/o Pali in favour of Mahant Raghunath DasNirmohi Akhara dated 29.10.1945
- Para 3001 @ pgs. 1664-1665/Vol. 2
 - Pgs. 75-77 of Running Volume 90
- iv. Exhibit 12:- True copy of the judgment in Appeal No 10 of 1923, entitled as *Mahant Narottamdas v. Ramswaroop Das*.
- Para 3001 @ pgs. 1664-1665/Vol. 2
 - Pgs. 92-105 of Running Volume 90
- v. Exhibit 11:- copy of proceedings of the Munsiff, Faizabad in Suit No. 256 of 1922.
- Para 3004 A & 3005 @ pgs. 1666-1668/Vol. 2
 - Pgs. 87-91 of Running Volume 90

6. Documents which cannot be relied upon/accepted for any purpose:-

- i. Exhibit 3:- Copy of Original B.C. File No.397 of 63 in the name of Mahant Raghunath Das Chela of Dharam Das Ramkot, Ayodhya
- Para 3000(I) @ pgs. 1664/Vol. 2
 - Pgs. 47-50 of Running Volume 90

II. DOCUMENTS FILED IN SUPREME COURT – WHICH WERE NOT EXHIBITED BEFORE THE HON'BLE HIGH COURT

- a) The following annexures in Volume 90 have not been exhibited before the Hon'ble High Court
- i. Annexure P-19 & 20:- copy of printed notice Bramhadeo Printing Press dated 21.2.59 @ pgs. 79-81
 - ii. Annexure P 21 &22:- copy of the meeting notice dated 13.2.1957 @ pgs. 83-86
- b) The following annexures in Volume 91 have not been exhibited before the Hon'ble High Court
- iii. Annexure P 23 &24:- copy of Agreement dated 26.6.88 @ pgs. 161-163
 - iv. Annexure P 25 &26:- copy of proposal dated 23.06.1988 @ pgs. 164-167
 - v. Annexure P 27 &28:- copy of Agreement dated 18.08.88 @ pgs. 168-177
 - vi. Annexure P 29 &30:- copy of Agreement dated 25.06.88. @ pgs. 178-180
- c) The following annexures in Volume 92 have not been exhibited before the Hon'ble High Court
- vii. Annexure P1 & P2:- copy of List of Documents filed by Defendant No.3 @ pgs. 2-4