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IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

CIVIL APPEAL NO. 4768-4771 OF 2011

IN THE MATTER OF:

BHAGWAN SRI RAMA VIRAJMAN
AND OTHERS.

...APPELLANTS

VERSUS

SRI RAJENDRA SINGH & ORS.

...RESPONDENTS

WITH

I.A. NO. _____ OF 2018

(AN APPLICATION FOR PERMISSION TO FILE ADDITIONAL
DOCUMENTS)

PLEADINGS IN ALL SUIT

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IN THE COURT OF THE CIVIL JUDGE FAIZABAD.
PLAINT OF ORIGINAL SUIT.

(Under order VII, Rule 1, of the Code of Civil Procedure, 1908)

O.O.S. No. 5 of 1989 (R.S. No. 236-89)

1. Bhagwan Sri Rama Virajman at Sri Rama Janma Bhumi, Ayodhya, also called Bhagwan Sri Rmaa Lala Virajman, represented by next friend, Sri Deoki Nandan Agrawala, Senior Advocate and retired Judge High Court, 56 Dilkusha New Katra, Allahabad.
2. Asthan Sri Rama Janma Bhumi, Ayodhya, represented by next friend, Sri Deoki Nandan Agarwala, Senior Advocate and retired Judge High Court, 56, Dilkusha, New Katra, Allahabad.
3. Sri Deoki Nandan Agarwala, aged about 68 years, son of late Sri M.L. Agarwala, Senior Advocate and retired Judge, High Court, resident of 56, Dilkusha, New Katra, Allahabad. ... Plaintiffs.

Versus

1. Sri rajendra Singh, adult, son of Late Sri Gopal Singh Visharad, at Present residing at Gonda, care of the State Bank of India, Gonda Branch Gonda.
2. Param Hans Mahant Ram Chandra Das of Digambar Akhara, Ayodhya.
3. Nirmohi Akhara Mohalla Ram Ghat, Ayodhya, through its present Mahant Sri Ram Kewal Das, Chela Gopal Das, resident of Nirmohi Akhara Mohalla Ram Ghat, Ayodhya.

Substituted with permission of Court vide order dated
SD./- 1.9.95

Mahant Jagannath Das aged about 54 years, Chela of Vaishnav Das Nirmohi resident of Mohalla Ram Ghat Nirmohi Bazar Patgana Haveli Awadh, Ayodhya, District Faizabad.

4. Sunni Central Board of Waqfs, U.P. having its officer at Moti Lal Bose Road, Lucknow.
5. Sri Mohammad Hashim, Adult, son of the Sri Karim Bux, resident of Mohalla sutahti, Ayodhya.
6. Sri Mohammad Ahmad, Adult son of Sri Ghulam Hasan, resident of Mohalla Rakabganj, Faizabad.
7. State of Uttar Pradesh, through the Secretary, Home Department, Civil Secretariat, Lucknow.
8. The Collector & District Magistrate. Faizabad.

9. The City Magistrate, Faizabad.
10. The Senior Superintendent of Police, Faizabad.
11. The President, All India Hindu Mahasabha, New Delhi.
12. The President, All India Arya Samaj, Dewan Hall, Delhi.
13. The President, All India Sanatani Dharma Sabha Delhi.
14. Sri Dharam Das Adult, Chela Baba Abhiram Das, resident of Hanuman Garhi, Ayodhya.
15. Sri Pundarik Misra, Adult son of Sri Raj Narain Misra, resident of Baham pur Sarai, Rakabganj, Faizabad.
16. Sri Ram Dayal Saran Adult, Chela Ram Lakhan Saran, resident of Ramcharit Manas Bhavan, Mohalla Ramkot, Ayodhya.
17. Sri Ramesh Chandra Tripathi Adult, son of Sri Parash Ram Tripathi, resident of Village Bhagwan Patti, Pargana Minjhaura, Tehsil Akbarpur, District Faizabad.
Deleted vide order dated Sd./-20.9.1989
18. Mahant Ganga Das Adult Chela Sarju Das, resident of Mandir Lalta Prasad, Ayodhya.
19. Swami Govindacharya Manas Artand, Adult, son of Sri Balbhadar, alias Jhallu, resident of Ayodhya.
20. Sri Umesh Chandra Pandey, Adult, son of Sri Uma Shankar Pandey, Advocate, resident of Ranopali, Ayodhya.
21. Sri Rama Janma Bhumi Nyas, a Trust, having its office at Sankat Mochan Ashram, Sri Hanuman Mandir, Rama Krishan Puram, Sector VI, New Delhi, through Sri Ashok Singhal, Managing Trustee.
22. Shia Central Board of Waqfs, U.P., Lucknow.
23. Sri Javvad Husain, Adult, resident of Village Sahanwa, P.O. Darshan Nagar, District Faizabad.
24. Prince Anjum Quder, Prestrict, All India Shia conference, Qaomi Ghar, Nadan Mahal Road, Lucknow.
25. All India Shia Conference, through Sri S. Mohammad Hasnain Abidi, Honorary General Secretary, Qaomi Ghar, Nadan Mahal Road.

Lucknow.

- *26. Hafiz Mohd. Siddiqui, aged about 46 years son of late Haji Mohd. Ibrahim, resident of Lalbagh Moradabad. General Secretary, Jamaitul Ulema Hind' U.P. Jamait Building B.N. Verma Road, Kutchery Road, Lucknow.
- *27. Vakeeluddin aged about 55 years, son of Ismail, resident of Madarpur Pergana and Tehsil Tanda District Faizabad.
-Defendants
- * Amended vide order dated 15.4.92
read with order dated 21.4.92. Sd./-

SUIT FOR DECLARATION AND INJUNCTION

1. That the plaintiffs Nos. 1 and 2, namely, Bhaagwan Sri Rama Virajman at Sri Rama Janma Bhumi, Ayodhya, also called Sri Rama Lala Virajman, and the Asthan Sri Rama Janma bhumi, Ayodhya, with the other Idols and places of worship situate thereat, are juridical persons with Bhagwan Sri Rama as the presiding Deity of the place. The Plaintiffs No. 3 is a Vaishnva Hindu, and seeks to represent the Deity and the Asthan as a next friend.
2. That the place Sri Rama Janma Bhumi is too well known at Ayodhya to need any description for purposes of identification of the subject matter of dispute in this plaint. However, for greater precision, two site plans of the building premises and of the adjacent area known as Sri Rama Janma Bhumi, prepared by Sri Shiv Shankar Lal pleader, in the discharge of his duty as a commissioner appointed by the court of Civil Judge, Faizabad, in Suit No.2 of 1950: Sri Gopal Singh Visharad Versus Sri Zahur Ahmad and others: along with his Report dated 25.5.1950, are being annexed to this plaint and made part of it as Annexures I, II and III, respectively.
3. That the said suit No. 2 of 1950 was filed on 16.1.1950, by Sri Gopal Singh Visharad against (1) Zahoor Ahmad, (2) Haji Pheku, (3) Mohammad Faiq, (4) Mohammad Shami, (5) Mohammad Achhan Mian, (6) Uttar Pradesh State, (7) Deputy Commissioner, Faizabad, (8) City Magistrate, Faizabad, and (9) Superintendent of Police, Faizabad. The plaintiff of that suit died recently and his name has been substituted by that of his son, who

has been impleaded as Defendant No. 1, in this suit. Of the defendants, the first five Muslim individuals are dead and their names have been struck off under the orders of the Court. They have, therefore, not been impleaded as defendants in this suit. The defendants Nos. 6 to 9 of that suit have been impleaded as defendants Nos. 7 to 10, respectively, in this suit also.

4. That the relief claimed in that suit (No. 2 of 1950) was a declaration that the Plaintiff was entitled to perform the Puja and to have Darshan of Sri Baagwan Ram Chandra and others Virajman at Asthan Janma Bhumi without any hindrance, dispute or interruption, and that the Defendants had no right to interfere in the plaintiffs exercise of his said rights. A permanent injunction restraining the Defendants and their successors from ever removing the Idols of Sri Bhagwan Ram Chandra and others Virajman at Asthan Janma Bhumi from the place where they were, or closing the entrance gate or other passages of ingress and egress, and from interfering or disturbing the Puja or Darshan in any manner whatsoever, was also claimed.

5. That an identical suit, being Suit No.25 of 1950, was filed a few months later, after serving a notice under section 80 of the Code of Civil Procedure, 1908, by Paramhans Ramchandra Das, who is now the Mahant of Digambar Akhara, Ayodhya. He has been impleaded as defendant No.2 in this Suit. The same five Muslim individuals were Defendants Nos. 1 to 5 in that suit, and on their death their names were also struck off under the orders of the Court. Of the remaining Defendants of suit No.2 of 1950, defendants Nos. 8 and 9, namely, the City Magistrate and the Superintendent of Police, Faizabad, were not impleaded in Suit No. 25 of 1950 and the only surviving defendants therein are the Uttar Pradesh State and the Deputy Commissioner, Faizabad, who have been impleaded as defendants Nos. 7 and 8, respectively, in this Suit.

6. That a third suit being suit No. 26 of 1959 was thereafter filed in the Court of the Civil Judge, Faizabad, by the Nirmohi Akhara, Ayodhya, who has been impleaded as defendant No.3 in this suit, claiming the relief of removal of Babu Priya Dutt Ram, Defendant No.1 thereto, from the management and charge of the temple of Janma Bhumi with the idol of Lord Ram Chandra and others installed therein, at Asthan Janma Bhumi, whereto he had been appointed as Receiver in the year 1950 by the City Magistrate,

Faizabad, in a proceeding under Section 145 of the Code of Criminal Procedure, 1898. The other Defendants were (2) State of Uttar Pradesh, (3) Deputy Commissioner, Faizabad, (4) City Magistrate, Faizabad, (5) Superintendent of Police, Faizabad, (6) Haji Phekku, (7) Mohammad Faiq, and (8) Mohammad Achhan Mian. The said Defendants Nos. 2,3,4 and 5, are respectively Defendants Nos. 7,8,9 and 10 in this suit. The other Defendants have died and their legal representatives have not been brought on the record obviously, because the cause of action did not survive against them.

7. That a fourth suit, being suit no. 12 of 1961, was thereafter filed by the Sunni Central Board of Waqfs, U.P., and 8 other Sunni Muslims on 18.12.1961 in the Court of the Civil Judge, Faizabad. The reliefs claimed were (a) A declaration that the property indicated by the letters A B C D in the sketch map annexed to the plaint is a "public mosque commonly known as 'Babri Masjid', and that the land adjoining the mosque shown in the sketch map by letters E F G H is a public Muslim grave-yard", and (b) "for delivery of possession of the mosque and grave yard in suit by removal of the idols and other articles which the Hindus may have placed in the mosque as objects of their worship." The Sunni Central Board of Waqfs, U.P. is being impleaded as Defendant No. 4 in this suit, and of the remaining plaintiffs of that suit, the only surviving plaintiffs No.7 and 9 are being impleaded as Defendants No. 5 and 6 hereto. Of the Defendants to that suit, the legal representatives of Defendants No. 1, 13, and 15, who have been impleaded therein, are being impleaded as Defendants No. 1, 14 and 16 respectively in this suit. The surviving Defendants No. 2,3, 5,6,7,8,10,11,12, 14,17,18 and 19 of that suit, are being impleaded as Defendants No. 2,3,7,8,9,10,11,12,13,15,17,18 and 19 respectively, herein. Remaining Defendants No. 4 and 16 have died and have been left out.

8. That it needs to be stated that by an order dated 8.8.1962 of the Court of the Civil Judge, Faizabad, in Suit No. 12 of 1961, the plaintiffs thereof were permitted to sue, on behalf of the entire Muslim community, the Defendants No. 1 to 4 therein as representatives of, and for the benefit of the entire Hindu community. Of them, Defendant No.4 has since died. Defendants 10 to 19 were impleaded therein later, on their own request of

themselves defendant No. 16 has since died, their legal representatives have not been impleaded in that suit. They have, therefore, been left out in this suit.

9. That it also needs to be stated that by an order dated 4.8.1951, suits No. 2 and 25 of 1950 were consolidated together, and by an order dated 6.1.1964 all the four suits were consolidated and Suit No. 12 of 1961 was made the leading case.

(Amended vide order dated 05.02.92)

10. That it must also be stated that in suit No. 2 of 1950, an ad-interim injunction was issued on 16.1.1950, in the terms prayed for but on an application made by the Defendant District Magistrate, the ad-interim injunction was modified on 19.1.1950 to read as under—"the parties are hereby restrained by means of temporary injunction to refrain from removing the Idols in question from the site in dispute and from interfering with Puja etc., as at present carried on."

The aforesaid ad-interim injunction was confirmed by order dated 3.3.1951, after hearing the parties, in the following terms—"The interim injunction order dated 16.1.50 as modified on 19.1.50 shall remain in force until the suit is disposed of."

A first appeal from that order, being F.A.F.O. No. 154 of 1951, in the High Court at Allahabad, was dismissed by judgement dated 26.4. 1955. The interim injunction continues to remain in force, ever since down to the present day.

11. That the issues were framed in all the four suits more than 25 years ago, but their hearing has not yet commenced. The Sewa and Puja of the plaintiff Deities has in the meanwhile been looked after by a Receiver, to begin with by Babu Priya Dutt Ram, appointed by the City Magistrate in the proceedings under Section 145 of the Code of Criminal Procedure, 1898, and later by Sri K.K. Ram Verma, who continued to function as such from 1970 onwards pending the passing of final orders by the Civil Court, in suit No. 12 of 1961. He was discharged by the Court of the IIIrd Additional District Judge, Faizabad, by order dated 25.8.1988. Sri L.P.N. Singh was appointed Receiver. He functioned upto 22.11.1988, when by an order of that date Sri Jamuna Prasad Singh was appointed as Receiver.

12. The when issues were framed, and when the suits were consolidated, more than twenty five years ago, the expectation was that the suits would be disposed of soon thereafter. But for one reason or another, they continued to remain pending, and still continue to remain pending, with a dim prospect of their immediate hearing. Although the sewa and puja of the plaintiff Deities was being conducted regularly and properly yet Darshan was allowed only from behind a barrier. It is true that in the Temples in the Southern parts of India, the devotees are not permitted to go near the Deities for their Darshan and Puja and must do so from behind a barrier, but that is not the custom in the Northern parts of India, and it was hoped that after the decision of the suits, the devotees would be able to have a closer Darshan of the Plaintiff Deity No.1.

13. That because of the indefinite delay in the disposal of the said suits, on an application made by Defendant No. 20, herein, in the interest of the worshippers, with the prayer for allowing a closer Darshan the Court of the Munsif Sadar, Faizabad, refused to pass orders but on appeal there from, the court of the District Judge, Faizabad by an order dated 1.2.1986, directed the authorities to remove the barrier by opening the locks on the gates O and P on the map, which is annexed hereto as Annexure No.1.

14. That the plaintiff Deities and their devotees are extremely unhappy with the prolonged delay in the hearing and disposal of the said suits, and the deteriorating management of the affairs of the Temple, particularly the way in which the Receiver has been acting. It is believed that a large portion of the money offered by the worshippers, who come in great numbers, is being misappropriated by the Pujaries and other Temple staff, and the receiver has not controlled this evil. Further, the devotees of the plaintiff Deities are desirous of having a new Temple constructed, befitting their pristine glory, after removing the old structure at Sri Rama Janma Bhumi, Ayodhya.

15. That in order to improve the Temple administration and to reconstruct a new Temple at Sri Rama Janma bhumi, the sacred duty of managing and performing the sewa, archana and puja of the plaintiff Deities, and the task of protecting, renovating, reconstructing and developing the Temple premises, in short, of managing all their estate and all their affairs, was entrusted, by unanimous public opinion, to jagadaguru Ramanandacharya Swami

Shivaaramacharaya of Kashi, who was the head of the Ramananda Sampradaya to which most of the Sadhus and Vairagis of Ayodhya belong. The Trust so reposed in him by the Hindu public was formally declared by him by Deed of Trust dated December 18, 1985, and registered the same day with the Sub Registrar, S.D. No.1, at Delhi, Vide No. 16510 in Additional Book No.4, Volume 1156, at pages 64 to 69. A copy of the said Deed of Trust is annexed to and made part of this plaint as Annexure IV.

16. That by the said Trust Deed, apart from declaring himself to be the First Trustee for life and the Pramukh and Dharmakarta of the Trust, which was named Sri Rama Janma Bhumi Nyas by Jagadguru Ramanandacharya Swami Shivaramacharya, the following others were appointed as Trustees for life, namely :-

- (2) Jagadguru Varishtha Shankaracharya Swami Shantananda Saraswati Ji Maharaj of Jyotishpeetha, Prayag.
 - (3) Gorakshapeethadhishwar Mahant Avedyanath Ji Maharaj of Gorakhpur.
 - (4) Mahant Nrityagopal Das Ji Maharaj of Maniram Chhaoni, Ayodhya.
 - (5) Paramhans Mahant Ramchandra Das Ji Maharaj of Digambar Akhara, Ayodhya, now the acting Pramukh and Dharmakarta, Defendant No. 2.
 - (6) Santpravar Prabhu Dutt Ji Brahmachari of Sankirtan Bhawan, Jhusi, Prayag.
 - (7) Mahant Ram Kewal Das Ji Maharaj of Nirmohi Akhara, Ayodhya which is Defendant No. 3.
 - (8) Sri Vishnu Hari Dalmia, Tees January Marg, New Delhi.
 - (9) Sri Ashok Singhal, 16/10 Hashimpur Road, Allahabad.
 - (10) Sri Dau Dayal Khanna, Nanda Vihar, Civil Lines, Moradabad.
- Of these Trustees, Sri Vishnu Hari Dalmia was named the Treasurer and Sri Ashok Singhal the Managing Trustee. In addition to the said 10 Trustees, power was given to the Marga Darshak Mandal of the Vishva Hindu Parishad to nominate 4 Trustees who are Mahatmas from different parts of India, and to its Governing Council to nominate 10 Trustees from among eminent Hindu citizens of India, and in exercise of the said power the

following further Trustees have been appointed by the Vishva Hindu Parishad namely:

A. From among the Mahatmas:

- (1) Jagadguru Madhwacharya Sri Vishweshwirtha Ji Maharaj of Udipi, Karnataka.
- (2) Bhante Gyan Jagat, Buddhist Bhikshu of Bodhi Gaya, Bihar.
- (3) Dr. Ramvilas Das Ji Vednati of Ayodhya.
- (4) Jagadguru Ramanujacharya, Swami Purushottamacharya Ji Maharaj, Ayodhya.

B. From among Hindu citizens of India:-

- (1) Sri Justice Shiv Nath Katju, Retired Judge, High Court, Allahabad.
- (2) Sri Justice Deoki Nandan Agarwala, Retired Judge High Court, Allahabad by whom this plaint is being filed as the next friend, Of the Plaintiff Deities No.1 and 2, and as Plaintiff No.3 who expired on 8.4.2002.
- (3) Rajmata Srimant Vijae Raje Scindhia of Gwalior, (amended as per order of the court dated 1.5.2002)
- (4) Sri Shrish Chandra Dikshit, Retired Director General of Police, Uttar Pradesh, Lucknow.
- (5) Sri Badri Prasad Toshniwal, Industrialist, New Delhi. The Trustees so appointed hold office for 4 years, and half their number retire by rotation once every two years, but are eligible for reappointment.

16-A (1) That Jagadguru Ramanandacharya, Swami Shivaramacharya of Kashi, who was the Pramukh and Dharmakarta of the Nyas had died and after him Paramhans Mahant Ramachandra Dasji Maharaj of Digambar Akhara, Ayodhya has been acting as the Pramukh and Dharmakarta of the Nyas.

(Added with permission of Court vide order dated 07.05.92 on C.M. No.68 (o) of 1992).

- (2) That Sant Pravan Prabhu Dutji Brahamachari, of Sankirtan Bhawan Jhusi, died after the institution of the suit.
- (3) That the two vacancies among the trustees from among the Mahatmas have been filled up, according to the deed of Trust, by the appointment of the following as trustees of the Nyas, namely-

- (i) Veetraag Sant Paramhans Pujya Swami Vamdeoji Maharaj, of Anand Vrindavan, Vrindavan Mathura.
- (ii) Mahant Dharam Dasji Maharaj of Sankat Mochan Mandir, Faizabad Road Ayodhya.
- (4) That there were 5 vacancies among the Trustees to be appointed from among the eminent Hindu citizens of India, when the suit was filed. They have since been filled up, according to the deed of Trust, by the appointment of the following as Trustees of the Nyas, namely:-
- (i) Sri Moropant Pingle, Dr. Hedgewar Bhawan Mahal Nagpur.
- (ii) Sri Brahma Deoji, Sankat Mochan, Hanuman Mandir, Sector VI, Ramkrishna Puram New Delhi.
- (iii) Sri Surya Krishnaji, Sankar Mochan, Hanuman Mandir Sector VI. Ramkrishnapuram, New Delhi and
- (iv) Sri Yashuvant Bhai Bhatt, Sri Rama Janma Bhumi Nyas Karyalaya, Ramkot, Ayodhya”.

(Amendment made with the oral permission of the Court on 25.08.1991).

17. That Sri Rama Janma Bhumi Nyas is directly interested in the sewa puja and other affairs of the Plaintiff Deities. It is being impleaded as Defendant No. 21 in this Suit.

18. That although the aforesaid suits have been pending trial for such an extraordinarily long number of years, they are inadequate and cannot result in a settlement of the dispute which led to their institution or the problems arising there from, inasmuch as neither the presiding Deity of Bhagwan Sri Rama Virajman nor the Asthan Sri Rama Janma Bhumi, the Plaintiffs Nos. 1 and 2 herein, who are both Juridical persons, were impleaded therein, although they have a distinct personality of their own, separate from their worshippers and *sewaks*, and some of the actual parties thereto, who are worshippers, are to some extent involved in seeking to gratify their personal interests to be served by obtaining a control of the worship of the Plaintiff Deities. Moreover, the events which have occurred during these four decades, and many material facts and points of law require to be pleaded from the view point of the Plaintiff Deities, for a just determination of the dispute relating to Sri Rama Janma Bhumi, Ayodhya, and the land and

buildings and other things appurtenant thereto. The Plaintiffs have been accordingly advised to file a fresh suit of their own.

19. That it is manifestly established by public records of unimpeachable authority that the premises in dispute is the place where Maryada Purushottam Sri Ramchandra Ji Maharaj was born as the son of Maharaja Dashrath of the solar Dynasty, which according to the tradition and the faith of the devotees of Bhagwan Sri Rama is the place where HE manifested HIMSELF in human form as an incarnation of BHAGWAN VISHNU. The place has since ever been called Sri Rama Janma Bhumi by all and sundry through the ages.

20. That the place itself, or the ASTHAN SRI RAMA JANMA BHUMI, as it has come to be known, has been an object of worship as a Deity by the devotees of BHAGWAN SRI RAMA, as it personifies the spirit of the Divine worshipped in the form of SRI RAMA LALA or Lord RAMA the child. The Asthan was thus Deified and has had a juridical personality of its own even before the construction of a Temple building or the installation of the idol of Bhagwan Sri Rama thereat.

21. That it may be here stated that the Hindus do not worship the stone or the metal shaped into the form of their ISHTA DEVATA, or the stone of SALIGRAM which has no particular shape at all. They worship the Divine, which has no quality or shape or form, but can be known only when it manifests ITSELF in the form of an incarnation, and therefore, adopt the form of his incarnation as their ISHTA DEVA. For some even that is unnecessary. They can meditate upon the formless and the shapeless DIVINE and aspire for a knowledge of him through his grace. It is the SPIRIT of the DIVINE which is worshipped by most Hindus, and not its material form or shape in an idol. This SPIRIT of the DIVINE in an idol is invoked by the ritual of pranapratishta. The SPIRIT of the DIVINE is indestructible and ever remains present everywhere at all times for any one to invoke it in any shape or form in accord with his own aspiration. Different persons are at different levels of realisation of the REALITY. Some find it helpful to pursue a particular set of rituals for their spiritual uplift. A large section of Hindus follow BHAKTI MARGA, and BHAGWAN SRI RAMA or BHAGWAN SRI KRISHNA is their ISHTA

DEVA.

22. That according to the faith of the devotees of BHAGVAN SRI RAMA LALA, or Lord Rama the Child, it is the Spirit of BHAGWAN SRI RAMA as the Divine Child which resides at Asthan Sri Rama Janma Bhumi and can be experienced by those who pray there and invoke that Spirit for their spiritual uplift. That Spirit is the Deity. An idol is not necessary for invoking the Divine Spirit. Another example of such a Deity is that of KEDARNATH. The Temple of KEDARNATH has no Idol in it. It is the undulating surface of stone which is worshipped there as the Deity. Still another example of such a Deity is the Vishnupad Temple at Gaya, That too has no Idol in it. The place which is believed to have born the footprints of Bhagwan Vishnu is worshipped as Deity. Similarly, at Ayodhya, the very Asthan Sri Ram Janma Bhumi is worshipped as a Deity through such symbols of the Divine Spirit as the Charan and the Sita Rasoi. The place is a Deity. It has existed in this immovable form through the ages, and has ever been a juridical person. The actual and continuous performance of Puja of such an immovable Deity by its devotees is not essential for its existence as a Deity. The Deity continues to exist so long as the place exists, and being land, it is indestructible. Thus, Asthan Sri Rama Janma Bhumi is an indestructible and immovable Deity who has continued to exist throughout the ages.

23. That the books of history and public records of unimpeachable authenticity, establish indisputably that there was an ancient Temple of Maharaja Vikramaditya's time at Sri Rama Janma Bhumi, Ayodhya. That Temple was destroyed partly and an attempt was made to raise a mosque thereat, by the force of arms, by Mir Baqi, a commander of Baber's hordes. The material used was almost all of it taken from the Temple including its pillars which were wrought out of Kasauti or touch-stone, with figures of Hindu gods and goddesses carved on them. There was great resistance by the Hindus and many battles were fought from time to time by them prevent the completion of the mosque. To this day it has no minarets, and no place for storage of water for Vazoo Many lives were lost in these battles. The last such battle occurred in 1855. Sri Rama Janma Bhumi, including the building raised during Baber's time by Mir Baqi, was in the possession and control of

Hindus at that time. According to the 1928 Edition of the Fyzabad Gazetteer published by the Government Press, U.P. (at page 179)--"Ayodhya is pre-eminently a city of temples..... It is locally affirmed that at the time of the Musalman conquest there were three important Hindu shrines at Ayodhya and little else. These were the Janmasthan temple, the Swargaddwar and the Treta-ka-Thakur, and each was successively made the object of attention of different Musalman rulers. The Janmasthan was in Ramkot and marked the birthplace of Rama. In 1528 Babar came to Ayodhya and halted here for a week. He destroyed the ancient temple and on its site built a mosque, still known as Babar's mosque. The materials of the old structure were largely employed, and many of the columns are in good preservation, they are of close-grained black stone, called by the natives kasauti and carved with various devices. Their length is from seven to eight feet, and the shape square at the base, centre and capital, the rest being round or octagonal. The mosque has two inscriptions, one on the outside and the other on the pulpit, both are in persian and bear the date 935 Hijri... and again according to the same Gazetteer (at page 180):- "This desecration of the most sacred spot in the city caused great bitterness between Hindus and Musalmans. On many occasions the feeling led to bloodshed, and in 1855 an open fight occurred, the Musalmans occupying the Janmasthan in force and then making a desperate assault on the Hanuman Garhi. They charged up the steps of the temple, but were driven back with considerable loss. The Hindus then made counter-attack and stormed the Janmasthan, at the gate of which seventy-five Musalmans were buried, the spot being known as the Ganj Shahidan or the martyr's resting place. Several of the king's regiments were present, but their orders were not to interfere. Shortly afterwards Maulvi Amir Ali of Amethi in Lucknow organised a regular expedition with the object of destroying the Hanuman Garhi, but he and his forces were stopped in the Barabanki district. (Gazetteer of Barabanki, P. 168). It is said that upto this time both Hindus and Musalmans used to worship in the same building; but since the mutiny an outer enclosure has been put up in front of the mosque and the Hindus, who are forbidden access to the inner yard, make their offerings on a platform which they have raised in the outer one."

24. That such a structure raised by the force of arms on land belonging to the Plaintiff Deities, after destroying the ancient Temple situate thereat, with its materials including the Kasauti pillars with figures of Hindu gods carved thereon, could not be mosque and did not become one in spite of the attempts to treat it as a mosque during the British rule after the annexation of Avadh. Some salient points with regard thereto are noted below.

(A) According to the Koran, ALLAH spoke to the Prophet thus-
 "And fight for the religion of GOD against those who fight against you; but transgress not by attacking them first, for GOD loved not transgressors. And kill them wherever ye find them; and turn them out of that whereof they have dispossessed you; for temptation to idolatory is more grievous than slaughter. Yet fight not against them in the holy temple, until they attack you therein;....."

(B) According to all the Muslim authorities and precedents and the decided cases also, ALLAH never accepts a dedication of property which does not belong to the Waqif that is, the person who purports to dedicate property to ALLAH for purposes recognized as pious or charitable, as waqf under the Muslim law. By his acts of trespass and violence for raising a mosque on the site of the temple after destroying it by force, Mir Baqi committed a highly un-Islamic act. His attempt to convert the Temple into a mosque did not, therefore, create a valid dedication of property to Allah, whether in fact or in law, and it never became a mosque.

(C) That in spite of all that Mir Baqi tried to do with the Temple, the land always continued to vest in the Plaintiff Deities, and they never surrendered their possession over it. Their possession continued in fact and in law. The ASTHAN never went out of the possession of the Deity and HIS worshippers. They continued to worship HIM through such symbols as the CHARAN and SITA RASOI, and the idol of BHAGWAN SRI RAM LALA VIRAJMAN on the Chabutra, called the Rama Chabutra, within the enclosed courtyard of the building directly in front of the arched opening of its Southern dome. No one could enter the building except after passing through these places of Hindu worship. According to the Muslim religion and law there can be no Idol worship within the courtyard of a mosque, and the passage to a mosque must be free and unobstructed and open at all times

to the 'Faithful'. It can never be through Hindu place of worship. There can be no co-sharing of title or possession with ALLAH in the case of a mosque. His possession must be exclusive.

(D) A mosque must be built in a place of peace and quiet, but near to a place where there is a sizeable Muslim population according to the tenets of Islam, and as insisted upon by it, a mosque cannot be built in a place which is surrounded on all sides by Temples, where the sound of music or conch shells or Ghanta Ghariyals must always disturb the peace and quiet of the place.

(E) A mosque must have a minaret for calling the Azan. According to Baillie "When an assembly of worshippers pray in a masjid with permission, that is delivery. But it is a condition that the prayers be with izan, or the regular call, and be public not private, for though there should be an assembly yet if it is without izan, and the prayers are private instead of public, the place is no masjid, according to the two disciples." (Pt. 1. BK. IX, Ch. VII Sec. i, p. 605) Indeed, there has been no mosque without a-minaret after the first half century from the Flight. (See-P.R. Ganapathi Iyer's Law relating to Hindu and Mahomedan Endowments, 2nd Edition, 1918, Chap. XVII, P. 388.)

(F) According to the claim laid by the Muslims in their suit No. 12 of 1961, the building is surrounded on all sides by grave-yard known as 'Ganj Shahidan'. There is a mention in the Fyzabad Gazetteer also, quoted herein above, of the burial of 75 Muslims at the gate of the Janmasthan, and the place being known as Ganj Shahidan After the battle of 1855. Although there are no graves anywhere near the building at Sri Rama Janma Bhumi, or in its precincts, or the area appurtenant thereto, for the last more than 50 years, if the building was surrounded by a grave-yard during the British times soon after the annexation of Avadh by them, the building could not be a mosque, and could not be used as a mosque, for the offering of prayers, except the funeral prayers on the death of a person buried therein, is prohibited in a grave-yard according to the Muslim authorities.

(G) As already stated, there is no arrangement for storage of water for Vazoo and there are the Kasauti pillars with the figures of Hindu Gods and Goddesses inscribed thereon in the building.

(25) That the worship of the Plaintiff Deities has continued since ever throughout the ages at Sri Rama Janma Bhumi. The place belongs to the Deities. No valid waqf was ever created or could have been created of the place or any part of it, in view of the title and possession of the Plaintiff Deities thereon. ALLAH, as conceived by the Muslims, never got any title or possession over the premises or any part of them. Nor has there ever been any person, living or juridical, who might have put forward any claim to ownership of the property or any part of it. Occasional acts of trespass or attempts to get into possession by the muslims were successfully resisted and repulsed by the Hindus from time to time, and there was no blemish or dent in the continuity of title and possession of the Plaintiff Deities. No title could or did vest in ALLAH over any part of Sri Rama Janma Bhumi by adverse possession or in any other manner. Neither ALLAH nor any person on his behalf had any possession over any part of the premises at any time whatsoever, not to speak of any adverse possession.

(26) That at any rate no prayers have ever been offered in the building at Sri, Rama Janma Bhumi, which was recorded as Janmasthan Masjid, during the British times, and confined, after the annexation of Avadh, to the area within the boundary wall raised by them adjacent to the arch openings, in the courtyard which is now enclosed by what may now be described as the outer boundary wall. The domes of the building and substantial parts of it were destroyed by the Hindus in the year 1934 during the communal riots which occurred by way of retaliation to cow slaughter by some Muslims at Ayodhya. Although the building was got re-built by the Government, no one dared to offer namaz therein. No action was taken by anyone for its use or management as a mosque. Neither of the two Boards of waqfs in U.P., namely the Sunni Central Board of Waqfs and the Shia Central Board of Waqfs, created on the passing of the U.P. Muslim Waqfs Act in 1936, took any action or positive steps for the establishment of the building as a mosque. No one acted as a Mutwalli or Muazzin or Imam or Khatib or Khadim of the building as a mosque.

(27) That after independence from the British Rule, the Vairagis and the Sadhus and the Hindu public, dug up and levelled whatever graves had been left in the area surrounding Sri Rama Janma Bhumi Asthan and purified the

place by Akhand Patha and japa by thousands of persons all over the area. Ultimately, on the night between the 22nd 23rd December, 1949 the idol of Bhagwan Sri Rama was installed with due ceremony under the central dome of the building also.

(28) That although there have been no Muslims residing anywhere near the place, and no resistance was offered by any Muslim to any of these acts, the local authorities found it difficult to get out of their old habits acquired under the British Rule, and a First Information Report was recorded by the Police on their own and proceedings were initiated by the Additional City Magistrate under Section 145 of the Code of Criminal Procedure, 1898, by recording a Preliminary Order dated 29.12.1949. The Magistrate did not identify any Hindu or Muslim individuals as parties to the dispute, and merely said that he was satisfied on information received from Police sources and other credible sources "that a dispute between Hindus and Muslims in Ayodhya over the question of rights of proprietorship and worship in the building claimed variously as Babri Masjid and Janna Bhumi Mandir..... is likely to lead to a breach of the peace." That was merely a device to take over the administration of the Janna Bhumi Mandir by the Government by appointing a Receiver, namely, B. Priya Dutt Ram, who was appointed as such by the same order, and after his death in 1970 Sri K.K. Ram Verma was appointed in his place by the City Magistrate, although he had dropped the proceedings under section 145 of the Code of Criminal Procedure, 1898, by order dated 30.7.1953, with the finding that there was no apprehension of the breach of peace any longer. Orders for appointment of Receiver have now been passed by the Civil Court, and Sri K.K. Ram Verma, who was functioning for more than 15 years under stay orders, has been replaced by a Civil Court Receiver.

(29) That the plaintiff Deities were not made parties to any of the aforesaid proceedings in which the orders of appointment of Receiver have been passed, whether by the City Magistrate or the Civil Court. The powers of a Receiver are derived solely from the orders of the Court. The Receiver was not authorised to remove any person from the possession or the custody of the premises, and in fact the Receiver never interfered with the possession of the Plaintiff Deities. No party to a proceeding could dispossess a third party,

nor could the Receiver interfere with the possession of a person who is not a party to the proceedings. At the highest, the Receiver acted like a Shebait. He did not disturb the possession of the plaintiff Deities. Their possession over the building premises in dispute ever since the installation of the first Plaintiff's Idol on the night between the 22nd and 23rd December, 1949, is admitted by all the concerned parties. Thus, independently of the original title of the Plaintiff Deities which continued all along, the admitted position of their possession places the matter of their title beyond any doubt or dispute. Even if there had been any person claiming title to the property adversely to the Plaintiff Deities, that would have been extinguished by their open and long adverse possession, which created positively and affirmatively a proprietary title to the premises in the Plaintiff Deities.

(30) That the Hindu Public and the devotees of the Plaintiff Deities, who had dreamed of establishing Ram-Rajya in Free India, that is, the rule of Dharma and righteousness, of which Maryada Purushottam Sri Ramchandra Ji Maharaj was the epitome, have been keenly desirous of restoring his Janmasthan to its pristine glory, as a first step towards that national aspiration given to us by Mahatma Gandhi. For achieving this, they are publicly agitating for the construction of a grand Temple in the Nagar style. Plans and a model of the proposed Temple have already been prepared by the same family of architects who built the Somnath Temple. The active movement is planned to commence from September 30, 1989, and foundation stone of the new Temple building, it has been declared, shall be laid on November, 9, 1989.

(31) That the plaintiff Deities not being a party to any of the litigations pending in the Courts, and being thus not bound or affected by anything which may be decided or not decided in any of the four suits pending as aforesaid for the last so many years, the Plaintiff No. 3 felt that the pendency of the said suits may present a hindrance, inasmuch as a declaration has been sought, privelously though, in suit No. 12 of 1961, by the Sunni Central Board of Waqfs, U.P., that the building at Sri Rama Janma Bhumi Ayodhya is a mosque known as 'Babri Mosque' and that the adjacent land is a Muslim Public graveyard, known as Ganj-Shadidan, and the Court had permitted the plaintiffs of that suit to sue the Defendants Nos. 1 to 4 thereof as

representatives of the entire Hindu community. The plaintiffs of that suit cannot represent the entire Muslim community because they are all Sunnis, and thus only a segment of the Muslim population, who have wide ranging differences with other sects of Muslims, particularly the Shias. Nor were the Defendants Nos. 1 to 4 competent or capable of representing the entire world of Hindus. The defendants Nos. 1 and 2 have categorically stated that they do not represent anyone else except themselves, and the Defendant No. 3 has put forward a personal interest in the management of the worship of the Plaintiff Deities. Defendant No. 4 is already dead. Under the circumstances the Plaintiff No. 3 late Deoki Nandan Agarwal was advised to file this suit as the next friend for and on behalf of the Deities, to remove whatever obstacle there may be in the path of the fulfillment of the aforesaid programme, against all the contending parties owing to demise of Shri Deoki Nandan Agarwal as the plaintiff. Dr. Thakur Prasad Verma next friend of Plaintiff No. 1 & 2 is pursuing the case (amended as per order of the Court on 1.5.2002).

(32) That according to the case taken up by the Defendants Nos. 4, 5 and 6 and the documents filed by them or on their behalf, the 'Babri Masjid' was a Sunni Waqf but its Mutwallis, being the descendants of Mir Baqi, were Shia Muslims. A judgment dated 30.3.1946 of Sri S.A. Hasan, Civil Judge, Faizabad, in suit No. 29 of 1945, of his Court, between the Shia Central Board of Waqfs U.P., as Plaintiff and the Sunni Central Board of Waqfs U.P., as the Defendant, has been produced in this context, although the judgment has not been relied upon or referred to in the Plaint of Suit No. 12 of 1961 to show that the Waqf of the Babri Masjid was a Sunni Waqf and that its Mutwallis were Shias. This position seems to be incomprehensible in law, inasmuch as a Waqf created by a Shia Waqif would be a Shia waqf and could not be a Sunni Waqf. Admittedly, according to their case, the 'mosque' was built by Mir Baqi and that he was a Shia, and that he being the Waqif his heirs were the Mutwallis one after the other. But the Shia Central Board of Waqfs, U.P., did not agitate the case any further, either because of negligence or collusion in those difficult days of communal conflict immediately before the Partition. At any rate this judgment is not binding. Further, according to a report dated 10.12.1949 of Mr. Mohammad Ibrahim, Waqf Inspector, and an office note signed by the Secretary of the Sunni Central Board of Waqfs, U.P. and dated 25.11.1948, Sri Javed Husain, the nambardar of village Sahanwa, and in the line of descent from Mir Baqi, was the Mutawalli of the

Waqf, although it appears, he was not acting as such and did not submit to the jurisdiction of the said board of waqfs. The shia central board of waqfs, U.P., and sri javed Husain are also being impleaded as Defendants Nos. 22 and 23 in this suit. Prince Anjum quader, who is the president of the All India Shia Conference and that body as representatives of the Shia Muslims, have also been impleaded as Defendants Nos. 24 and 25 in the suit.

(33) That the entire premises at Sri Rama Janma Bhumi, Ayodhya, which contain, besides the presiding deity of plaintiff No.1 other idols and Deities and the Rama Chabutra and the Charan and the Sita Rasoi etc., along with the yards, enclosures and buildings, including the Sita Koop, and all that, constitute one integral complex. They had a single identity. The claim by the Muslims represented by Defendants Nos. 4,5,6 is confined to the building and the are enclosed within the inner boundary wall, erected after the annexation of Avadh by the British. The rest of the are was not been claimed as 'babri Masjid'. The claim that surrounding area is a Qabristan known as Ganj Shahidan is vague and undefined. There are no graves anywhere for the last fifty years at least. The totality of the fact and circumstances set out above demonstrate the utter hollowness of the claim put forward by the Muslims represented by Defendants Nos. 4, 5 and 6 who do not represent the entire Muslim community. Besides, although admitting that Defendant No. 23 was the present Mutwalli of the 'Babri Masjid' since before 1948, he was not joined as a Plaintiff or Defendant in the suit No. 12 of 1961, in spite of the well established position in law that only a Mutwalli of mosque can sue for

its possession, and even where a worshipper sues in respect of an existing mosque he must sue for possession being delivered to him. (Para 34 and 35 was deleted by order dated 17.10.1995)

(35H) That exasperated by the laws delays, the saints assembled in a meeting held at Ujjain during May, 1992, resolved to start the KAR SEWA for the construction of New Temple at Sri Rama Janma Bhumi from the SHILANYAS site, on July, 9, 1992, and in their assembly at Ayodhya on July, 6, 7 and 8, 1992, that resolve was re-affirmed.

(35I) The 30th November was fixed by the Assembly of saints or October 30, 1992 for the commencement of the KAR SEWA for constructing the new temple at Sri Rama Janma Bhumi after the break down of the talks for an amicable resolution of the Rama Janma Bhumi-Babri Masjid dispute that had been initiated at the instance of the Prime Minister.

(35J) That inspite of all efforts to the contrary, the KAR SEWAKS climbed up the three domed structure and brought it down with their bare hands, in about 5 hours after 11 a.m. on 6.12.1992. The debris was thereafter cleared and carried away by the KAR SEWAKS as holy mementos, leaving the place where the Deity of BHAGWAN SRI RAMA LALA was installed under the central dome of the demolished structure flat in the form of a CHABUTRA on which the Deity was immediately re-installed, the place was enclosed by a brick boundary wall and a canopy was also erected for the protection of the Deity, and PUJA was continued as of

ypre.

(35 K) That owing full responsibility for the orders that firing shall not be resorted to by the security forces against the KAR SEWAKS and the inability to prevent the demolition of the three domed structure, Sri Kalyan Singh, the then Chief Minister of U.P. resigned from that office by the evening of 6.12.1992 but instead of acceptance of the resignation by the Governor, the Prime Minister advised the President to impose his own rule and notify the dissolution of the Legislative Assembly before midnight that day, which the President dutifully did under Article 356 of the Constitution.

(35 M) That shortly thereafter on January 7, 1993, the President Promulgated the ACQUISITION OF CERTAIN AREA AT AYODHYA ORDINANCE, No. 8 of 1993 and simultaneously referred to the Supreme Court, under Article 143(1) of the Constitution for its consideration and opinion, the following question:-

“Whether a Hindu temple or any Hindu religious structure existed prior, to the construction of the Ram Janma Bhumi-Babri Masjid (including the premises of the inner and outer courtyards of such structure) in the area on which the structure stood?”

(35 N) That the object and purpose of both the said measures adopted by the President on 7.1.1993, was stated therein to be the settlement of the “long-standing dispute relating to the structure (including the premises of the inner and outer courtyards of such structure) commonly known as the Ram Janma Bhumi Babri Masjid, situated in village Kot Ramchandra in Aydhya.” The preamble to the reference shows that the area in which the structure stood” is “located in Revenue Plot Nos. 159 and 160 in the said village Kot Ramchandra.”

(35 O) That the device adopted by the Ordinance was the acquisition of the area in which the disputed structure stood, and vesting it for the time being in the Central Government until its transfer to any authority or other body, or trustees of any trust” willing to comply with the terms and conditions that may be imposed by the Central Government, which event, it must have been contemplated, would come after the settlement of the dispute in the terms of the opinion of the Supreme Court on the question referred. Under Sub-Section (3) of Section 4 of the ordinance all the suit and

proceedings relating to the said dispute that were pending in courts were abated, and until the resolution of the dispute and transfer thereafter of the area to some authority or other body or trustees of a trust by the Central Government, it was required by Section 7 of the Ordinance to manage and administer it, either by itself, or "a person or body of persons or trustees of any trust authorised" by it in this behalf who was called the "authorised person" according to the meaning assigned to that term under the definitions clause (b) of Section 2 of the Ordinance, Sub Section (2) of Section 7 of the Ordinance required that: "In managing the property vested in the Central Government under section 3, the Central Government or the authorised person shall ensure that the position existing before the commencement of this Ordinance in the area on which the structure (including the premises of the inner and outer courtyards of such structure), commonly known as the Ram Janma Bhumi-Babri Masjid stood is maintained."

(35 P) That the said Ordinance was replaced and re-enacted as Parliaments Act No. 33 of 1993, which received the presidents assent on April 3, 1993, and was published the same day in the Gazette of India Extraordinary but was deemed to have come into force on the 7th January 1993, the day on which the Ordinance was promulgated.

(35 Q) That the Plaintiff Deities who are juristic persons in law could not have been, nor do they appear to have been acquired under the said enactment. Nor could the right of the Hindus in general and the devotees of SRI RAMA in particular to worship them be acquired or taken away. But the right to manage their property including the arrangements to be made for maintaining their worship on the SHEBAITI rights which in themselves constitute heritable property under the Hindu law, would seem to have been taken away and entrusted for the time being to the Commissioner, Faizabad Division, Faizabad, *ex-officio* under Section 7 of the enactment by the Central Government under cover of its responsibility to manage the area in which the disputed structure stood.

(35 R) That the Authorised person is required by sub-section (2) of Section 7 of the enactment to maintain status quo as it existed on the 7th January 1993, in the area in which the disputed structure stood. That is best illustrated by the affidavit of Sri Radhe Sham Kaushik, the Commissioner,

Faizabad, dated the 6th August 1993, in the Contempt Petition No. 97 of 1992. In the matter of Mohd. Aslam alias Bhure Verses State of U.P.: I.A. No. 10 of 1992: before the Supreme Court of India.

(35 S) That the validity of the said enactment (Ordinance No. 8 and Act No. 33 of 1993) was challenged in several writ petition in the Hon'ble Court which were withdrawn by the Supreme Court for hearing and decision along with the hearing of the preliminary objection to the maintainability of the Presidential Reference under Article 143(1) of the Constitution. It was sought to be challenged in the connected O.O.S. No. 3 and 4 of 1989 in this Court as well, and an issue "whether the suit has abated or services" was raised thereupon. Notice was also issued thereafter to Attorney General of India, by the Hon'ble Court, but before the hearing of the issue could be taken up by it, it was stayed by the Supreme Court, while ordering the withdrawal of the writ petition against the acquisition from this Court to itself for hearing and decision.

(35 T) That by judgement dated October 24, 1994, of the Hon'ble the Chief Justice Mr. M.N. Venkatachalliah Hon'ble Mr. Justice J.S. Verma and Hon'ble Mr. Justice G.N. Ray, in the Transferred Cases Nos. 41, 43 & 45 of 1993: Dr. M. Ismail Faruqui etcetera Vs. Union of India and others connected with other Transferred cases and Writ Petitions and the Special Reference No. 1 of 1993 under Article 143(1) of the Constitution: the Supreme Court has declared the Sub Section (3) of Section 4 of Act No. 33 of 1993, to be unconstitutional and invalid, but upheld the validity of the other provisions thereof subject to the interpretation put thereon by it.

(After Para 35 and before Para 36 all paragraphs are added vide order dated 09.5.1995. Para 35 U struck off under the order of the court dated 03.08.1995. Paras 35 H, 35 I, 35 J, 35 K, 35 M, 35 N, 35 O, 35 P, 35 Q, 35 R, 35 S, 35 T, 35 U amended under vide order dated 09.05.1995 on C.M. A. No. 8 (O) of 1994. Sd/- 22.05.1995).

(36) That the cause of action for this suit has been accruing from day to day, particularly since recently when the plans of Temple reconstruction are being sought to be obstructed by violent action from the side of certain Muslim Communalists.

(37) That the subject matter of dispute is situate within the limits of the

Territorial jurisdiction of the court.

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(38) That the valuation of the suit for purposes of jurisdiction is placed at Rs. 11,11,101/- as the subject matter of the suit being inalienable, is incapable of valuation in terms of money and consequently that for payment of court fee it is Rs. 2,22,220/-. The prescribed court fee of Rs 50/- being the maximum, is being paid on the consequential relief of injunction.

(39) that the plaintiffs claim the following RELIEFS:

(A) A declaration that the entire premises of Sri Rama Janma Bhumi at Ayodhya, as described and delineated in Annexures I,II and III, belong to the plaintiff Deities.

(B) A perpetual injunction against the Defendants prohibiting them from interfering with, or raising any objection to, or placing any obstruction in the construction of the new Temple building at Sri Rama Janma Bhumi, Ayodhya, after demolishing and removing the existing buildings and structures etc., situate thereat, in so far as it may be necessary or expedient to do so for the said purpose.

(C) Costs of the suit against such of the defendants as object to the grant of relief to the plaintiffs.

(D) Any other relief or relief to which the plaintiffs may be found entitled.

Counsel for the plaintiffs

Dated: July 1, 1989

Sd/-
(DEOKI NANDAN)

Plaintiff No.3

For himself and for and on

Behalf of plaintiff Nos. 1&2

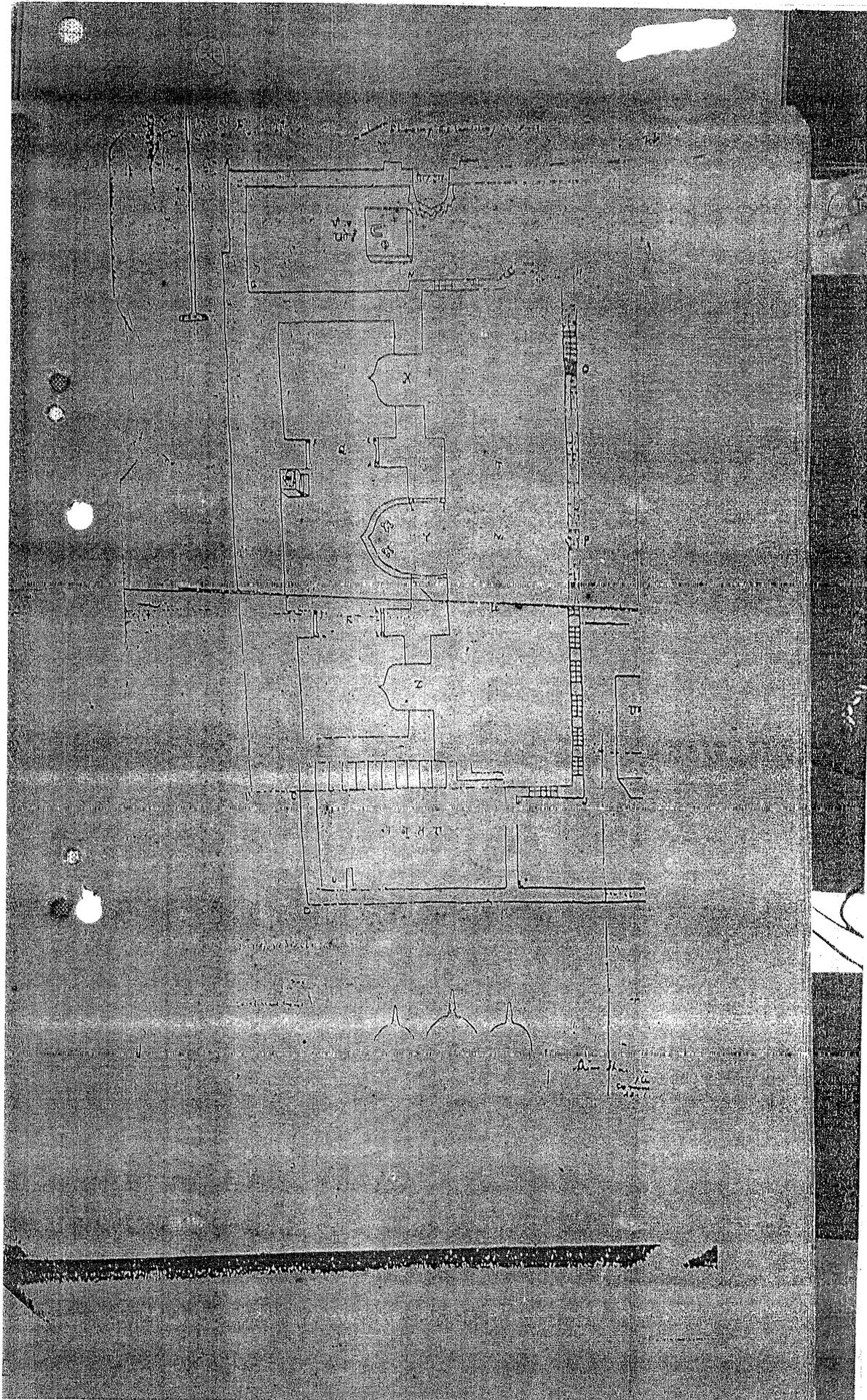
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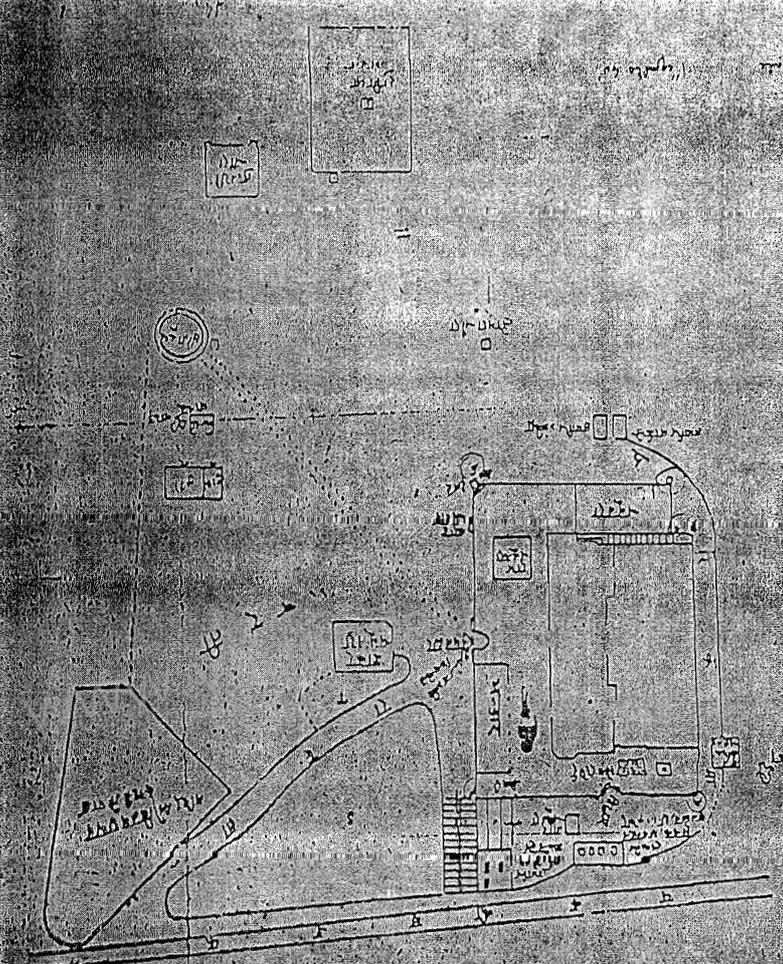
VERIFICATION

I Deoki Nandan Agarwala, the Plaintiff No. 3, and next friend of Plaintiff Nos. 1 and 2, do hereby verify that the contents of paragraphs 1,2,12,14,15,16,17,18,19,20,21,30,31,33,34,35, 36,37,38, are true to my own knowledge, and those of paragraphs 3,4,5,6,7,8,9,10,11,13,22, 23,24,25,26,27,28,29,32 are true to my belief.

Signed and verified this 1st day of July 1989 at

Sd/-
(Deoki Nandan)
Plaintiff No.3.





In the court of the said palace, situated
 between the years 1710
 and 1715, there was a
 building, the plan of which
 is shown in the drawing
 attached to this report.

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

Written Statement under order 8 Rule 1 C.P.C. on behalf of Nirmohi Akhara
Defendant No.3

IN

O.O.S. No.5 of 1989 (Formerly R S No.235 of 19....)

Bhagwan Shri Ram and 2 Others ... Plaintiffs
Versus
Shri Rajendra Singh and Others ... Defendants

WRITTEN STATEMENT ON BEHALF OF NIRMOHI AKHARA
DEFENDANT NO.3

1. Before giving para-wise reply to the plaint it is necessary to state that Shri Deoki Nandan Agrawal posing himself as the Next Friend has filed this long cumbersome suit embracing a wide range of matters and topics, mostly irrelevant collected from alleged many and various records and books and annals of history running into 39 long paragraphs. The suit was filed on 1.7.1989 before the Civil Judge Faizabad without serving any notice or duplicate of the plaint. The suit has since been transferred to this Hon'ble Court. On 11.8.1989 when the answering defendants learned counsel informed this Hon'ble Court that he will require sufficient time to collect necessary information and materials to enable him to file a full and complete written statement. This Hon'ble Court was pleased to observe that written statement may be filed on 14.08.1989 and then a supplementary written statement may be filed later. The answering defendant despite his best efforts could not collect necessary require information and materials to file a full and complete written statement and is filing this written statement reserving his right to file a supplementary written statement with fuller and more complete facts after making further inquiries and collecting more facts, for which a separate application for time is also being made.

2. That the present suit filed by B. Deoki Nandan Agrawal is purely a malicious suit and is designed to damage the title and interest of the answering defendant. He has no right to act as Next Friend of Plaintiffs 1 and 2 and plaintiff No.2 is not even a juridical persons. Nor has he any personal right to file the suit. The suit is liable to be summarily dismissed.

3. That it is wrong to say that Bhagwan Shri Ram is also called Ram Lala Virajman. The address of the plaintiff No.1 is also incorrect. Bhagwan Shri Ram is installed not at Janma Bhoomi but in the Temple known as Janma Bhoomi Temple for whose delivery of charge and management the answering defendant has filed his suit No.26 of 1959 (Now O.S. No. 2 of 1989). The suit is liable to be dismissed for this incorrect description and

address as well.

4. That the contents of para-1 of the plaint as drafted are totally wrong and are denied. The idol of Bhagwan Shri Ram is installed or is Virajman not at Ram Janma Bhoomi Ayodhya but in the temple known as Ram Janma Bhoomi Temple Ayodhya for whose delivery of charge and management the answering defendant has filed his suit referred to above. It is also totally wrong to say that Bhagwan Shri Ram is also known as "Ram Lala Virajman". He is not known as such more over the word "VIRAJMAN" tacked with the words "Shri Ram Lala" is simply meaningless. Virajman is not the name or title of any deity but it simply means "resident or residing". "Asthan Shri Ram Janma Bhoomi Ayodhya" as stated in para-1 of the plaint is again a meaning less phrase. Asthan, simply, means a place and is not a juridical person. It is denied that the plaintiff No. 3 (Shri Deoki Nandan Agarwal) is a Vaishnavite. He is not even a worshipper of the Deity installed in Shri Ram Janma Bhoomi Temple and has no right to sue. Nor can he represent the Deity or the so called Asthan. He is not at all interested in the welfare of the Deity in question. He lives at Allahabad and is not at all interested in Shri Ram Janma Bhoomi Temple and got maliciously interested to obtain cheap popularity by raising a slogan of constructing a new temple by arranging to spend Rs. 25 Crores when the temple belong to the defendant No.3, the answering defendant.

5. That the contents of para-2 of the plaint are denied. The birth place of Ram is not in dispute. The whole world knows that His birth place is in Ayodhya where the Temple Ram Janma Bhoomi stands. It is the temple known as Ram Janma Bhoomi Temple situate in mohalla Ram Kot Ayodhya which is in dispute in the various suit transferred to this Court, which by Muslims is said to be a mosque and which is claimed by the answering defendant as being the Temple of Bhagwan Shri Ram under his charge and management, and where of the Nirmohi Akhara is the Shebait of Bagwan Sri Ram. Annexure I, II and III are denied as incorrect. The plaintiffs should submit a fresh correct and complete plan. Many important places of the temple have not been shown in the said Annexures. They pertain to another suit and have no evidentiary value in the present suit.

6. That the contents of para-3 of the plaint are not denied.

7. That the correctness of the contents of para-4 of the plaint can best be verified from the plaint of suit No. 2 of 1950. The plaintiffs have wrongly used the words Asthan Janma Bhoomi which is denied. It is the temple known as Shri Ram Janma Bhoomi Temple at mohalla Ram Kot Ayodhya. Asthen Janma Bhoomi means the birth place of Shri Ram which is the entire city of Ayodhya. It is the temple referred to above which is question and not the birth place of Bhagwan Shri Ram.

8. That the contents of para-5 of the plaint are not denied.

9. That in regard to the contents of para-6 of the plaint it is submitted that the said contents are not denied except that the plaintiffs of the present suit filed by Sri Deoki Nandan Agrawal have maliciously used the words "Asthan Janma Bhoomi in place of the words Temple of Janma Bhoomi. The correct version of the plaint in suit No. 26 of 1959 shall appear from the said plaint itself which suit has been connected with the present suit.

10. That the contents of paras 7 to 10 of the plaint are all matters of record which may best be ascertained from the record of the suits which are all consolidated and connected.

11. That the contents of para-11 of the plaint are not denied.

12. That the contents of para-12 of the plaint are not denied except the last sentence which is irrelevant.

13. That the contents of para-13 of the plaint are matters of record which may be ascertained from the same.

14. That the answering defendant will reply to the first part of Para -14 of the plaint after making full inquiries. But the contents of the last sentence are emphatically denied. The answering defendant is the Shebait of Bhagwan Shri Ram installed in the temple in dispute, and he (the Nirmohi Akhara) alone has the right to control and supervise and repair or even to reconstruct the temple if necessary. It is absolutely false to say that the devotees of the "plaintiff Deities are diserous to have a new temple constructed after removing the old structure.

15. That the contents of para-15 of the plaint are emphatically denied. The Nirmohi Akhara has no knowledge of the alleged Trust and he (the defendant No.3) reserves the right to give fuller reply to this para after making complete inquiry of the allegations contained in this para.

16. That the contents of para-16 of the plaint are emphatically denied. The answering defendant reserves his right to give fuller replies after making thorough inquiries. The alleged Trust has no relevance at all to the present dispute. In this para the name of Mahant Ram Kewal Das is mentioned at item No. 7 as also being a Trustee for life to the alleged Trust. Mahant Ram Kewal Das is a simple Sadhu and he was duped to become a Trustee without understanding fully the malicious plan of the alleged Trust to encroach upon the rights and interests of the Nirmohi Akhara which is Panchayate Akhara and is governed by the Panches of the Akhara. The Mahant is only a figure head without any power or authority to bind the Akhara through any act done by him or any transaction or entered by him. Even if Mahant Ram Kewal Das be proved to have accepted himself as Trustee, intelligently and consciously which is denied, the Nirmohi Akhara is not all bound by his alleged act and the alleged Trust even if proved has no bearing or relevance to the present dispute. The Nirmohi Akhara filed its suit in 1959 and the said Trust is said to have come into existence only in 1985 with an obvious design to damage the title and interest of the Akhara.

17. That the contents of para-17 of the plaint are totally wrong and are emphatically denied. The said NYAS is neither directly nor indirectly interested in the Sewa, Puja of Bhagwan Shri Ram which interest solely lies with the answering defendant. The said Nyas is only maliciously interested to encroach upon the rights of the Nirmohi Akhara who is the sole Shabait of the said Deity. The Nyas is irrelevant to the present dispute and is not at all a proper party to the suit.

18. The contents of para-18 of the plaint are emphatically denied. The plaintiffs have been wrongly advised to file this malicious suit. Asthan Shri Ram Janma Bhumi is not at all a juridical person. The answering defendant has already filed suit No. 26 of 1959 thirty years ago for the benefit of Bhagwan Shri Ram for a decree of delivery of charge and management of the temple to the Nirmohi Akhara.

19. That the contents of para-19 need no reply except that though the birth place of Bhagwan Ram is place where the temple known as Ram Janma Bhumi Temple is constructed but the dispute is not regarding the place of birth of Lord Rama but regarding the Temple known as Temple Shri Ram

Janma Bhumi. The belief that Lord Ram is the son of Raja Dashrath of solar Dynasty is not disputed.

20. That the contents of para-20 of the plaint are denied. They are products of imagination of the so called Next Friend of the plaintiffs 1 and 2. The plaintiffs studiously avoid to mention the subject of dispute as the Ram Janma Bhumi Temple for whose delivery of charge and management the Nirmohi Akhara has filed the suit No. 26 of 1959 and maliciously uses the phrase Asthan Sri Ram Janma Bhumi which is meaningless. The said Asthan is not a juridical person.

21. That the contents of para-21 of the plaint are the individual view of Shri Deoki Nandan Agrawal, the plaintiff No. 3 of the suit are totally irrelevant to the subject matter of dispute and have been vainly introduced in the plaint.

22. That the contents of para-22 of the plaint are the personal views of Shri Deoki Nandan and are totally irrelevant to the present dispute which relates to the Ram Janma Bhumi Temple.

23. That the contents of para-23 of the plaint refer to various alleged historical facts. They cannot be replied without making thorough investigation for which the answering defendant seeks time and will reply through a supplementary written statement later.

24. That the contents of para-24 of the plaint shall be answered after making further inquiry into the matter later through a supplementary written statement.

25. That the contents of para-25 of the plaint are denied. The temple in question along with the land and property appertaining there to is already Waqf property where of the Nirmohi Akhara is the Shebait and Manager. The rest of the contents are only argumentative.

26. That in reply to the contents of para-26 of the plaint it is true that no prayers have ever been offered by any muslim in the Ram Janma Bhumi Temple which is claimed by some muslims on Mosque which it never was. The rest of the contents are matters of evidence which shall be inquired into by the answering defendant and then replied later through a supplementary written statement.

27. That the contents of para-27 of the plaint cannot be replied without

making thorough inquiry for which the answering defendant needs time. But it is asserted that the idol of Bhagwan Ram was always there installed in the Temple. The answering defendant reserves the right to give fuller and more complete inquiry through a supplementary written statement.

28. That in reply to the contents of para-28 of the plaint only this much is admitted that the temple in question along with the appertaining properties was attached illegally under section 145 Cr.P.C. It was on account of this attachment that the Nirmohi Akhara filed Suit No. 26 of 1959. The rest is a matter of record.

29. That in reply to the contents of para-29 of the plaint it is stated that the answering defendant has already filed suit No. 26 of 1959 for of delivery of charge and management of the said temple. The contents of para-29 are irrelevant. The plaintiffs have no right and interest a part from the rights of Nirmohi Akhara.

30. That the contents of para-30 of the plaint are denied. There is no movement of any construction of a new temple in place of the present temple. The Temple belongs to Nirmohi Akhara. No body else has a right to construct a new temple in its place except the Nirmohi Akhara.

31. That the contents of para-30 of the plaint are partly irrelevant and partly a matter of record and can be ascertained from the same. The plaintiffs of the suit have no real title to sue and they have been wrongly advised to file the suit only to harass the Nirmohi Akhara and to try to encroach upon its rights of management of the temple. There is a subdued observation regarding the fulfilment of the "Aforesaid programme" which obviously refers to the imaginary plan of reconstruction. This renders the entire suit as malicious and inconsistent with the relief sought and the suit is liable to be dismissed.

32. That the contents of para-32 of the plaint refer to various orders and report about which the answering defendant has no knowledge. He will give a reply after full inquiry regarding the said orders and reports through a supplementary written statement later.

33. That the contents of para-33 of the plaint are denied. The entire premises belong to the Nirmohi Akhara the answering defendant. There is no question of any mosque as Babri Masjid or any Qabristan.

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34. That the contents of para-34 of the plaint are not known to the answering defendant. He will give complete reply after full inquiry through a supplementary written statement. But this is admitted that the Temple of Shri Ram Janma Bhumi was never a mosque. There is no question of demolishing the building at all nor of a new construction.

35. that the contents of para-35 of the plaint are irrelevant and need no reply.

36. That the contents of para-36 of the plaint are denied. The Plaintiffs have no cause of action at all and the suit is liable to be dismissed.

37. That para-37 of the plaint is admitted.

38. That the valuation fixed in para-37 of the plaint is totally fictitious and is denied.

39. That the plaintiffs are not entitled to any relief at all. The premises mentioned by the plaintiffs belong to the Nirmohi Akhara and the Plaintiffs of this suit have no right of declaration against the right and titles of the Nirmohi Akhara. Nor are the plaintiffs entitled to any injunction as sought.

Additional Pleas

40. That the reliefs sought by the plaintiffs are both imaginary and inconsistent and contained a threat to demolish the temple of the Nirmohi Akhara for which the suit of the Akhara is pending. The suit is liable to be dismissed.

41. That the answering defendants will file a supplementary written statement later after making necessary inquiries into the various allegations made in the plaint. In any view of the matter this suit is liable to be stayed under Section 10 C.P.C. till the final disposal of the suit of Nirmohi Akhara.

R.S. No. 26/59.
Lucknow
Dated: August 14, 1989

Defendant No. 3
Nirmohi Akhara through
Mahant Ram Kewal Das.
Present Mahant
Through
Sd/-
(S.L. Verma)
Advocate
Counsel of the Nirmohi Akhara
Defendant No. 3

VERIFICATION

I, Mahant Ram Kewal Das verify that the contents of paras 1 to 35 and 41 of the written statement are true to my knowledge and those of paras 35 to 39 and 40 are believed by me to be true.

Verified this 14th day of August, 1989 at Lucknow.

Sd/-
(Mahant Ram Kewal Das)

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

Additional W.S./Supplementary W.S.
On behalf of Nirmohi Akhara Def. No.3
Inre:
O.O.S. No.5 of 1989

Bhagwan Shri Ram and 2 Others ... Plaintiffs
Versus
Rajendra Singh and Others ... Defendants

ADDITIONAL W. S./SUPPL. W.S. ON BEHALF OF NIRMOHI AKHARA
DEFENDANT NO.3

1. That contents of para 1 to 41 of W.S. of Defendant No.3 are reaffirmed.

Addl. W.S./Supplementary W.S.

Para 42. That site plan annexure II attached to the above noted plaint does not bear any plot nos. (settlement or Nazul) not it is bounded as to give any definite identity of property. Temple Shri Vijay Ragho Ji Sakshi Gopal has never been subject matter of the any of the suit O.O.S. 4/1989 or O.O.S. 3/1989 pending before this Hon'ble Court. Sumitra Bhawan is another temple shown in the site plan which is temple of sheshaawatar Laxmanji Maharaj and that is why it is famous name of his mother Sumitra as Sumitra Bhawan. It has been in possession and management of Mahant Raj Mangal Das one of the panch of Nirmohi Akhara. The Nazul plot No.588 measaming 1-6-13-15 Kachwancies of Mohalla Ram Kot is recorded with Deity Laxamanji Maharaj through Ram Das Nirmohi who is Guru of Raj Mangal Das. Mah Ram Das of Sumitra Bhawan is recorded in settlement plot No.168 to 174 as qubiz. Similarly Lomash Chaura Mandir, Sita Koop Mandir, Kuti shown in said map has distinct Deity of Bhagwan Ram Lalaji by the other panches of Nirmohi Akhara namely and respectively Mahant Dwarika Das, Mahant Naval Kishore Das and Ram Gopal Das who are all panches of Nirmohi Akhara. Sankat Mochan temple have been omitted in the said map whereas it did exist on the date of this suit. It has its deity Sankat Mochan Hanomanji and Thakur Ram Janki represented by Sarbarakar Ram Dayal Saran Chela of Ram-Eakhan Saran. Late Ram Lakhan Saran and also belong to the spiritual family of Nirmohi Akhara as he was Naga Chela of Goliki Ram Lakhan Das, one of the old panch of Nirmohi Akhara. Other Samadhis in the name of famous sages have been owned and claimed by answering defendant No.3 as Samadhies of old Sadhus of Nirmohi Akhara. Panches and Sadhus of Akhara are living in the surrounding since before the human memory. The outer Sahan carried a little temple of Bhagwan Ram

Lalaji along with other place which are regularly worshipped according to the customs prevailing amongst Rama Nandi Vairagies. The outer part with this temple of Ram Lalaji and other dieties have ever been in management and charge of Nirmohi Akhara as shebiat till this outer portion with Bhandar was attached U/s 145 Cr.P.C. on 16.2.1982 and a receiver is appointed there vide order of Civil Judge Faizabad in Reg. Suit 239/82 Sri Ram Rama Nandi Nirmohi Akhara Versus K.K. Ram Varma etc. due to lootpat committed by Dharam Das. Mr. Deoki Nandan Agarwal has named himself to be witness of Dharam Das. Therefore, suit for all these properties by plaintiff 3 is not maintainable for want of possession and is barred by provision of Section 34 of Specific Relief Act.

Para 43: That outer portion consisting of Bhagwan Ram Lala on Sri Ram Chabutra along with other deities, chathi puja sthan and Bhandar with eastern outer wall carrying engraved image of varah Bhagwan with southern and northern wall and also western portion of wall carries the present municipal No. 10/12/29 old 506, 507 and older 647 of Ram Kot ward of Ayodhya City had been a continuous referred in man litigation since 1885 till Reg. Suit No. 239/82 of the Court of Civil Judge Faizabad and in every case Nirmohi Akhara was held always in possession and management of this temple so the Bhagwan Ram Lalaji installed by Nirmohi Akhara on this Ram Chabutra is a distinct legal entity owned by def. no. 3. That suit is bad for want of impleadment of necessary party as mentioned above.

Para 44: That attachment made in the 1949 is only in respect of main building of Garbh Grahya Carrying three "Shikher" where in the deity of Bhagwan Sri Ram Chandraji is installed by Nirmohi Akhara from time beyond the human memory and are since then in management and possession of it till the said property attached. Therefore, plaintiff 3 can not claim any right to represent him.

Para 45: That origin of installation pltf. 1 and 2 and dedication to it both have not been pleaded by plaintiff no. 3. Thus pleading is vague and misconceived.

Para 46: That suit is heavily time barred.

Para 47: That plaintiff No. 3 Mr. Deoki Nandan is office bearer of V.H.P. and is also member of defendant No. 2 the alleged Nayas which is not a legal

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Constituent. There could be no delegation of an endowment to any other trust. Once a dedication to endowment is always a dedication for ever. Thus def. No. 21 altogether an illegal entity playing in hands of V.H.P. Thus interest of Pltff. No 3 as member Nayas Def No. 21 is adverse to bhagwan Sri ram Ji Pltff No 1.

Para 48: That outer portion with surrounding temples were illegally acquired by V.H.P. Backed By BJP Govt. which notification 7.1.191 is under the challenge in writ Petition but same is void, illegal U/s 52 of T.P. ACT.

Para 49: That plaintiff no 1 can only be represented by Def no 3 along and therefore plaintiff 1 to transposed as defendant to be represented by defendant No.3.

Para 50: That suit is liable to be dismissed.

Def. No.3 Nirmohi Akhara

Sd/-
R.L. Verma
Advocate

VERIFICATION

I, Mahant Bhaskar Das G.A. of Def No. 3 do hereby verify that contents of para 42 to para 45, 47, 49 are true to my knowledge and contents of para 46 to 48, 50 paras _____ are true to my belief.

Verified this day at 8 p.m. on 20.4.92 at the chamber of counsel at Lucknow.

Def. No.3 Nirmohi Akhara
Through mahant Bhaskar Das
G.A. of Def. No. 3.

//True Copy//

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD LUCKNOW
BENCH LUCKNOW

In Re:

O.O.S. No. 5/1992

Bhagwan Shri Ram and 2 Others ... Plaintiffs
Versus
Rajendra Singh and Others ... Defendants

Ind Additional Written Statement on behalf of Defendant No.3 Nirmohi
Akhara

1. That the contents of Original Written Statement from para 1 to 41 and contents of para 42 to 50 of Addl. Written Statement are re-affirmed.

Second Additional Written Statement

Para 51: That contents of para 16-A of the plaint are denied. That existence of alleged Nayas is ipso facto illegal and void. Jagada Guru Rama Nand had himself condemned the existence of alleged Nayas vide his interview of "Dainik Jan Morch" before his death. Sri Ram Chandra Das has himself admitted the title, possession of Nirmohi Akhara since long.

Para 52: That disputed temple belongs to Nirmohi Akhara from before the time of Hanuman memory and mostly all the property in suit vests to be religious denomination of Panch Rama Nandi Nirmohi Akhara and thus there could be no divesting of the religious institution to any other endowment or Nayas. Def. No. 3 has not joined information of any such Nayas nor could it do legally.

Para 53: That said Nayas is also becomes illegal as non-constituent body being devoid of any title to disputed property.

Sd/- Mahant Bhaskar Das
Defendant No. 3 Nirmohi Akhara

Sd/-
R.L. Verma
Advocate

VERIFICATION

I, Mahant Bhaskar Das, General agent of defendant No.3 do hereby verify that the contents of additional written statement from para 51 and is true to my knowledge and para 51 and 53 are true to my belief.

Verified on 13th day of May, 92 at court compound, Faizabad.

Sd/-
Mahant Bhaskar Das

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD LUCKNOW
BENCH LUCKNOW

O.O.S. No. 5/1989

(Regular Suit No.236 of 1989)

(of the Court of Civil Judge, Faizabad)

Bhagwan Shri Ram and 2 Others ... Plaintiffs

Versus

Rajendra Singh and Others ... Defendants

Fixed for 18.9.1989

Written Statement of the U.P. Sunni Central Board of Waqf, Lucknow
(Defendant No.4)

The defendant No.4 begs to submit as under:-

1. That the contents of para 1 of the plaint are incorrect and hence denied as stated. Neither the Plaintiffs Nos. 1 and 2 are the juridical persons and nor there is any Presiding Deity of Sri Ram Chandraji at the place in dispute and nor the plaintiff No.3 has any locus standi or right to represent the so-called and alleged deity and Asthan as next friend. It is further submitted that the plaintiffs Nos.1 and 2 are not at all legal personalities (and as such they have no right to file the instant suit). As a matter of fact there has never been any installation of deity within the premises of the disputed place of worship known as Babri Masjid and the idol in question was stealthily and surreptitiously kept inside the mosque in the night of 22nd/23rd December, 1949 by some mischief-mongers against whom an F.I.R. had also been lodged at the Police Station Ayodhya on 23rd December, 1949.

2. That the contents of para 2 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that the said plan as well as the report submitted by Sri Sheo Shanker Lal, and made part of this Plaint do not depict the correct position of the spot and the same cannot be relied upon for identification and description of the property in suit. The plaintiffs were, therefore, obliged to give the boundaries as well as the site plan of the property in suit and the plaint is defective in this respect.

3. That the contents of para 3 of the plaint are also denied as stated and in reply thereto only this much is admitted that suit No.2 of 1950 had been filed by Sri Gopal Singh Visharad against Sri Zahoor Ahmad and others. It is incorrect to say that the original plaintiff of the said suit has died only recently. The fact is that Sri Gopal Singh Visharad had expired several years ago and no application for substitution has been moved in the said suit within the prescribed period (and as such the said suit had abated much

before 1986 and the order of substitution passed in favour of defendant No. 1 is absolutely illegal and improper).

It is further submitted that the names of the Muslim defendants of the said suit had been wrongly struck off. The answering defendant is advised to state that the heirs of the Muslim defendants were liable to be substituted in place of the original Muslim defendants. Rest of the contents of the para under reply may be verified from the record of the original Suit No. 2 of 1950.

4. That the contents of para 4 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that whatever relief was claimed in the said suit No. 2 of 1950 would appear from the copy of the plaint of that suit.

5. That the contents of para 5 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that the contents of the said suit No. 25 of 1950 may also be verified from the copy of the plaint of that suit, and in the absence of the relevant record it is not admitted that a valid notice under Section 80 of the Code of Civil Procedure had been given prior to the filing of the aforesaid suit No. 25 of 1950.

(It is further submitted that the names of the Muslims defendants have been wrongly struck off).

6. That the contents of para 6 of the plaint are also incorrect and hence denied as stated and in reply thereto is submitted that since suit No. 25 of 1950 was also considered to be defective like Suit No. 2 of 1950, a third Suit had also been got filed which had been numbered as Suit No. 26 of 1959. Whatever was pleaded in Suit No. 26 of 1959 would appear from the copy of the plaint of that suit and it is absolutely incorrect to say that the idols of Sri Ram Chandraji and others have ever been installed in the said premises of Babri Masjid which has been wrongly described as Janam Bhoomi. (It is further submitted that the said Suit No. 26 of 1959 was also defective and not maintainable. It is also incorrect to say that the heirs of the Muslims defendants of the said suit were not liable to be substituted. The answering defendant is advised to state that the cause of action, if any, did survive even against the heirs and legal representatives of the said Muslim defendants). As all of them claimed the property in suit to be a mosque and none of them had

ever admitted the said building to be a temple.

7. That the contents of para 7 of the plaint are also incorrect and hence denied as stated and in reply thereto only this much is admitted that suit No. 12 of 1961 was filed by the answering defendant and 8 other Muslims in the Court of the Civil Judge, Faizabad. The reliefs claimed in the said suit may be verified from the plaint of the said suit and it is incorrect to say that only plaintiffs Nos. 7 and 9 of the said suit are surviving. As a matter of fact the plaintiffs nos. 5 and 8 of the said suit No. 12 of 1961, namely Maulvi Mohd. Naseer and Wakiluddin, are also very much alive and the plaintiffs nos. 2, 4, 6 and 10 are survived by their legal representatives (and all of them are liable to be impleaded in the instant suit).

8. That the contents of para-8 of the plaint are denied as stated for want of definite knowledge and the same may be verified from the record.

It is further submitted that the aforesaid suit No. 12 of 1961 was filed in the representative capacity and the application for permission to sue in a representative capacity was allowed by the Court.

9. That in reply to para 9 of the plaint it is admitted that all the aforesaid four suits have been consolidated and suit no. 12 of 1961 had been made as the leading suit.

10. That the contents of para 10 of the plaint may also be verified from the record of the suit No. 2 of 1950.

11. That the contents of para 11 of the plaint are denied as stated and in reply thereto it is submitted that the plaintiffs nos. 1 and 2 cannot be treated as deities and also there arises no question of their Sewa and Pooja. Rest of the contents of the para under reply may be verified from the record.

12. That the contents of para 12 of the plaint are also denied as stated and in reply thereto it is submitted that there arises no question of Sewa and Pooja of the said alleged deities as no such deities exist in the building in question and the idols kept therein could not be treated as deities. It is further submitted that the restricted Pooja as carried on 16th January, 1950 could not be treated as Sewa and Pooja of the alleged deity. It is also incorrect to say that there has ever been any likelihood of the suits being decided in such a manner that any closer Darshan of the idols could be possible.

13. That the contents of para 13 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that the defendant No. 20 had no right or title or locus standi to move the said application for the opening of the gate of the mosque for closer Darshan (and the defendant No. 20 being not at all a party to any of the aforesaid suits, he had no locus standi to file the Appeal before the District Judge, Faizabad, and the order dated 1.2.1986 passed by the District Judge, Faizabad, was patently and manifestly illegal and without jurisdiction) and two writ petitions are pending in the Hon'ble High Court against the aforesaid order dated 1.2.1986.

It is further submitted that the building in dispute is not the Janam Bhoomi of Sri Ram Chandraji and no idols of Sri Ram Chandraji were ever installed in the said building and as such there arises no question of any right or claim of the defendant no. 20 or of anyone else to perform Pooja and Darshan over there. The fact is that the property in suit is an old mosque known as Babri Masjid and the same was constructed during the regime of Emperor Babar.

14. That the contents of para 14 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that the building in dispute is not a temple and as such there arises no question of any Pooja and Darshan being allowed to be performed over there. (It is reiterated that the plaintiffs nos. 1 and 2 are not the deities recognised by Hindu law and as such they have no legal entity).

It is further submitted that since the building in question is a mosque there arises no question of any new temple being constructed over the site of the said Babri Masjid (and the plaintiffs or anyone else have no right or locus standi to claim the removal of the old structure of the said mosque).

It is also relevant to mention here that neither any idols were kept in the said mosque prior to the incident of the night of 22nd/23rd December, 1949 when the idols were surreptitiously or stealthily kept in the mosque by some mischievous elements and nor the said mosque was ever used for performing Pooja and Darshan etc. prior to 23.12.1949. As the plaintiffs Nos. 1 and 2 cannot at all be treated as deities, there is no question of unhappiness of the so called deities and their alleged devotees. It is, however, admitted that there has been unnecessary and unusual delay in the .

disposal of the suits referred to above and on account of the attachment of the mosque for the last about 39 years the condition of the building has also deteriorated. The Receiver appointed by the Court is not taking proper interest in the maintenance of the building and in spite of the orders of the Court, no repairs of the building have been undertaken for the last several years. The answering defendant is, however, not aware of the alleged misappropriation of the money by the staff appointed by the Receiver. The answering defendant is further advised to state that the alleged desire of removing the structure of the mosque and of constructing a temple on the site of the said mosque is wholly uncalled for and unwarranted and mischievous and any such attempt will be fraught with very dangerous consequences (and instigation of such unholy design and illegal activity also amounts to offence apart from being contemptuous) and in gross violation of the restraint order passed by the Hon'ble High Court in Writ Petition No. 746 of 1986: Mohd. Hashim Versus State of U.P. and others.

15. That the contents of para 15 of the plaint are absolutely incorrect and hence denied as stated and in reply thereto it is submitted that as there is no temple there arises no question of improving the administration and reconstruction of the same or of managing the performance of alleged Sewa, Archana and Pooja etc. So also there being no deities, there is no question of protecting, renovating and re-construction and developing the alleged temple premises, and the building in question being a mosque there was no question or justification for creation of any Trust or for execution of any Deed of Trust and the so-called Trust and Deed of Trust are wholly uncalled for, unwarranted and illegal and the same have got no legal sanctity. The entire exercise done in this respect is based on imaginary concept of Ram Janam Bhoomi temple while no such temple ever existed over the premises in question.

16. That the contents of para 16 of the plaint are absolutely incorrect and hence denied as stated. As already stated above, the so-called Sri Ram Janam Bhoomi Nyas has got nothing to do with the building in dispute and as such it is absolutely irrelevant for the purposes of the instant case as to who are the Trustees and members of the same.

17. That the contents of para 17 of the Plaint are absolutely incorrect and

hence denied as stated. The so-called Nyas has got no concern with the property in suit and it is also not a legal person and no Sewa and Pooja being done in the building in question under the auspices of the said Nyas, there is no question of the impleadment of the Nyas as defendant No. 21.

18. That the contents of para 18 of the plaint are also denied as stated. Neither there is any Presiding deity and nor there is any Asthan as alleged in the para under reply and as such the plaintiffs nos. 1 and 2 are not at all the juridical persons and the suit filed on their behalf is wholly misconceived and non-maintainable. As already stated above, the idol was surreptitiously and stealthily kept inside the mosque in the night of 22nd/23rd December, 1949 and as such the said idol has neither been installed in accordance with the tradition and rituals of Hindu Law and nor there have been any ceremonies prescribed by Hindu Law for the installation of the idols and as such the idols kept in the mosque have got no legal entity and that being so there arises no question of impleadment of the same, and moreover, the plaintiff no. 3 has also got no direct right or title or concern with the property in suit and as such he is also not entitled to institute the present suit. In any case the instant suit having been filed after expiry of more than 39 years since after the attachment of the property in suit the instant suit is heavily barred by time and it is not at all maintainable even on this account.

19. That the contents of para 19 of the plaint are absolutely false and incorrect and hence denied as stated. Neither there is any public record, much less any record of unimpeachable authority showing that the premises in dispute is the place of birth of Sri Ram Chandraji and nor there is any historical or judicial record to testify the averments of the para under reply. As a matter of fact the religious books as well as the writing of Hindu scholars themselves make it very doubtful as to whether the personality of Sri Ram Chandraji is a historical personality. Similarly there are several versions about the place of birth of Sri Ram Chandraji and it is not at all settled, even amongst the Hindu scholars, as to where and in what period such a religious leader known as Sri Ram Chandraji was born. The booklets being circulated at Ayodhya by the Vishwa Hindu Parishad and other Hindu Organizations and other books of Hindu mythology describe the period of Sri Ram Chandraji as that of Treta Yug meaning thereby that he was born

more than 9 lakh years ago. According to Hindu mythology, there have been three Maha Prayleys during this period due to which the entire earth had submerged into water and as such according to Hindu mythology itself no specific place can be said to be the birth place of Sri Ram Chandraji. It is also pertinent to mention here that greatest authority of Hindu mythology on Sri Ramchandraji known in the recent history is that of Goswami Tulsidasji. He had written the book on Sri Ramchandraji known as Sri Ram Charitra Manas during the regime of Mughal Emperor Akbar, who was the grandson of Mughal Emperor Babar and it is said that Sri Goswami Tulsidasji had composed the said Ram Charitra Manas at a place known as Datun Kund situated at a distance of about one kilometre from Ayodhya in district Faizabad and as such had there been any birth place of Sri Ramchandraji in Ayodhya, Goswami Tulsidasji must have specifically mentioned about the same in his Ram Charitra Manas and as a great devotee of Sri Ramchandraji Goswami Tulsidasji cannot be expected to have skipped over or concealed or kept quiet over such an important fact regarding the life history of Sri Ramchandraji and had there been any iota of truth in the story of Sri Ram Janam Bhoomi temple being there, at Ayodhya at the site of the Babri Masjid during the regime of Emperor Babar or prior thereto and had there been any incident of demolition of any such temple and construction of Babri Masjid over the same, Goswami Tulsidasji must have taken up this matter in the Court (Darbar) of Emperor Akbar and Emperor Akbar must have undone the alleged wrong and specially so when the Court of Akbar was full of Advisors, councillors and ministers from Hindu community and his own Queen was also Jodha Bai. It is also relevant to mention here that even the location of present Ayodhya does not tally with the location of Ayodhya as given in the Balimik Ramayan and this also creates doubt about there being any place of birth of Sri Ramchandraji in the present Ayodhya situated in district Faizabad. Ayodhya mentioned in the Balimiki Ramayan is said to be situated at a distance of about 1-1/2 Yojana (equivalent to about 14-1/2 miles) from river Saryu flowing East to West which is presently running quite adjacent to the present Aydhya from West to East.

It is also absolutely incorrect to say that there is any historical or other evidence to the effect that Sri Ramchandri had manifested himself in human

form at the place where the idols are presently kept in the mosque in question.

It is also absolutely incorrect to say that the place known as Babri Masjid has ever been called as Sri Ram Janam Bhoomi prior to December, 1949.

20. That the contents of para 20 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that there is no deity by the name of Asthan Ram Janam Bhoomi and as a matter of fact there is no said Asthan also within the premises of Babri Masjid.

It is also relevant to mention here that in 1885 Mahant Raghubar Das, Mahant of Janam Asthan of Ayodhya, had filed a suit against the Secretary of State for India in Council and Mohd. Asghar, Mutawalli of the said mosque in the Court of Sub-Judge, Faizabad, in which a site plan had also been annexed along with the plaint and in the said site plan the mosque in question was specifically mentioned in the western side of the Chabutra in respect whereof the said suit was filed for permission to erect temple over the said Chabutra. In respect of the said Chabutra the said Mahant Raghubar Das had stated that the temple of Janam Bhoomi was desired to be constructed over there, but the said Mahant could not succeed even in that suit which was ultimately dismissed on 24th December, 1885 by the Sub-Judge, Faizabad, and the appeal filed against the said judgement and decree dated 24th December 1885 was also dismissed by the District Judge, Faizabad, and the Second Appeal filed against the same had also been dismissed by the Judicial Commissioner of Avadh. The aforesaid suit was filed by Mahant Raghubar Das on behalf of other Mahants and Hindus of Ayodhya and Faizabad etc. As such the plaintiffs cannot claim any portion of the Babri Masjid to have been defied or having become a juridical personality by the name of Asthan Ram Janam Bhoomi and specially so when neither there has been any installation of deity and nor any personification of the same in accordance with the tenets of Hindu religion or law. It is further submitted that the plaintiffs are even estopped from claiming the mosque in question as the Janam Bhoomi of Sri Ram Chandrajji as the plaintiffs' predecessors and specially Mahant Raghubar Das had confined his claim to the Chabutra (platform) of 17' x 21 ft. outside the said

mosque as being Janam Asthan of Ram Chandraji and also because there already exists another temple known as Janam Asthan temple situate at a distance of less than 100 yards only from Babri Masjid and on its northern side.

21. That the contents of para 21 of the plaint are also denied as stated and in reply thereto it is submitted that the mythological concept of incarnation etc. is not at all relevant for the purposes of the instant case. However, the averments of the para under reply are not correct and consistent with Hindu Law and, the same being a matter of legal nature it will be dealt at the appropriate stage. It is, however, relevant to mention here that neither there has been any installation of any deity within the premises in dispute and nor the ritual of Pranpratishtha in respect of any idol surreptitiously and stealthily kept inside the mosque in question was ever performed or observed; as such there arises no question of divine spirit having been created or manifested in the idol forcibly kept in the mosque in question in the night of 22nd-23rd December, 1949 about which an F.I.R. was lodged at the Police Station Ayodhya in the morning of 23.12.1949 by a Hindu Officer of the Police Station himself who had mentioned in the said F.I.R. that some mischievous element had kept the said idol in the preceding night in a stealthy and surreptitiously manner by sheer use of force and non the basis of the said F.I.R. a Criminal case had also been registered against those persons who had kept the said idol and subsequently proceedings under Section 145 Cr.P.C. had been drawn by the Magistrate and as a result of the communal tension arising and developing on account of the aforesaid incident or keeping the idol in the mosque, the said building had been attached on 29.12.1949 and Suprudgai/Receiver for the care and custody of the said building had also been appointed who had drawn up a scheme of Management and the same was submitted on 5.1.1950.

22. That the contents of para 22 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that the spirit of Sri Ram Chandraji as the divine child cannot be said to reside at any place or in any idol kept inside the said mosque and as such no idol or place of the said mosque can be said to be deity. It is further submitted that there is no comparison of Kedarnath or Vishnupad temple of Gaya with the Babri

Masjid. It is also relevant to mention here that there is no Charan or Sita Rasoi within the premises of Babri Masjid and the place known as Sita Rasoi is situated outside the premises of the said mosque. It is also incorrect to say that Pooja in any form was ever performed inside the mosque in question at any time prior to 23.12.1949.

23. That the contents of para 23 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that there has never been any temple of Maharaja Vikramaditya's time at the site of the Babri Masjid and no authentic books of history and no public record of any unimpeachable authenticity can be cited in this respect. It is also incorrect to say that the mosque in question was raised at the site of any temple or after destroying any temple by force and arms. It is also not correct to say that the material used in the construction of the said mosque was almost all of it taken from any temple, and it is also incorrect to say that the pillars of the said mosque were wrought out of Kasauti or touchstone with figures of Hindu Gods and Goddesses caryed on them. The fact is that such pillars are available at some other places also. It is also absolutely false and baseless to suggest that any resistance was put by the Hindus or any battle was fought from time to time to prevent the construction of the mosque. Regarding the shape of the structure of the mosque it is submitted that there is no requirement of any specific type of construction or structure for any mosque and existence of minaretes or or domes is not at all required for any mosque and so also there is no necessity of any place for storage of water for VAZOO for any mosque although in the close vicinity of Babri Masjid a well is very much there for taking out water for the purposes of Vazoo. There are several other mosques in India and even in Faizabad and Lucknow, which do not have minarets and even domes and one such mosque is situated within the premises of Dargah Hazrat Jahangir Samdani in Kachaucha Shareef district-Faizabad in which there are no domes or minaretes and one such mosque exists in the district of Lucknow in which there are five domes but no minaretes. It is also incorrect to say that any life was lost in any battle fought in respect of Babri Masjid and no battle in respect thereto had taken place till 1885.

It is also incorrect to say that the building of Babri Masjid raised during Babar's time had ever remained in the possession and control of

Hindus. The citation of Faizabad gazetteer given in the para under reply is based on hearsay information and the same cannot be said to be true and correct or in any way a reliable piece of evidence.

It is also relevant to mention here that bitterness had been created between Hindus and Muslims in respect of the mosque situated inside Hanuman Garhi and it was on the report of the demolition of that mosque that some Muslims had tried to take up arms under the command of Maulvi Ameer Ali, but they could not succeed on account of the army of the Nawab as well as British army posted for facing their challenge. The expedition of Maulvi Ameer Ali had, therefore, no concern or connection with the Babri Masjid and the observations of the contrary in the Gazetteer of Faizabad and Barabanki are, therefore, totally incorrect and no reliance can be placed upon the same. It is also incorrect to say that at any point of time Hindus and Muslims both used to worship in the same building known as Babri Masjid.

Had there been any such practice of worshipping by both the communities inside the Babri Masjid, mention of the same should have been made in the plaint of the Original Suit No. 61/280 of 1885: Mahant Raghubar Das Versus Secretary of State & another, decided on 14.12.85 by the Sub-Judge, Faizabad.

24. That the contents of para 24 of the plaint are also incorrect and hence denied as stated. At no point of time there ever existed any temple at the site of the Babri Masjid and it is absolutely incorrect to say that the said mosque was constructed, after destroying any ancient temple, with the material of the alleged temple. The mosque in question has always been used as a mosque since its construction during the regime of Emperor Babar.

The contents of the sub-paras (A) to (G) of the para under reply are also incorrect and the same are also denied as stated:

(A) That the contents of para 24(A) of the plaint are also denied as stated. The quotation of Quran is totally out of context and the same is not even correct and complete.

(B) That the contents of para 24(B) of the plaint are also incorrect and hence denied as stated. The land in question undoubtedly belonged to the state when the Mosque in question was constructed on behalf of the State and as such it cannot be said that it could not be dedicated for the purposes

of the mosque. Emperor Babar was a Sunni Muslim and the vacant land on which the Babri Masjid was built lay in his State territory and did not belong to anyone and it could very well be used by his officers for the purposes of the mosque and specially so when the Emperor Babar himself consented and gave approval for the construction of the said mosque. It is absolutely incorrect to say that the site in question was the site of any temple and any temple was destroyed by Meer Baqi. Had any such incident of demolition of any temple taken place, the same must have been reported in any authentic book of Mughal history but no such incident finds mention in any authentic book of history and as such it is absolutely false and concocted to suggest that the mosque in question was constructed at the site of any temple.

(C). That the contents of para 24(C) of the Plaint are also absolutely false and incorrect and hence denied as stated. No temple had ever existed at the site of the said mosque and there is no question of vesting of the site in any alleged deity. Similarly no Asthan and deity could be said to have ever existed over there and as such there arises no question of the possession of any deity or Asthan on the site in question. The alleged Ram Chabutra has also not remained in existence since the time of Babar out rather the same is the creation of around 1857 period.

It is also incorrect to say that the entry of the mosque could not be possible except after passing through any place of Hindu worship. The concept of the mosque has also been wrongly and incorrectly described in the para under reply.

(D) That the contents of para 24(D) of the plaint are also incorrect and hence denied as stated. There is no such requirement for the construction of any mosque- that the same should be built in a place of peace and quiet and near to a place where there is a sizeable muslim population. It is also incorrect to say that the mosque cannot be built in a place which is surrounded by temples, where the sound of music and Konch shell, Ghanta Gharyal disturbs the peace and quiet of the place.

(E) That the contents of para 24(E) of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that there is no specific shape of building of a mosque and there is no requirement of existence of any minaretes in a mosque. It is also not required that there

should be any specific place or minaretes for calling the Azan. The quotations given in the para under reply are also irrelevant and out of context and the same do not even present a correct law.

(F) That the contents of para 24(F) of the plaint are also incorrect and hence denied as stated. Whatever was mentioned in the plaint of Suit No. 12 of 1961 would appear from the copy of the same and the averments of the Faizabad Gazetteer referred to in the para under reply are neither authentic and nor correct. It is also incorrect to say that there were no graves near the building of the said mosque. The fact is that many graves existing in the Ganj-Shaheedan have now been mostly demolished by the Bairagis and that is why they are not now visible. It is reiterated that the mosque in question has been used for offering regular 5 time prayers up to 22nd December, 1949 and even Friday prayers have been offered in the same till 16th December, 1949 and the Imam of the said mosque who used to lead the prayers even in 1949 namely Maulvi Abdul Ghaffar son of late Mohd. Abdul Qadir. He had even filed his affidavit in writ petition No. 746 of 1986 : Mohd. Hashim Vs. District Judge, Faizabad and others, which is still pending in this Hon'ble Court.

(G) That the contents of para 24(G) of the plaint are also incorrect and hence denied as stated and in reply thereto it is, submitted that there is a pucca well also outside the mosque in question for taking out water for the purposes of Vazoo.

(25) That the contents of para 25 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that there never remained any deity in the mosque in question. It is also incorrect to say that no valid waqf of the mosque was ever created and the reference of command of law made in the para under reply is also incorrect and misleading.

It further submitted that the muslims possession has remained uninterrupted and continuous of the mosque in question since its construction and up to 22.12.1949 (and as such the alleged right or title, if any, of anyone else over the same has ceased to exist and the alleged right and title shall be deemed to have extinguished) on account of the uninterrupted and adverse possession of the muslims over the mosque in question for more than 420 years.

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(26) That the contents of para 26 of the plaint are also incorrect and hence denied as stated and in reply there to it is submitted that regular 5-time prayers used to be offered in the said mosque up to 22.12.1949 and Friday prayers were also offered up to 16.12.1949 and on 23.12.1949 when the muslims led by the Imam of the said mosque had approached the authorities of the district to offer Friday prayers in the said mosque they were persuaded to offer Friday prayer on that date in some other mosque with the specific assurance that they will be allowed to offer Friday prayers in the mosque in question on the next Friday falling on 30.12.1949. But before that the mosque in question had been attached by the Magistrate under Section 145 Cr.P.C. and since then the attachment of the said mosque is continuing and till now the said mosque is continuing in the custody of the Court.

It is further submitted that although communal riot of 1934 had nothing to do with the mosque in question but still some Bairagees had damaged a portion of the mosque and as such the District Magistrate of Faizabad had got the said damaged portion of the mosque repaired through a muslim contractor soon thereafter.

It is also incorrect to say that after the said repairs no one had dared to offer Namaz in the said mosque. As the mosque in question was very much in use there was no occasion for the Waqf Board to take any action or steps for the establishment of the building as a mosque.

It is also absolutely incorrect to say that there was no Mutawalli or Moazzin or Imam or Khatib or Khadim of the said mosque. The name of the mutawalli of the said mosque finds mention even in the Government Gazette of 1944 declaring the said mosque as a waqf and even at present there is a Committee of Management of the said mosque appointed by the U.P. Sunni Central Board of Waqf (answering defendant).

(27) That the contents of para 27 of the plaint are also incorrect and hence denied as stated. The graves existing near the Babri Masjid were dug up and levelled mainly after 1949 and not just after Independence and in the night of 22nd-23rd December, 1949 some Bairagees had forcibly and illegally entered into the mosque and had kept the idol below the middle dome of the mosque about which an F.I.R. was lodged at Police Station, Ayodhya in the morning of 23rd December, 1949 and some of the culprits were even named in the

FIR. It is absolutely incorrect to say that the idol of Bhagwan Sri Ram Chandrajji was installed with due ceremony in the Central dome of the building in the 'aforesaid' night. It is also incorrect to say that any purification of the alleged Asthan was done by Akhand Ramayan and Jap by thousands of persons all over the area.

(28) That the contents of para 28 of the plaint are also incorrect and hence denied as stated. It is absolutely incorrect to say that no muslims have been residing near the Babri Masjid and as such no resistance was offered. The fact is that muslims reside not only behind the mosque but also in the localities situated in the southern and eastern side of the mosque. But no one being aware of the aforesaid, keeping of idols in the late hours of the night could offer resistance at that time and when the muslims had come to know about the same on 23rd December, 1949, they had collected over the spit and had insisted for offering Friday prayers in the said mosque, but the district authorities present over there had persuaded the muslims not to offer prayer on that date and they had assured the muslims that the idols stealthily kept in the mosque would be removed by the next Friday and as such the muslims could offer prayer from the next Friday. In this view of the matter the muslims acted with restraint and as law abiding citizens and when the mosque was attacked on 29th December, 1949, the muslims had started pursuing legal remedies. The said proceedings had started under section 145 Cr.P.C. and have not been dropped so far, but rather the same were stopped and consigned to record on account of the filing of the Civil suit and the same will be revived after the decision of the civil suit.

It is also relevant to mention here that the aforesaid act of keeping the idols in a stealthy manner was done with the connivance of some district officials and that is why the said idols had not been removed by those officials specially by the then District Magistrate Sri K.K. Nayyar in spite of the fact that the then Prime Minister, Sri Jawahar Lal Nehru as well as the then Chief Minister Pandit Govind Ballabh Pant had severally asked the District Magistrate Faizabad to get the idols removed from the mosque. In this respect one Sri Akshay Brahmchari, the then President of the District Congress Committee, Faizabad, had even undertaken fast in order to press the demand for the removal of the idols from the said mosque but on the

assurance given by the then Chief Minister Pt. Govind Ballabh Pant, he had broken his fast.

It is also incorrect to say that the Magistrate who had initiated proceedings under Section 145 Cr.P.C. had not considered the dispute in question to be a dispute between Hindus and Muslims.

It is also incorrect to say that the said proceedings under Section 145 Cr.P.C. had been dropped on 30th July, 1953 with the finding that there was no apprehension of breach of peace and order any longer.

(29) That the contents of para 29 of the plaint are also incorrect and hence denied as stated. There was no deity in the eyes of law in the said mosque and hence there was no occasion for the impleadment of the same either in the suit filed by the Hindus or in the suit filed by the Muslims; the idols kept in the mosque could not be treated as deities and as such there arose no question to interfere with the so-called possession of any alleged deity. Moreover there being a restraint order of Injunction against the removal of the idols; the said idols could not be removed during the pendency of the suits. The possession of the building in question has remained with the Supurdgar/Receiver right from 5.1.1950 and as such no one else could be said to have been in actual and physical possession over the mosque in question since after 5.1.1950 up till now. It is also incorrect to say that the Receiver could be said to have acted like a onebiat. As there are no deities in possession of the site in question there arose no question of extinguishment of the rights of the Muslims over the mosque in question on account of the alleged long and adverse possession.

(30) That the contents of para 30 of the plaint are also incorrect and hence denied as stated. Neither the Hindu public could be said to have dreamt of establishing Ram Raj after freedom and nor it could be said that the restoring of the alleged Janam-Asthan to its imaginary glory has ever been the National aspiration of Mahatma Gandhiji. Mahatma Gandhi had never considered or treated Babri Masjid to be Janam Asthan of Sri Ram Chandraji and that is why his followers and disciples had never supported the act of keeping idols in the said mosque but rather they had treated the forcible act of keeping the idols in the mosque with the contempt it deserved. Sri Askshay Brahmachari was a disciple of Mahatma Gandhi and that is why he

had undertaken fast in order to press his demand for the removal of the idols from the mosque. It is, therefore, absolutely incorrect to say that the devotees of Sri Ram Chandraji are agitating for the construction of a grand temple at the site of the said mosque. As a matter of fact this demand is being made by some disgruntled elements having their vested interest in making such demand and a large number of persons have been misled to believe that as if the said Babri Masjid is the birthplace of Sri Ramchandraji.

It is further submitted that there is absolutely no justification for the present campaign being carried on for starting construction of Ram Janam Bhoomi temple at the site of the Babri Masjid with effect from 9.11.1989. There is no question of construction of any such temple at the site of the mosque and muslims will never permit any such attempt being successful. The averments of the para under reply are most unwarranted and amount to incitement of an offence and also amount to contempt as the same has the effect of undermining the authority of the Court.

(31) That the contents of para 31 of the plaint are also incorrect and hence denied as stated and in reply thereto it is submitted that there being no deity in the said mosque, there was no question of impleading the same as party. It is also incorrect to say that the four suits pending for the last several years were in any way insufficient for adjudication of the controversy in question. It is also incorrect to say that the pendency of the aforesaid suits could present any hindrance in the making of declaration about the nature and character of the building in question. It is also incorrect to say that the declaration sought in the Regular suit No. 12 of 1961 was in any way frivolous and it is also incorrect to say that the plaintiffs of Regular Suit No. 12 of 1961 could not represent the entire muslim community. It is also incorrect to say that there are wide ranging differences amongst Shias and Sunni sects of the muslims in respect of the mosque in question. It is also incorrect to say that the defendants no. 1 to 4 and other defendants who have been impleaded later on in Regular Suit No. 12 of 1961, were not competent or capable of representing the entire Hindu community. In any case several other Hindus apart from defendants no. 1 to 4 had got themselves impleaded after publication of notice of the representative suit and the plaintiff no. 3 having not impleaded himself in the aforesaid Regular Suit No. 12 of 1961 at

the proper time, he could not now say that he was the next friend of the deity and that he could file a fresh suit in respect of the subject matter in issue. It is also incorrect to say that the plaintiff no. 3 was the next friend of Sri Ram Chandraji. Legally speaking the plaintiff No. 3 has never remained in any way concerned with the management and pooja etc. of the idols in question and as such he could in no way claim himself to be the next friend of Sri Ram Chandraji.

It is also relevant to mention here that the Shia sect has nothing to do with the waqf of the mosque in question and this matter has already been adjudicated upon by the Civil Judge, Faizabad in 1946 and it has been finally settled that the Babri Masjid is a Sunni Waqf.

(32) That the contents of para 32 of the plaint are also incorrect and hence denied as stated. It is incorrect to say that the mutwallis of the mosque in question were Shia muslims or the descendants of Mir Baqi. The answering defendant is advised to state that the judgement and decree dated 30th March, 1946 of the Court of the Civil Judge, Faizabad passed in Suit No. 27 of 1945 is binding upon the parties and controversy about the Shia or Sunni nature of the waqf in question has been set at rest by the aforesaid judgement and the said judgement has all along been relied upon by the Muslim parties in the matter in issue. It is, however, relevant to mention here that there is no legal bar for appointment of Shia Mutawalli of a Sunni Waqf; so also a Sunni Muslim can very well be appointed as mutawalli of a Shia Waqf.

It is pertinent to mention here that the person, who constructs the mosque or under whose supervision a mosque is constructed does not become a Wakif of the said mosque ipso facto and specially so when an officer or General of the Army of a king constructs a mosque on behalf of the King or Emperor the waqf is said to have been created by the Emperor and not by the officer. It is also incorrect to say that any Mutwalli of the waqf in question had not submitted to the jurisdiction of the Sunni Waqf Board after the creation of the said Board under the Waqf Act of 1936. From the record of the Board it is not borne but that Sri Jawwad husain was ever recorded as mutawalli of the said waqf and as such Jawwad Husain has been wrongly impleaded as a defendant in the instant case. So also the defendants No. 22, 24 and 25 have also been wrongly impleaded in the instant suit and their

impleadment appears to be mala fide and just to create a controversy about the nature of the Waqf. The suit is, therefore bad for misjoinder of parties.

(33) That the contents of para 33 of the plaint are also incorrect and hence denied as stated. Neither there is any Presiding Deity of plaintiff No. 1 and nor there are other deities over the premises in question and it is also incorrect to say that the so-called Charan (footsteps) and Sita Rasoee etc. constitute one integral complex and have a single identity. It is also incorrect to say that the claim of the muslims is confined to the building and the area enclosed within inner boundary wall. The area being claimed by the muslims is mentioned very specifically in the plaint of Regular Suit No. 12 of 1961 and the description of the same can in no way be said to be vague and undefined. It is also incorrect to say that there are no graves in the vicinity of the said mosque for the last fifty years. It is not at all admitted that the defendant No. 3 is the present mutawalli of the Babri Masjid since before 1948. At present the said mosque has got a Managing Committee appointed by the answering defendant. It is also incorrect to say that only a mutwalli of the mosque can sue for its possession. The Board is a statutory Board having been created by the U.P. Muslim Waqf Act, 1936 and now continuing under the U.P. Muslim Waqf Act, 1960. The Waqf Act of 1960 was also passed to provide for better governance and administration and supervision of the Waqfs in Uttar Pradesh, and under Section 19 of the said Waqf Act, 1960 the Board has got the power of general supervision of all the Waqfs and it is the duty of the Board to do all things reasonable or necessary to ensure that the Waqfs under its superintendence are properly maintained, controlled and administered and under Section 19(2)(q), the Board has also been conferred with the power to institute and defend suit and proceedings in any Court of law relating to all waqfs. It is, therefore, absolutely incorrect to say that the Board or other muslims associated with the management and administration of the mosque in question or offering Namaz therein could not file the suit for possession registered as Regular Suit No. 12 of 1961.

(34) That the contents of para 34 of the plaint are also incorrect and hence denied as stated. It is also incorrect to say that Prince Anjum Qadar, defendant No. 24 or any other sensible and sizeable Section of the muslim community does not approve of the course adopted by the defendants no. 4

to 6. It is also incorrect to say that any responsible muslim has ever made any suggestion for the removal of the mosque to any other place. The concept of the removal of the structure of the mosque to any other place is quite foreign to the Muslim law and there is no possibility of any such course being adopted by the muslims in respect of the mosque in question. The concept of the mosque is that the entire area below as well as above the portion of the mosque remains dedicated to God Almighty and as such it is not the construction or structure of a mosque alone which is important but more important is the land on which the mosque stands constructed because the land also stands dedicated to God Almighty and the same cannot be removed. As such even if any person bearing the muslim name makes any suggestion of removal of the mosque to any other place, the same is of no value and significance as the principles of Islamic law do not permit any such removal. It is also preposterous to suggest that the building in question will have to be demolished for the construction of a temple in place thereof. While making such a statement the plaintiffs do not appear to be conscious about the grave and disastrous consequences that may follow, if any such proposal is given effect to. The muslims will never tolerate demolition of the mosque for the construction of a temple at the site thereof.

(35) That the contents of para 35 of the plaint are quite vague and ambiguous and also incorrect and hence denied as stated. There can be no dispute to the averments that all human beings including the muslims and Hindus are the creation of one and the same God and the plaintiffs of **Regular Suit No. 12 of 1961** as well as other muslims also believe in the policy of living in amity and goodwill with the members of all communities and religious denomination. That does not mean that the gesture of goodwill and amity should be shown to such persons who are bent upon demolishing the mosque. It is also incorrect to say that the site in question has got anything to do with the place of birth of Sri Ramchandraji and as such the same has got no significance of the alleged Asthan Sri Ramchandra Janam Bhoomi. The entire propaganda and publicity being carried out by the Vishwa Hindu Parishad and Ram Janam Bhoomi Yagya Samiti and their associates and allied bodies in this respect is nothing but sheer concoction and this is being done with the vested interests and political ambitions and as

such it is not at all difficult for the plaintiffs of this suit as well as for the defendants of Regular Suit No. 12 of 1961 to abandon their claim over the mosque in question and to construct a magnificent and grand temple of Sri Ramchandrajī at any other free site which may not be the property of any other person or community. It is also incorrect to say that under the tenets of Muslim law the mosque can be shifted under certain circumstances.

(36) That the contents of para 36 of the plaint are also incorrect and hence denied as stated. No cause of action ever accrued to the plaintiffs to file the instant suit as they have never remained associated with the management or administration of the property in question. In any case if any cause of action in respect of the property in suit can be said to have accrued to the plaintiff No. 3, the same must be deemed to have accrued in December, 1949 when the property in question was attached and when the Muslims had categorically denied the alleged claim of the Hindus to perform pooja in the mosque in question and that being so the instant suit is highly time barred. It is also relevant to mention here that the plaintiff no. 3 was required to give the specific date, month and year since when the alleged cause of action is said to have accrued and no such description having been given, the averments of the cause of action are incomplete and defective and the plaint is liable to be rejected on account of there being no cause of action as per averments of the plaint.

(37) That the contents of para 37 of the plaint are not disputed.

(38) That the contents of para 38 of the plaint are also incorrect and hence denied as stated for want of requisite details. Neither the suit has been properly valued and nor the court fees paid is sufficient.

(39) That the contents of para 39 of the Plaint are also incorrect and hence denied as stated. The plaintiffs are not entitled for any relief claimed in the para under reply and the suit is liable to be dismissed with special costs.

(40) That apart from the averments made above, attention of this Hon'ble Court is invited to the Additional Pleas in support of the averments made above.

Additional Pleas

41. That the instant suit is not at all maintainable and the plaintiffs no. 1 and 2 are neither deities and nor they can be treated as juristic person and the

plaintiff no. 3 cannot claim himself to be the next friend of Bhagwan Sri Ram. As such none of the plaintiffs have any right to file the instant suit.

42. That the instant suit is highly belated and the same is barred by the law of limitation and as such the same is liable to be dismissed on this account alone.

43. That the property in suit has also not been properly described and as such the instant suit suffers for want of material facts and particulars and on this account also the plaint is liable to be rejected.

44. That as the relief in the instant suit has been claimed against all the defendants including the Government and its officers arrayed as defendants no. 7 to 10, the suit could not be filed without giving notice under Section 80 of the Code of Civil Procedure to the said defendants no. 7 to 10 and no such notice having been given and there being no averments in the plaint in this respect, the suit is liable to be dismissed on this account also and in any case the plaint is liable to be rejected for want of statutory notice.

45. That as the subject matter of the instant suit is a waqf property and stands registered as a waqf in the Register of Waqf maintained by the Sunni Waqf Board under Section 30 of the Waqf Act and a Gazette notification in respect thereto has also been issued by the State government in 1944 and the same stands recorded as a mosque even in the revenue record and other government records and the same is even accepted as a mosque by the State Government and its officers in the written statements filed in Regular Suit No. 2 of 1950 as well as in Regular Suit No. 25 of 1950, the instant suit could not be instituted against the answering defendants until the expiration of two months next after notice, in writing, had been delivered or left at the office of the Board as per requirement of Section 65 of the U.P. Muslim Waqf Act, 1960 and no such notice having been given to the answering defendants by the plaintiffs, the suit is not maintainable and is liable to be dismissed.

(46) That even the reports of the Archeological experts have been to the effect that there appear to be no symptoms of human habitation in the present Ayodhya of more than 700 B.C. and also there appear to be no symptoms of any Fort or Palace or Old temple being there at the site of the Babri Masjid.

47. That the suit is barred by the provisions of Section 34 of the Specific

Relief Act also.

48. That the suit is bad for misjoinder of parties and also because of non-joinder of necessary parties.
49. That the instant suit is absolutely frivolous and vexatious and the same deserve to be dismissed with Special Costs.

Dated: Lucknow
26/29.08.1989

Sd/-
Defendant No. 4
Z.Zilani
Advocate
Counsel for the Defendant No. 4

VERIFICATION

I, Zakir Ahmed Khan, Secretary of the U.P. Sunni Central Board of Waqf, 91, Dr. Motilal Bose Road Lucknow, do hereby verify that the contents of paras 1, 2, 3, 4, 5, 12 to 17, 19 to 21, 25, 27 to 31, 33 to 38, 40, 45, 46 except the bracketed portions of paras 5, 13, to 15, 17, 19 to 21, 29, 31, 33, 36 and 45 of this written statement are true to my own knowledge, while the contents of paras 3, 6 to 10, 18, 22, 23, 24, 26 and 32 except the bracketed portions of para 36, 7, and 32 true to my knowledge based on record and the contents of paras 11, 39, 41, to 44, 47 to 49 as well as the bracketed portions of 3, 5, 6, 7, 13 to 15, 17, 19 to 21, 29, 31 32, 33, 36, and 45 of the same are believed by me to be true.

Signed and verified this 26th day of August, 1989 at 91, Dr, Motilal Bose, Road, Lucknow.

Dated : 26.08.1989
Lucknow

Sd/-
Defendant No. 4

Secretary
U.P. Based Central Board of Waqf
Lucknow

//True Copy//

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD LUCKNOW
BENCH LUCKNOW

High Court Suit No. 5/1989

Regular Suit No.236 of 1989

Bhagwan Shri Ram and 2 Others ... Plaintiffs

Versus

Rajendra Singh and Others ... Defendants

F. F. 07.08.1989

**WRITTEN STATEMENT UNDER ORDER 8 RULE 1 OF C.P.C. ON
BEHALF OF DEFENDANT NO.5**

1. That the contents of para 1 of the plaint are denied. Neither the Plaintiff No.1 nor plaintiff No.2 are the deities within the meaning of Hindu Law nor they are juristic person to file the suit. Remaining contents of para are also denied. Kindly see additional pleas.

2. That the contents of para 2 of the plaint are denied. The area and the places indicated in Annexures No.1, 2, and 3 of the plaint are neither Ram Janam Bhoomi nor Ram Janam Asthan. However, it is evident that there exists a mosque known as Babri Masjid, the existence of this mosque is established by record, Historic, Judicial and Revenue. The filing of the suit No.2 of 1950 are not denied. However, the suit is wholly misconceived. The plaintiff of suit No.2 of 1950 had no legal right and the suit is misconceived. (See the additional pleas.)

3. That in reply to the contents of para 3 of the plaint, only the filing of the suit No.2 of 1950 is admittedly but not the contents of the plaint of the said suit. The remaining contents of para under reply are denied.

(Kindly see additional pleas).

4. That in reply to the contents of para 4 of the plaint it may be pointed out that relief claimed in suit No.2 of 1950 is wholly misconceived and legally not sustainable, remaining contents of this para are denied.

(Kindly see additional pleas).

5. That in reply to the contents of para 5 of the plaint the filing of suit No.25 of 1950 is admitted but the contents of the plaint of the said suit are denied. Remaining contents of the para under reply are also denied.

(Kindly see additional pleas).

6. That in reply to the contents of para 6 of the plaint the filing of suit No.26 of 1959 is admitted while the allegations of the plaint of the said suit are denied, the initiation of the proceeding under Section 145 Cr.P.C. and the

appointment of the receiver, which still continuous is also not denied. However, remaining contents of para under reply are denied.

(Kindly see additional pleas).

7. That in reply to the contents of para 7 of the plaint, the suit No. 12 of 1961 including its contents are admitted. The Sunni Central Board of Waqf U.P. is the rightful Public Authority having right to have possession of the entire complex of Babri Masjid and also has a right to maintain it including the graveyard known as 'Ganj Sahheedan'. The claim of U.P. Sunni Central Board of Waqf has already been adjudicated in its favour.

(Kindly see additional pleas).

8. That in reply to the contents of para 8 of the plaint, it may be pointed out that the order dated 8th August 1962 was rightly passed. Remaining contents of para under reply are not admitted as framed.

9. That in reply to the contents of para 9 of the plaint, it may be pointed out that the averments relate to the judicial record, and hence are not denied.

10. That in reply to the contents of para 10 of the plaint it may be pointed out that at the time of granting of the said injunction the answering defendant was not a party to suit No.2 of 1950. The said suit was also not in the representative capacity. Hence the answering defendant is not bound from the said interim injunction. The answering defendant is advised to state that the interim injunction order dated 16.1.1950 as modified on 19.1.1950 was also beyond the scope of suit No.2 of 1950. Remaining contents of the para under reply are also denied. (See additional pleas).

11. That in reply to the contents of para 11 of the plaint, it may be pointed out that pooja etc., even in the restricted way, was wrongly permitted. However, the appointment of receiver is not disputed. (Kindly see additional pleas)

12. That the contents of para 12 of the plaint are denied. The averments of para under reply, as regards performing religious ceremonies during the pendency of the suit is also incorrect and denied.

(Kindly see additional pleas etc.)

13. That the contents of para 13 of the plaint are not admitted as framed, answering defendant is advised to state that the order of District Judge dated 1.2.1986 is wholly illegal and is also void, being in utter violation of the

principle of natural justice. However, the said order has been challenged in two writ petitions, vide W.P. No.746/86 and W.P.No.3106 of 1986. (Kindly see additional pleas etc.)

14. That the contents of para 14 of the plaint are denied. There is no deity in the premises in dispute within the meaning and concept of Hindu Law and as such there is no question of devotees etc. The averments pertaining to the money received by the receiver are denied for want of definite knowledge.

15. That the contents of para 15 of the plaint are denied. There is no question of construction of any temple over the site in question. Answering defendant and his co-religionist have a right to resist any such attempt. There is no question of any management of the so called temple. The premises is a mosque and muslims have a right to offer namaz in it and U.P. Sunni Central Board of Waqf has a right to supervise and manage it. Neither Jagadaguru has any right or locus in the matter and nor he can execute any deed legally in respect of the premises in question. The answering defendant is not aware of the religious sect of the so called vairagies of Ayodhya. (Kindly see additional pleas also.)

16. That in view of the submissions made above the contents of para 16 of the plaint are vehemently denied. The so called trust deed is a nullity. It has no legal basis and the same has no relevance in the present controversy. (see additional pleas).

17. That the contents of para 17 of the plaint are vehemently denied. The so called 'Nyas' has no locus in the matter, nor it can be a party to any suit. (Kindly see additional pleas also.)

18. That the contents of para 18 of the plaint are vehemently denied. No other suit is needed. The present suit is also barred by limitation. The averments of the para under reply have been made with a malafide intention, by which the plaintiff No.3 only wants to boost his own status, while he has no locus; neither there is any deity having a juristic personality (or juristic person) and nor the plaintiff No.3 is a next friend of any deity and the only persons who have a right to worship in the premises in dispute, i.e the mosque, are the muslims. (Kindly see additional pleas).

19. That the contents of para 19 of the plaint are vehemently denied. There is no evidence, historic or otherwise, to indicate that Sri Ram Chandra

Ji was born there. This all is a later concoction and there is no question of devotees. (see additional pleas also.)

20. That the contents of para 20 of the plaint are vehemently denied. As there is no deity, there is no question of any devotee and there is no question of any asthan also. It is an innovation even in Hindu Law; the answering defendant is advised to state that the so called asthan can not be treated as a juristic person and as such the suit is not maintainable on this court also.

(Kindly see additional pleas).

21. That the contents of para 21 of the plaint are vehemently denied, the concepts of the various schools of thought of Hindu religion are not relevant to the controversy before this Hon'ble Court. (see additional pleas.)

22. That the contents of para 22 of the plaint are denied, various philosophers, fiction and concept of Hindu religion are not relevant for the controversy to be adjudicated in the 4 suits referred to above. Hence the averments of the para under reply are only an effort to introduce new questions not legal but philosophical and spiritual, which are not relevant. (see additional pleas).

23. That the contents of para 23 of the plaint are denied, the narration of history in the plaint is false and baseless; no authentic book of history has been referred in the plaint. The premises has always been a mosque since its construction in sixteenth century, it has always been used by the muslims for offering namaz and for no other purposes. Remark in the gazette is no authentic record of history. It is only a generalised observation, the Gazette also does not make any reference of any authentic history or record. The pillars are not of Kasauti. However, it is not relevant as the fact remains that it is a mosque, and has always been used as a mosque and it is wholly incorrect that anybody else other than muslims worshipped in the building which is called Babri Masjid. The narration of history by the plaintiff is baseless and false. There is no evidence of the demolition of any temple for the construction of this mosque. (see additional pleas).

24. That the contents of para 24 of the plaint are vehemently denied, the quotation from Holy Quran has been incorrectly quoted and the same is out of context. There is no evidence of demolition of any temple. The contents of sub-paras are also denied, on the basis of judicial records and other

evidence, it is clear that the premises in question has always been a mosque in which muslim had been offering regular namaz upto 22nd December, 1949. No specific shape or specific design has been prescribed for the mosque, in Islam. The shapes and architectural design of the mosque vary in different parts of the world and even in India. The Ganj-e-Shahidan also belongs to muslims and vests in God Almighty. The plaintiff has misrepresented about the contents of suit No.12 of 1961. The claim and the contents are clear in the plaint of suit No.12 of 1961, there is also a pucca well outside the mosque for 'vazoo'.

(Kindly see additional pleas also.)

25. That the contents of para 25 of the plaint are denied, the building has always been a mosque. In the night of 22/23 December 1949 some mischievous elements forcibly entered into the mosque and surreptitiously and stealthily kept the idol, the details of which have been narrated in the F.I.R. lodged at the Police Station, Ayodhya in the morning of 23rd December, 1949. A criminal case was also registered against several persons on the basis of said F.I.R. and a report was submitted to the Magistrate and the proceeding under Section 145 Cr.P.C. were initiated and the premises was attached and the attachment continues.

(see additional pleas).

26. That the contents of para 26 of the plaint are vehemently denied. The building known as Babri Masjid has always been in use as a mosque and the muslims have offered namaz in it since its construction till 22nd December, 1949. Some of those who offered namaz in it are still available. Some part of the mosque was damaged in the communal riot of 1934 and the same was repaired soon thereafter. The threat contained in the para under reply is most unwarranted. There was a litigation between Shia and Sunni Waqf Boards and in 1946 it was decided in favour of Sunni Waqf Board. The mosque is a Sunni Waqf and there was an Imam as well as a mutawalli of the said mosque. The averments in the para under reply are wholly incorrect and false.

(See additional pleas).

27. That the contents of para 27 of the plaint are vehemently denied. As narrated in the foregoing paragraphs, some persons between the night of

22/23rd December, 1949, illegally entered into the mosque about which F.I.R. was lodged at the police Station, Ayodhya in the morning of 23rd December 1949, some of the culprits were named in the F.I.R. and on that basis the proceedings under Section 145 Cr.P.C. were initiated and the mosque was attached, the attachment continues; there was no so called ceremony nor any supernatural happening.

(Kindly see additional pleas).

28. That the contents of para 28 of the plaint are vehemently denied. It is incorrect that muslims do not live nearby. They do live there but the muslims were not in a position to prevent the aforesaid illegal act done with the connivance of the local administration. The Muslims acted as the law abiding citizenis and pursued the legal remedy available to them but no party can be permitted to take benefit of the delay caused in court of law, Here it may also be pointed out that the rights of the muslims to offer Namaz should have been protected but the machinery of law failed in it, only the Muslims still have the right to offer Namaz in the building and no other community has any right in the said building. The proceedings under Section 145 Cr.P.C. have not been dropped but after the filing of the suits the proceedings under Section 145 Cr.P.C. were stopped and consigned to record, the property in suit is custodial egisbeing still under attachment. However, Namaz has been offered in the mosque in question after 23.12.1949 also and Azan has also been called.

29. That in view of the submissions made in the foregoing paragraphs the contents of para 29 of the plaint are denied. Neither there is any deity and nor there could be any impleadment of it. Plaintiff No. 3 also has no locus standi and so also plaintiffs No. 1 and 2.

30. That the contents of para 30 of the plaint are denied. There is no question of any devotee, and the present campaign and proclamation made in the plaint has nothing to do with the struggle for freedom of the country, there is no question of construction of any temple there, such an attempt will be resisted, there is no legal right for the construction of temple on the site in question. The assertion in the para under reply are most unwarranted and amount to incitement of an offence, and also amount to contempt, by way of undermining the authority of this Hon'ble Court as, this Hon'ble Court on

3.2.1986 in W.P.746 of 1986 for maintaining status quo, is still in operation.

31. That the contents of para 31 of the plaint are denied. As there is no deity there is no question of its next friend and a judicial decision will be binding upon all, disregard of the Rule of law pleaded in the plaint is regretted. Shia community has nothing to do with the waqf of the said mosque and this matter has already been adjudicated by the Civil Judge, Faizabad in 1946, and it has been settled that Babri Masjid is a Sunni Waqf.

32. That the contents of para 32 of the plaint are denied. Shia Waqf Board has no locus in this matter. The matter has already been adjudicated and as such now Sri Jawwad Husain has no legal status concerning the mosque in question. The reference of Shia political conference is also wholly irrelevant.

33. That the contents of para 33 of the plaint are denied. It may be pointed out that the entire complex belongs to waqf Babri Masjid, the existence of which can't be denied, the entire muslim community is represented by the Sunni Muslims parties and U.P. Sunni Central Board of Waqf, who are plaintiff in R.S. No.12 of 1961.

34. That the contents of para 34 of the plaint are vehemently denied. The premises has always been a mosque and it has been used as such and no one can remove the structure.

35. That no doubt that the Muslims fear the God, other contents of para 35 of the plaint are denied. None of the plaintiff has any status to maintain the suit.

36. That the contents of para 36 of the plaint are denied, plaintiff has no cause of action including the plaintiff No.3. The cause of action, if any, had accrued in 1528 A.D. When the Mosque was built.

37. That the contents of para 37 of the plaint need not reply.

38. That the contents of para 38 of the plaint are denied, the contents of para 38 of plaint are vague and it has not been properly valued.

39. That the contents of para 39 of the plaint are denied, the plaintiffs are not entitled to get any relief and the suit is liable to be dismissed with special costs.

ADDITIONAL PLEAS

40. That according to the inscription in the mosque, the said Babri Masjid

was constructed by Mir Baqui, one of the commanders of the Babar in 1528 and since then it has been in use as mosque and the muslims always regularly offered namaz in it till the attachment.

41. That between the night of 22nd and 23rd December 1949 certain undesirable persons forcibly entered into the mosque and surreptitiously kept the idols in the said mosque.

42. That in respect of above occurrence an F.I.R. was lodged in Police station, Ayodhya by Police Officer with the Ayodhya Police Station on the morning of 23rd December 1949. A case of criminal trespass and religious hatred was registered on that basis and a report was submitted under Section 145 of the Cr.P.C. and Additional City Magistrate of Faizabad passed an order of attachment on 29th December 1949 and the mosque was attached.

43. That firstly under the order of the Magistrate the property was given under the charge of the receiver Sri Priya Dutt Ram and later on the suits were filed and arrangement regarding the property made under Section 145 of the Cr.P.C. was also accepted by the Civil Court, the receivers in course of time changed and uptill now the receiver is there.

44. That present suit is not maintainable. The plaintiff No.1 and 2 are not the Hindu deities to be termed as juristic person, the plaintiff No.3 can not be next friend of the deities. The plaintiff No.3 has no connection with the matter, and his sudden emergence only indicates his political motive in the matter.

45. That the suit is also barred by limitation and on this ground, also the suit is not maintainable.

46. That the some averments of the plaint contain a threat and constitute contempt of the courts of law including an excitement to violence and disregard for the rule of law. Hence plaint as such is liable to be rejected. The plaintiff No.3 undermines the authority of the court specially the interim order dated 3rd Feb. 1986 passed in writ petition No.746 of 1986 by this Hon'ble Court being there, for such contemptuous averments the plaintiff No.3 is liable to be punished.

47. That Babri Masjid (building in question) has always been a mosque and used as such, and only muslims have right to offer Namaz in it and U.P. Sunni Central Board of Waqf has a right of supervision and control.

48. That the property in suit is not described in accordance with the provision of Order 7 Rule 3 of C.P.C. and the plaint is liable to be rejected on this ground alone.

49. That the suit in question involves State and Govt. Officers and no notice as per plaint averments, as required under the law has been served and as such the plaint is liable to be rejected.

50. That Lord Rama in whose name the controversy in question has been created, according to authoritative texts of the historians and other scholar of Hindu Religion is mere an epic and imaginary figure and was never in existence. In India there have been authoritative pronouncements by the various historians and also by the seminars and symposium that Lord Rama never existed. It is mere an epic, besides above no period and place could be fixed till this date. After long research Holy Barahmins have come to conclusion that it is all mere an epic and legend.

51. That as per Balmiki's Ramayan which is supposed to be the only authoritative source of Lord Rama. The city Ayodhya where the property in question situates is not the place described in that book, the averment that at the site of Babri Masjid there was some temple which was demolished at the behest of Babar is absolutely incorrect and false. Shri Tulsidas who by his book Ram Charitra Manas has elevated the status of Lords Rama from Mariyada Prushottam to Bhagwan has not written about the demolition of any such temple in his book which was written after construction of Babri Masjid, at the Datoon Kund in Ayodhya itself which situates at a short distance from the Babri Masjid. Before Tulsis Ram Charitra Manas, there were no temples of Lord Rama in any part of India instead there were temples of other gods and goddess and as such the contention regarding demolition of Rama Mandir is absolutely baseless and has been designed-ly thatched up to create communal disharmony and hatred between the two communities.

52. That the recent scientific investigation a, c-14 test which is radio carbon dating method has revealed the stones used in the building in question are less than 500 years in age and this falsifies the claim that the temple was demolished and by the same material the mosque was built, however, it is clarified that all such averments made in the plant are

absolutely of no consequence in courts of law.

53. That property in question is continuously recorded as graveyard and mosque in the revenue records from prior to first settlement and the said entry coming unchallenged and there being three settlement also now the entries in revenue records are final and can not be questioned.

54. That after the enforcement of 1936 U.P. Muslim Waqf Act the property in question, after due inquiry in Survey, was notified in official gazette as waqf property to be registered with Sunni Central Board of Waqfs and the said notification having not been challenged and the property in question being recorded in the registers of Waqfs as Waqf property, now same can not be challenged.

55. That initially there was provided a cash grant from the period of King Emperor Babar and after British Rule in lieu of the said cash grant Zamindari of village Shahnawan, Bhoranpur and Sholipur was given for the Babri Masjid and the masjid in question was inter alia maintained by the income of said Zamindari property and the salary of Imam and Moazin etc. was paid and other expenses were also made.

56. That there have been a regular Imam in the said Mosque who led the Congregational five time prayers including Friday Prayer.

57. That the averments regarding accrual of cause of action are absolutely vague and lacking necessary material; who has decided to demolish the mosque and build the proposed temple at its site and how the plaintiff No. 3 became spokesman of such person has not been stated and for want of the same the plaint is liable to be rejected.

58. That the alleged pooja being carried on by the receiver as per orders in regular suit No. 2 of 1950 could not legally make any change in the situation because the receiver being the man appointed by the court and the property being custodia legis and both parties being responsible for the expenses incurred by the receiver. Besides above, regular suit No. 2 of 1950 was an incompetent suit from the very beginning for non-compliance of Section 80 C.P.C. and after death of Gopal Singh Vishrad which occurred long ago the said suit has abated and no more survives in law, he himself having claimed no here table right in the said suit and non having come forward initially for being substituted or impleaded.

59. That Ram Janam Sthan Mandir exists, in Ayodhya which is quit distinct and separate from the premises in question. Mahant Raghubar Das of Ram Janam Sthan Mandir filed regular suit No. 61/280 of 1885 for a portion of premises in dispute measuring 17 x 21 feet which was dismissed from the Court of Subordinate Judge, Faizabad and appeal against the said decree filed by Mahant Raghubar Das was also dismissed from the court of District Judge as well as the Judicial Commissioner, Avadh paralled to Hon'ble High Court. In the said suit the existence of Mosque in question has been very much unequivocally admitted and that admission is binding on the present plaintiffs as well as by estoppel and acquiscence and the said suit was decided with the clear findings that even if any wrong was done in 1528 A.D, that can not be undone now. The answering defendant factually disputing the statement that any wrong was done by or at the behest of King Emperor Babar is advised to state that said findings operate as res judicata and the instant suit is barred Under Section 11 C.P.C. Besides above regular suit No. 57 of 1978 filed on behalf of and in the name of alleged deity itself for the very property has been dismissed from the Court of Munsif, Faizabad and till this date no step has been taken to set aside that order as such the present suit is liable to be dismissed.

60. That the present suit is inter alia liable to be stayed as provided under Section 10 C.P.C. On account of pendency of the four suits referred to in the plaint itself.

61. That the plaintiff no. 3 has got no authority to represent the alleged deities and file suit on their behalf as next friend. The answering defendant is advised to state that plaintiff no. 3 being not entitled to file the suit has sought to regularise his illegal act by obtaining order of the court for being appointed as next friend. It is stated that next friend is appointed for minors, lunatics and persons of unsound mind and in some cases for executors and administrators etc. in case of deity as the dieties are ever represented by someone known as Manager, Shebait, Mahant or Sarvarakar etc. and the suits are also filed through such persons and not through next friend. In revenue records also names of such deities are entered through such persons and as such the order dated 1.7.1939 appointing the plaintiff no. 3 as next friend deserves to be recalled and the plaint rejected accordingly for which

separate application has been moved.

62. That the plaint is liable to be rejected for want of a real and subsisting cause of action and not seeking relief of possession under Section 34 Specific Relief Act and as per plaint averment there is no surviving cause of action in favour of the plaintiffs.

63. That as per plaint averment the matter concerning a large number of members of Hindu's community as well as Muslim community the suit as framed is not maintainable.

64. That annexures 1, 2 and 3 relied upon by the plaintiffs do not at all depict the correct spot situation and are subjudice, objection against the same by the state as well as other defendants has been filed and that has not been directed to be brought on record and as such there being no specification of the property in the plaint the suit is liable to be dismissed.

65. That the temporary injunction as initially ordered on 16.1.1950 and modified on 19.1.50 and continued since then as stated in the plaint has got no legal effect in as much as suit no. 2 of 1950 itself being not maintainable for want of compliance of Section 80 C.P.C. and the plaintiffs of that suit himself having repeatedly stated that the suit is for his individual rights and as such no body else can claim any assistance there from.

66. That in the plaint Lord Rama has been stated as son of Dashrath and thereafter the birth of child as Ram Lala has been stated, no period of the birth of the either has been given as such the plaint is liable to be rejected.

67. That there has been no concern of Lord Rama, Janki or of any person having faith in them with the land in question over which exists the Babri Masjid and adjoining area of graveyard. Admittedly, the mosque being in existence since 1528 and the deads having been buried the same could not be subject matter of any other type of Puja in practice and ASTHA if any if the same could survive from 1528 onwards till this date without any access to the place in no circumstances that Astha could not give a right for demolition of the mosque and the place where the deads or burried could not be purified to be used for any other purpose.

68. That the term he manifested himself in human form is beyond comprehension and vague.

69. That just the mosque was built and the deads were buried the site

Same waqf property vested in almighty God and it will remain so vested eternally and the property once vested in the God cannot be divested. The place where the mosque is built remains a mosque to the depth of the earth and even above the same and cannot be removed or shifted for its removal or shifting.

70. That for the protection of the mosque any muslim interested in the up keep of the mosque can bring the suit and the averment that the suit having not been brought by Mutawalli has got no relevance in the matter. However, the averment itself is contradictory.

71. That the averments that Muslims are children of the God is incorrect and against the Islamic faith. God has no child at all. The muslims and all the living on the earth are creatures of God.

72. That in the instant suit a simple question of ownership and possession of land is involved which has to be decided in accordance with the law of the land and the claim of the plaintiffs on behalf of the alleged deities that by meare used some right accrued for em although factually in court has been repelled by the District Judge in appeal filed by Mahant Raghubar Das.

That the suit is bad form is joinder of defendant's No. 22 to 25. They have got no concern with the property in question, they have been impleaded mala fide with ulterior motive collusively and with a view to create confusion and rift among the muslims interest.

74. That the defendant No. 3, 11, 12, 13, 21 and 25 are nor the natural neither legal persons and as such the suit is bad and liable to be dismissed for the misjoinder of such parties.

75. That site plan and the report prepared by Shri Shive Shanker Lal, pleader filed in regular suit no. 2 of 1950 is itself subjudice and can not be relied in present suit.

76. That the instant suit is absolutely vexatious and frivolous once and is liable to be dismissed with special cost having being filed with mala fide intention and ulterior motive.

Lucknow
Dated 14/21.08.89

Sd/-
Defendant No.5

VERIFICATION

I, Mohammad Hashim, defendant No. 5, do hereby verify that the contents of above written statement from paras 3, 5, 6, 12, 25 to 27, 33, 34, 40 to 43, 48, 55, 56, 64, 67, 69, 71 & parts of 7, 13, 15, 18, 23, 24, 28, 31 to 35 are true to my own knowledge and those of paras from 2, 4, 8 to 11, 16, 17, 18 to 22, 29, 30, 32, 36 to 39, 44 to 47, 48 to 54, 57 to 63, 65, 66, 68, 70, 72, 76 and parts of 7, 13, 15, 18, 23, 24, 28, 31 to 35 are believed by me to be true on the basis of legal advice and information received. Nothing material has been concealed. So help me God.

Verified this 14th day of August 1989 at Lucknow.

Defendant No. 5.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD LUCKNOW
BENCH LUCKNOW

O.O.S. No. 5/1989

Bhagwan Shri Ram and Others ... Plaintiffs
Versus
Sri Rajendra Singh and Others ... Defendants

ADDITIONAL WRITTEN STATEMENT OF DEFENDANTS NOS.4 & 5

Defendants Nos. 4 and 5 beg to submit as under:-

1. That the contents of para 35-H of the amended plaint are denied as stated for want of definite knowledge. In any case the same are irrelevant and hence are denied as stated.
2. That the contents of para 35-I of the amended plaint are also denied as stated for want of definite knowledge. The averments of the para under reply are also irrelevant and are denied.
3. That the contents of para 35-J of the amended plaint are denied as stated and in reply thereto it is submitted that the demolition of the Babri Masjid appeared to be a pre-planned, deliberate and intentional act on the part of the miscreants and criminals who had assembled at the site on the call of the Vishwa Hindu Parishad, Bajrang Dal and Shiv Sena etc. All the acts of the said so-called Kar Sewaks were totally illegal, unjustified and in violation of the orders of this Hon'ble Court as well as of the Hon'ble Supreme Court and amounted to blatant exercise of Rule of Jungle and the so called construction of make-shift temple and placing of idols in the same on 7.12.1992 was all totally illegal and contemptuous and the said idols could not be described as deity under Hindu Law also.
4. That the contents of para 35-K of the amended plaint are also denied as stated and in reply thereto it is submitted that Sri Kalyan Singh and his government had deliberately violated and flouted the orders of the this Hon'ble Court as well as of the Hon'ble Supreme Court and had even committed breach of their own undertaking given in the Hon'ble Supreme Court and as such the dismissal of the State Government headed by Sri Kalyan Singh was perfectly justified.
5. That the contents of para 35-L of the Amended Plaint are admitted only to this extent that the said writ petitions were allowed on 1st January.

1993 against which Special Leave Petitions were filed in the Hon'ble Supreme Court which are still pending. Rest of the contents of the para under reply are denied as stated.

It is further submitted that the averments of the para under reply are totally irrelevant and frivolous.

6. That the contents of paras 35M, 35 N, 35-O and 35-P of the Amended Plaint are matters of record and the same may be verified from the said Ordinance and the Act. The averments contrary to the intent and meaning of the provisions of the said ordinance and the Act as explained by the Hon'ble Supreme Court are denied as stated.

7. That the contents of para 35-Q of the Amended Plaint are absolutely incorrect and are denied as stated. Neither there is any deity at the site in question and nor the idols in question can be said to have any juristic personality. The plea contained in the para under reply was raised even before the Hon'ble Supreme court but the same was not accepted. As there exist no deity there arises no question of any Shebaiti rights.

8. That in reply to the contents of para 35 R of the Amended Plaint it is submitted that the Hon'ble Supreme Court has discussed in detail the meaning and purport of Section 7(2) of the Act and the plea under reply is unwarranted and irrelevant.

It is further submitted that the averments contained in the affidavit of Sri Radhey Shyam Kaushik have neither been given in the para under reply and nor the answering defendants had definite information about the same and as such the averments regarding the same are liable to be deleted on account of being vague and ambiguous.

9. That the contents of paras 35-S and 35-T of the Amended Plaint may be verified from the record.

10. That the contents of para 35-U of the Amended Plaint are not disputed.

11. That the amendments sought in the Plaint and specially those contained in the paragraphs 35-H to 35-L of the Amended Plaint are totally irrelevant, vexatious and frivolous and the same are liable to be deleted.

12. That the plaintiffs have no right, title or claim over the property in suit and after the judgement of the Hon'ble Supreme Court, there remains no justification for the trial of the instant suit.

13. That the plaintiffs have no cause of action and specially so when the idols placed in the mosque surreptitiously I the night of 22nd - 23rd December, 1949 have been removed on 6.12.1992. the Claim, if any, regarding the said idols stood extinguished on the removal of the said idols.

Lucknow

Dated: 22nd August, 1995

Z.Zilani

Counsel for Defendants No. 4 & 5.

Sd/-

Defendant 4 and 5.

Secretary

U.P. Based Central Board of Waqf
Lucknow

VERIFICATION

I, the above named Mohd. Hashim, defendant No. 5, do hereby verify that the contents of paras 1 to 7, 9, 12 and 13 except the bracketed portions of paras 5, 7, and 12 of the Additional Written Statement are true to my own knowledge while those of paras 8 and 11 as well as the bracketed portions of paras 5, 7 and 12 of the same are believed by me to be true.

Signed and verified this 22nd day of August, 1995 at
Lucknow.

Sd/-

Defendant No. 5

//True Copy//

High Court... No 5 of 1989
Original Suit No. 236 of 1989

Bhagwan Sriram Virajman & Ors. ... Plaintiffs

Versus

Shri Rajender Singh & Ors. ... Defendants

WRITTEN STATEMENT UNDER ORDER 8 RULE 1 CPC
ON BEHALF OF Defendant No. 6 MAHMOOD AHMAD

1. That answering Defendant adopts the written statement filed by Mohd Hashim Defendant No.5 from para 1 to 76 in this suit and did not add any new fact. Written statement of Defendant No.5 Mohammad Hashim be read as written statement of the answering Defendant and verification of the contents be also read as same.

Answering Defendant
Sd/-
Mahmood Ahmad Defendant No.6

Lucknow Dated
August 21, 1989

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD LUCKNOW
BENCH LUCKNOW

Suit No.236/1989 of Faizabad/7.7.1989 of Lucknow

Bhagwan Sri Rama Virajman, Sri Rama Janam Bhumi, Ayodhya also called
Bhagwan Sri Rama Virajman Lala, Virajman through Shri Deoki Nandan and
Others. ... Plaintiffs

Versus

Shri Rajendra Singh and 24 Others ... Defendants

Date of hearing 14.8.89

WRITTEN STATEMENT ON BEHALF OF DEFENDANT NO.11,
PRESIDENT ALL INDIA HINDU MAHASABHA, NEW DELHI

RESPECTFULLY SHOWETH:

The defendant No.11 begs to submit as under:-

1. Para No.1 of the plaint, as stated, is admitted.
2. Para No.2 of the plaint, as stated, in its earlier part is admitted. It is also admitted that Shri Shiv Shankar Lal, Pleader, was appointed as a Commissioner in Civil Suit No.2 of 1950, by the Court of the Civil Judge, Faizabad. The Annexures mentioned in this para are admitted to be correct.
3. Para No.3 of the plaint, as stated, is a matter of record.
4. Para No.4 of the plaint, as stated is also admitted. The said suit is still pending disposal.
5. Para No.5 of the plaint, as stated, is also admitted. The said suit is also pending disposal.
6. Para 6 of the plaint, as stated, is admitted being matter of record. The said suit is also pending disposal before this Hon'ble Court.
7. Para 7 of the suit as stated is a matter of record. The suits detailed in this is also pending for disposal before this Hon'ble Court.
8. Para 8 of the plaint, as stated is not denied.
9. Para 9 of the plaint, as stated is a matter of record.
10. Para 10 of the plaint is a matter of record.
11. Para 11 of the plaint is admitted. All the suits are still pending disposal before this Hon'ble Court.
12. Para 8 of the plaint is admitted.
13. Para 13 is a matter of record.
14. Para 14 of the plaint, as stated, is admitted.
15. Para 15 of the plaint, as stated is admitted. However, it is submitted that the All India Mahasabha be also included in the Trust created for protecting, renovating, reconstructing and developing the temple premises.

in short, of managing all their estates and all their affairs.

16. Para 16 of the plaint, as stated, is admitted. That the trust as framed for managing all the affairs of Ram Janam Bhumi be directed to include All India Mahasabha as a member of the said Trust for managing all the affairs pertaining to the Ram Janam Bhumi.

17. Para 17 of the plaint, as stated, is admitted. However, it is submitted that All India Hindu Mahasabha as a party to the said Shri Ram Janam Bhumi Nias is directly in the Sewa Pooja and all other affairs of the Ram Janam Bhumi Temple. The All India Hindu Mahasabha is ready to cooperate with all Hindu Organisations.

18. Para 18 of the plaint, as stated is admitted.

19. Para 19 of the plaint, as stated, is correct.

20. Para 20 of the plaint, as stated, is correct to the core.

21. Para 21 of the plaint, as stated, is correct.

22. Para 22 of the plaint, as stated is correct.

23. Para 23 of the plaint, as stated, is historically correct. It is, however, submitted that the quotation of the 1928, Edition, Faizabad, Gazetteer, published by the Government Trust U.P. State, at page 179 is correct.

24. Para 24 of the plaint is historically correct and site inspection of the suit property stands testimony.

Sub-para (a) is also correct

Sub-para (b) is a matter of record.

Sub-para © is also correct.

Sub-para (d) is also correct.

Sub-para (e) is also correct.

Sub-para (f) is also correct.

Sub-para (g) is also correct.

Sub-para (h) is also correct.

25. Contents of para 25 of the plaint as stated are correct and fully endorsed.

26. Para 26 of the plaint is historically correct.

27. Contents of para 27 as stated are correct.

28. Para 28 is a matter of record.

29. Para 29 of the plaint as stated is correct.

30. Para 30 of the plaint as stated is correct.
31. Para 31 of the plaint is admitted to be correct.
32. Para 32 of the plaint as stated is a matter of record.
33. Para 33 of the plaint as stated is a matter of record and the existence of deities and the Ram Chabootra etc, are admitted to be correct.
34. Para 34 of the plaint, as stated is correct.
35. Para 35 of the plaint is correct.
36. Para 36 is legal and admitted to be correct.
37. Para 37 as stated is correct.
38. That the valuation of the suit property is correct.

Prayer Clause

Prayer clause (a) is correct.

Prayer clause in sub-para (b) is correct and reliefs sought by the plaintiff be granted to the plaintiff.

Ⓒ regarding costs, the plaintiff be awarded costs against the contesting defendants.

Any other relief which this Hon'ble Court may deem just fit and proper in the circumstances of the case be granted to the plaintiff.

New Delhi

Dated 14 August, 1989.

Sd/-
Inder Sane Sharma
Defendant No. 11
Through
Sd/-
Advocate

VERIFICATION

Verified that the contents of paras 1, 2, 12, 14, 15, 16, 17, 18, 19, 20, 21, 30, 31, 33, 24, 35 and 36, 37, 38 are true to knowledge of the defendant No. 11 and those of paras 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 22, 23, 24, 25, 26, 27, 28, 29, 32, are true on information received and believed to be correct.

Signed and Verified at New Delhi on this 14th day of August 1989.

Sd/-
Defendant No. 11
Through for All India Hindu
Mahasabha, New Delhi.

//True Copy//

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IN THE HIGH COURT OF JUDICATURE, ALLAHABAD SITTING AT
LUCKNOW

IN RE:

O.O.S. NO. 5 OF 1989

ARISING OUT OF REGULAR SUIT NO. 236 OF 1989

1. Bhagwan Sri Ram Virajman at Sri Ram Janma Bhumi
Ayodhya & Ors. ... Plaintiffs
- Versus
- Shri Rajendra Singh & Ors. ... Defendants

WRITTEN STATEMENT ON BEHALF OF DEFENDANT NO. 17 SRI
RAMESH CHANDRA TRIPATHI IN O.O.S. NO. 5 OF 1989

1. That the answering defendant No. 17 has perused the above mentioned suit and has understood the contents.
2. That para 1 to 38 of the plaint is admitted.
3. That the plaintiff is entitled to the relief as prayed in para 39.

Additional Pleas

4. That answering defendant is a Vaishnav Ramanandi devotee of Bhagwan Sri Ram Virajman in the Ram Janma Bhumi Temple at Ayodhya.
5. That the Muslim individually and collectively have no right or title in the said Sri Ram Janma Bhumi Temple and for unnecessary and political reasons they want to occupy the said temple with the aid of present party in power.
6. That the said temple and its deity is an object of worship and reverence and a creed of Hindu faith and the answering defendant is strictly follower of that faith.

Lucknow

Dated: 14.08.89

Sd/- Ramesh Chandra Tripathi
Sd/- Through Shri K.P. Singh
Advocate, High Court, Lucknow

VERIFICATION

I, Ramesh Chandra Tripathi, defendant No. 17 do hereby verify that the contents of paragraph 1 to 6 are true to my own knowledge and belief to be true.
Signed and verified this 14th day of August, 1989.

Sd/-
(Ramesh Tripathi)

Sd/-
Through Shri K.P. Singh
Advocate, High Court, Lucknow

Lucknow

Dated: 14.08.1989

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BEFORE THE HON'BLE HIGH COURT, ALLAHABAD,
LUCKNOW BENCH, LUCKNOW

SUIT No. 5 OF 1989
(ORIGINAL SUIT No. 236 OF 1989)

Bhagwan Sriram Virajman & Ors. ... Plaintiffs

Versus

Shri Rajender Singh & Ors. ... Defendants

WRITTEN STATEMENT ON BEHALF OF JABBAD
HUSSAIN, DEFENDANT No.23

Defendant No.23 respectfully submits as under:-

1. That para No.1 of the suit is totally false and hence denied, in this regard special statement be seen.
2. That the contents of para 2 of the suit is totally false and denied. In this regard special statement be seen.
3. That answering Defendant has no knowledge about the contents of para No.3 and hence denied.
4. That answering Defendant has no knowledge about the contents of para No.4 and hence denied.
5. That answering Defendant has no knowledge about the contents of para No.5 and hence denied.
6. That answering Defendant has no knowledge about the contents of para No.6 and hence denied.
7. That answering Defendant has no knowledge about the contents of para No.7 and hence denied.

8. That answering Defendant has no knowledge about the contents of para No.8 and hence denied.
9. That answering Defendant has no knowledge about the contents of para No.9 and hence denied.
10. That answering Defendant has no knowledge about the contents of para No.10 and hence denied.
11. That answering Defendant has no knowledge about the contents of para No.11 and hence denied.
12. That answering Defendant has no knowledge about the contents of para No.12 and hence denied.
13. That answering Defendant has no knowledge about the contents of para No.13 and hence denied.
14. That the contents of para 14 of the suit are totally false and hence denied. In this regard please see special statement.
15. That the contents of para 15 of the suit are totally false and hence denied. In this regard please see special statement.
16. That the contents of para 16 of the suit are totally false and hence denied. In this regard please see special statement.

17. That the contents of para 17 of the suit are totally false and hence denied. In this regard please see special statement.
18. That the contents of para 18 of the suit are totally false and hence denied. In this regard please see special statement.
19. That the contents of para 19 of the suit are totally false and hence denied. In this regard please see special statement.
20. That the contents of para 20 of the suit are totally false and hence denied. In this regard please see special statement.
21. That the contents of para 21 of the suit are totally false and hence denied. In this regard please see special statement.
22. That the contents of para 22 of the suit are totally false and hence denied. In this regard please see special statement.
23. That the contents of para 23 of the suit are totally false and hence denied. In this regard please see special statement.

24. That the contents of para 24 of the suit are totally false and hence denied. In this regard please see special statement.
25. That the contents of para 25 of the suit are totally false and hence denied. In this regard please see special statement.
26. That the contents of para 26 of the suit are totally false and hence denied. In this regard please see special statement.
27. That the contents of para 27 of the suit are totally false and hence denied. In this regard please see special statement.
28. That the contents of para 28 of the suit are totally false and hence denied. In this regard please see special statement.
29. That the contents of para 29 of the suit are totally false and hence denied. In this regard please see special statement.
30. That the contents of para 30 of the suit are totally false and hence denied. In this regard please see special statement.

31. That the contents of para 31 of the suit are totally false and hence denied. In this regard please see special statement.
32. That the contents of para 32 of the suit are totally false and hence denied. In this regard please see special statement.
33. That the contents of para 33 of the suit are totally false and hence denied. In this regard please see special statement.
34. That the contents of para 34 of the suit are totally false and hence denied. In this regard please see special statement.
35. That the contents of para 35 of the suit as mentioned are totally false and hence denied.
36. That no cause of action is accrued to the Plaintiff to file the present suit and in case above cause of action is accept then it shall be considered that it arose in 1949-50.
37. That the contents of para 37, 38, 39 are denied. Plaintiff is not entitled for any relief and suit of the Plaintiff is deserves to be dismissed with cost.

SPECIAL STATEMENT

38. That answering Defendant is impleaded in the case being shia, ten it is improper. In this regard there is no any dispute between shai-sunni Muslims.
39. That plaintiffs No. 1 and 2 are not legal entity in any manner nor they are authorized. Plaintiff No.3 has no right to represent the Plaintiff No. 1 and 2.
40. That the annexure 1.2 and 4 of the suit are disputed and suit property is not identified from the same. Suit property should be described under Order 7 Rule 3 CPC, and in the lacks suit is liable to be dismissed.
41. That suit property is undisputedly continued as a mosque since 1528 and none have any right in it and thus suit is filed on false grounds and is not maintainable.
42. That the suit trust has no right in the Babri masjid and land thereon. Trust is illegal.
43. That the statement is made about the trust is denied for lack of clarity. Apart from this any of the trust does not have any right in relation to property of others, till this property is not given in trust by its owner. Babri mosque is the property of waqf board and is property of Allah and Muslims have right to offer Namaj there. Trust has no right on the same and any right of the trust in it is false.

44. That on 22/23 December 1949 in the night Abhiram Das and some other persons have clandestinely and illegally entered into the mosque and kept idols against which criminal case is filed. In this case people should have been punished and idol should have been removed. Govt. has punished the accused and also not remove the idol and filed the case No. 12 of 1961.
45. That by placing the idol in the temple entire dasturi of the muslims are affected.
46. That idols have been placed clandestinely which does not create any right.
47. That so far as the question of manner of offering of prayer by the Hindu religion is concerned, answering Defendant has no objection in it. Any person can do the worship at his own method but keeping the idols clandestinely and doing worship in their name does not raise any question nor any right create from the it.
48. That so far as answering Defendant understands as per the Hindu religious the idols placed clandestinely does not have any relevance and religion does not permit the stolen. To take the religion in the quarrel is very sad.
49. That the suit is beyond the limitation.

50. That in the suit Stat eof UP and Govt. officers are made party who have not given legal notice, on this ground also suit is not maintainable.
51. That Babri mosque is the waqf property and Sunni Waqf Board is registered as a waqf in Uttar Pradesh, Lucknow. In his case has been decided in the Civil Judge Faizabad and every person is bound from its registration.
52. That answering Defendant was the mutawalli of the mosque. Sunni Waqf Board, can made him Mutawlli in Uttar Pradesh, Lucknow. Being the IMam etc. he can give the salary but because of the attachment of mosque work of the mutwalli was almost end and at that since that time he himself is looking the case of waqf board.
53. That in the case unnecessary persons are made party. Defendant No. 22 to 24 are wrongly made party.
54. That in the suit the ownership of the mosque is involved,, in which all the Muslim have interest and there are not made the party and hence suit is liable to be dismissed.
55. That Defendant No.3, 11, 12, 13, and 21 are not the legal person and they have been falsely made party, therefore suit is bad for joinder of parties.
56. That Plaintiff No.1 has taking the unlawful advantage of his reputation and to get the fame , has field the false suit.

57. That the personality of Sriram Chandra Ji, the temple of his name is being made in the north and south of the road of the dispute place in Aydhay and mahant and pujari are there in which Plaintiff No.3 has No. ...
58. That the suit of the plaintiff be dismissed with cost.

Answering Defendant No.23

Sd/-
Jabbad Hussain

I, the answering dfee No.23 Jabbad Hussain do hereby verify that the contents from para 1 to are true and correct to the best of my knowledge and belief. Nothing is false or concealed. Verified today on 12.9.89 at Court Faizabad. .

13.9.89

Sd/-

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD LUCKNOW
BENCH LUCKNOW

Regular Suit No.05/1989

Original Suit No.236/1989

Bhagwan Sri Rama Virajman & Ors. ... Plaintiffs
Versus
Sri Rajendra Singh and Ors. ... Defendants

WRITTEN STATEMENT OF DEFENDANT NO.24

The defendant No.24 begs to submit as under:-

1. That statement made in para 1 of the suit plaint, i.e. the claims of the plaintiff No.3 seeking to represent the deity and the Asthan as a next friend are not admitted, and are contested. The holy deity and Asthan cannot be made parties to this suit. Plaintiff No.3 has not secured any authority to file the suit on behalf of plaintiffs No.1 and 2. This defendant considers Lord Rama to be above the jurisdiction of this Hon'ble Court. This defendant considers it a sacrilege to drag the name of Lord Rama into these mundane proceedings. Because this suit, like all suits before the Court, is also liable to be dismissed. But the plaintiff No.3 is trying to make Lord Rama as the plaintiff No.1 in order to make sure plaintiff No.3 is not defeated because Lord Rama cannot be defeated. This attempt should not be allowed to succeed.
2. That as regards the contents of para 2 thereof the answering defendant has no knowledge of Sri Rama Janam Bhoomi, by which is meant the exact spot of birth of Lord Rama. The site plans referred are alleged to be the part of court record, which can be verified by the court, and are not admitted to be correct. Today, there are at least three spots in Ayodhya claimed as the exact spots where Lord Rama was born, viz:
 - a. The spot being presently claimed by the plaintiff is being made known as Ram Janam Bhoomi only since 22.12.1949.
 - b. The Ram Chabutra, in the courtyard outside the Babri Masjid Structure, is being known as Ram Janam Bhoomi only since 1855.
 - c. The Janamsthan site Rasoi Mandir, facing the Babri Masjid across the street, is traditionally known as Ram Janam Bhoomi since time immemorial.

The last 2 mentioned spots have not been abandoned by the believing devotees in Ayodhya.

3. With regard to the contents of paragraphs 3, 4, 5, 6, 7, 8, 9 and 10 of the suit plaint, this defendant states that since he was not a party to any of the suits and actions mentioned, he has little knowledge about them. Since the statements concerned the relevant records of the mentioned cases, this defendant has nothing to say to that, and does not admit anything.

4. Statements made in paragraph 11 of the suit plaint are also matters of record. The answering defendant submits that the issues framed in all the four pending suits as stated may first and promptly be decided by this Hon'ble Court.

5. With reference to paragraph 12 of the suit plaint, it is most respectfully submitted that when the four pending suits were consolidated and the issues have been framed, the same should be decided without any further delay.

6. With regard to paragraph 13 of the plaint, this defendant is also dissatisfied with the order of the District Judge, Faizabad dated 1.2.1986. Since a writ petition against that order is pending in this Hon'ble Court, this answering defendant does not wish to discuss the same. But he simply requests this Hon'ble Court to dispose that pending writ petition simultaneously with the instant suit and other pending suits.

7. With reference to the statements made in the last sentence of paragraph 14 of the suit plaint, this answering defendant wishes to place on record that this defendant considers the mentioned structure as a mosque, popularly known as Babri Masjid, which can not be lawfully removed to make way for a Mandir.

8. With reference to the contents of paras 15 and 16 of the suit plaint, the answering defendant submits that unless the issues in the four pending suits are decided, and unless new issues in the instant Original Suit No. 236 of 1989 are framed and decided, and unless and until ownership is settled and decided by this Hon'ble Court of the land and structures called by the Muslims as Babri Masjid and Ganj-e-Shaheedan Qabristan and by the plaintiffs as Ram Janmasthan, formation of Trust comprising the disputed property is illegal and invalid.

9. With reference to the statements made in paragraph 17 of the Suit plaint, this defendant submits that when the Trust itself is illegal and invalid, making it as defendant No. 21 in this suit is meaningless. Further more such

a step is also collusive, inasmuch as plaintiff No. 3 Sri Deoki Nandan Agarwala is one of the Trustees of the Trust, which has been made as defendant no. 21 in it. So, Mr. Agarwala represents both the plaintiffs as well as the defendants. If Lord Ram were really the plaintiff No. 1 such a faux pas would never have committed.

10. With reference to the statements made in paragraph 18, this defendant at the outset wishes to record the fact that he and the Muslims of India have the highest regard for Lord Rama. These sentiments of the Muslims are best reflected in the poem entitled "Ram" composed by the greatest Muslim thinker of India of the present century Allama Dr. Sir Muhammad Iqbal, who has summed up in just one verse of the long poem what Muslims of India think of Shri Ram Chanderji:

"Hae Ram ke wajood pa Hindostan ko naaz

Ahl-e Nazar Samajht-e hain usko Imam-e-Hind."

Meaning- India is proud of the existence of Ram. The intelligent-sia consider him as the leader of India.

This defendant submits that if Lord Ram himself could help it, he would not have liked his good name to be dragged into this unseemly and undignified controversy. Impleading of the great names of plaintiffs No. 1 and 2 is therefore, unauthorised and unwarranted. Plaintiff No. 3 has no right or authority to make the Deity and Asthan as the Plaintiffs No. 1 and 2, as their consent has not been obtained by plaintiff No. 3, and the latter has not been authorised or appointed by plaintiffs No. 1 and 2 to act on their behalf. Politicians and communal minded fundamentalists have set up plaintiff no. 3 to file this frivolous suit in the name of the Asthan and Bhagwan Sri Rama to serve their own narrow political and selfish ends. The suit plaint filed asserts that "The plaintiffs above-named beg to state as under", and a number of incorrect statements based on ignorance of facts and law have been made thereafter. Had Lord Ram been really the plaintiff, such incorrect and ignorant statements would not have been made. In fact Lord Ram would not have subordinated himself, the way his devotee has done him.

11. The claim in paragraph 19 of the suit plaint that "the premises in dispute is the place where Maryada Purshottam Sri Ram Chanderji Maharaj

was born" is denied and contested. This defendant submits that only since 22 December, 1949, about 40 years ago, such a belief has come into existence. If any documentary or recorded evidence is produced by the plaintiff No. 3 establishing beyond doubt that the present belief existed before 22.12.1949 also, this defendant will surrender all his opposition.

12. In this connection, this defendant further submits that when the Babri Masjid was being constructed in 1528 A.D. No such belief existed in Ayodhya, or elsewhere that the place where the mosque was being built was Ram Janam Bhoomi. Goswami Sant Tulsidas, the great biographer of Lord Ram was alive then, and wrote his epic biography "Ram Charitra Manas" about the year 1558 A.D., but did not complain that Babri Masjid was built on Ram Janam Asthan. The book Ram Charitra Manas is a public document.

In an earlier period, Valmiki wrote perhaps the first Ramayana. He also did not identify the presently contentious spot as Ram Janam Asthan.

In none of the several Ramayanas in several languages, the said contentious spot has been mentioned as the place of birth of Lord Ram.

13. Statements made in paragraphs 20 and 21 of the suit plaint are irrelevant to the issues in the suit, and are based on intricacies of philosophy and theology.

14. Religious sentiments of plaintiff No. 3 contained in para 22 of the suit plaint are respected but the following passage in it is strongly contested:

"The place is a deity. It has existed in this immovable form through the ages, and has ever been a juridical person."

Thus Asthan Sri Rama Janama Bhumi is an indestructible and immovable Deity who has continued to exist throughout the ages."

Fact of the whole matter is that idea of Ram Janmsthan was first floated by British East India Company's agents in 1855 in order to destabilize the regime of this Defendant's forebear, the King of the realm Wajid Ali Shah. At that time a spot outside the structures of the Babri Masjid, in a corner of the courtyard was claimed as Ram Janam Asthan. But the King settled the dispute by partitioning out the plot 17 ft. x 12 ft. naming it as Ram Chabutra and by giving it to the Hindus to do "paats" of Ramayana, peace was then restored.

Again, for the first time on 22.12.1949 the Ram Janm Asthan claim

was shifted from Ram Chabutra to right inside the mosque just beneath the main large dome of the Babri Masjid.

Earlier than 1855, the undisputed Ram Janm Asthan was the old Janam Asthan Sita Rasoi Mandir across the street on a mound facing the Babri Masjid.

All the above mentioned three Ram Janam Asthans are now believed to be Lord Rama's probable places of birth, viz. (i) inside the Babri Masjid beneath the main dome since 1949, (ii) at Ram Chabutra in the courtyard of the Babri Masjid since 1855, (iii) at the old Ram Janam Asthan Mandir where Sita Rasoi is also situated, and whose present Mahant is Harihar Das, aged over 100 years.

15. That the statements made in the first two sentences of paragraph No. 23 of the plaint are the most important, and all Muslims of India are willing to make that as the issue and settle the dispute one way or other at this. Paragraph No. 23 opens thus:

"That the books of history and public records of unimpeachable authenticity establish indisputably that there was an ancient temple of Maharaja Vikramaditya's time of Sri Rama Janam Bhumi Ayodhya. That Temple was destroyed partly and an attempt was made to raise a mosque thereat by the force of arms, by Mir Baqia commander of Babar's hordes."

The plaintiff No. 3 Sri Deoki Nandan Agarwal, in a booklet named "Sri Rama Janam Bhumi" published by "Sri Rama Janam Bhumi Mukti Yagna Samiti", 58, Rajendra Nagar, Lucknow, has written at page 2 as follows:-

"That there was an ancient Temple of Maharaja Vikramaditya's time at Sri Rama Janam Bhumi is a fact of history, which is indisputable, although there is some controversy as to which of the Vikramaditya resurrected the place and built the magnificent Temple."

In paragraph No. 23 of the suit plaint there is a reference to 1928 Edition of the Fyzabad Gazetteer published by the then British Government in Uttar Pradesh, wherein at page 179 there are stories of Moghul Emperor Babar coming to Ayodhya, halting there for a week, destroying the ancient temple at Janamsthan, and building the Babri Mosque on its site the

materials of the old destroyed Mandir. But it is a well-known fact of history that Emperor Babar never came to Ayodhya. And that the Babri Mosque was built by Mir Baqi and not by Babar has been admitted in the suit plaint itself. Further more, Babar in his Babar-Nama, while recording his daily diary, has made no mention of visiting Ayodhya, destroying Mandir or building Mosque there, although in other pages of Babarnama many things adverse are also mentioned.

But the Fyzabad Gazetteer of 1877, this Defendant submits, does not contain any mention of destruction of any Mandir and building of Babri or any Masjid on the Mandir land. Of the two Gazetteers, the one contemporary and more near to the date concerned will have to be relied on.

District Gazetteers of the British Government, as is well known, were no works of history. They only reflected the policy of the alien Government to divide the vast population of India by creating conflicts such as the present one, and to perpetuate the minority rule of the foreign imperialist power. This defendant submits that all the aforesaid and other conflicting facts need to be investigated by this Hon'ble Court or by a Commission of Experts of history and archaeology to arrive at the truth.

However, after all said and done, it is most respectfully submitted that if only this claim is proved that a Mandir was demolished and Babri Masjid was built on the Mandir land, this defendant and all other Muslims will gladly demolish and shift the mosque, and return the land for building of the Mandir thereon.

But if this is not a fact, the Babri Masjid must in all fairness be returned to Muslims.

In this connection, the following quotation of Swami Swaroopananda Saraswati, the Shankaracharya of Dwarka Peeth, and published in the national newspaper on 14th May, 1987, is being reproduced below from Qaomi Awaz-Urdu Daily of Lucknow:

"CONDITION FOR RETURN OF BABRI MASJID TO MUSLIMS:

Pune (Maharashtra) 13 May-

Jagadguru Shankaracharya Swaroppananda Saraswati has proposed that to resolve the Ram Janam Bhumi Babri Masjid tangle an Authority should be constituted.

Addressing a gathering of the All India Virodhman Asthan Kwasi Jain Shraman Sangh here yesterday he said that if it is proved that Moghul Emperor Babar got the mosque constructed after demolishing Mandir, then surely the Hindus should get the Mandir. But if it is found that Hindu Administrators made the Mandir after destroying the mosque, then the place will have to be made over to Muslims."

In this connection, the celebrated Muslim historian and scholar Maulana Syed Sabahuddin Abdur Rahman (since expired) in his well-known treatise "BABRI MASJID" wrote at page 5 at the very beginning of his preface thus: (translation from Urdu).

"On behalf of Muslims I also have a right to say that if it is proved that Babri Masjid has been built after demolishing Ram Janam Bhoomi Mandir on its place, then such a mosque if built on such an usurped land deserves to be destroyed. No theologian or Aalim can give Fatwa to hold Namaz in it."

In the monumental theological work Fatawa-e-Alamgiri, volume 6 page 214, the following is the ruling: (translation).

"It is not permissible to build mosque on unlawfully acquired land. There may be many forms of unlawful acquisition: For instance, if some people forcibly take somebody's house (or land) and build a mosque or even Jama Masjid on it, then Namaz in such a mosque will be against Shariat."

Other assertions made in paragraph 23 of the Plaint, not specifically dealt with above, are contested and denied.

16. Parts of the contents of paragraph 24 of the suit plaint have been answered in para 15 above. This defendant submits that plaintiff No. 3 is not competent to interpret Koran, Islamic Shariat, and Islamic custom and practices which he has tried to do in sub-paragraphs A, B, C, D, E, F and G of the paragraph 24. The interpretations given are strongly contested. The contentions in the suit plaint in this regard are wholly irrelevant with the points at issue. This defendant states:

- (A) That Emperor Babar or Mir Baqi did not destroy or demolish any Mandir.
- (B) Emperor Babar or his commander Mir Baqi did not construct the mosque on the land of or on the ruins of any Mandir. Mir Baqi

built the Babri Masjid on vacant land.

- (C) Sanctity of Babri Mosque was not affected by the creation of Ram Chabutra on the courtyard, or by the mosque being surrounded by Mandirs.
- (D) There is no tenet of Islam against existence of a mosque in a noisy place, or in a non-Muslim locality.
- (E) Minaret is no essential part of a mosque.
- (F) Non-existence of a water reservoir in it does not make a Mosque as no mosque.

Finally speaking, if it is not a mosque how it is claimed that mosque was built after destroying the Mandir.

17. The statements made in paragraph 25 of the suit plaint are based on imagination, and are contested.

18. Statements made in paragraph 26 of the Suit Plaint are mostly irrelevant and are matters of record, the same are not admitted. Namaz particularly Friday Namaz used to be regularly held in the Babri Masjid, and the last Namaz was held on 22.12.1949. The Imam, who led the prayers regularly till 22.12.1949, was Maulana Haji Abdul Gaffar and he is alive and lives at Mohalla Qaziana, Ayodhya, District Faizabad. While the Plaintiffs have denied here that there was a Mutawalli, they have admitted in paragraph 32 of the plaint that defendant no. 23 was the Mutawalli of the Babri Masjid and that is why he has been made defendant. This itself shows that Lord Rama could not have been the Plaintiff of this Suit.

19. That the statements made in paragraph 27 of the suit plaint are incorrect. What actually happened on the night between 22.23 December, 1949 is best narrated by the then Deputy Commissioner of Faizabad himself in an affidavit filed by him on behalf of the State, being Defendant No. 6 in Regular Suit No. 25 of 1950. Xerox copy of relevant portion of the said Affidavit is being made Annexure 'A' hereto. Destruction of the graveyard, done by the plaintiff No. 3's party was an act of sacrilege and was illegal. The same was done after 23.12.1949. In this connection attention is invited of your Lordships to the Thana Diary entry made by the constable who was on beat duty on the said night between 22.-23 December, 1949, which is also in the records of Regular Suit No. 25 of 1950, which is before your

Lordships in this amalgamated hearing.

20. That as regards the contents of para 28 of the Suit Plaintiff, it is submitted that under the Constitution of Secular India religious places of all the communities ought to be protected by the Government, and the action of its officers for the protection of Babri Masjid and for preventing any breach of peace was fully justified. The Objection of the Plaintiff to this rule of law is unfortunate.

21. With reference to the statements contained in paragraph 29 of the Suit Plaintiff, it is submitted that the contents therein are imaginary and speculative and are not based on law. The claim of adverse possession in respect of religious places like Babri Masjid is unjustified and illegal. Moreover, the adverse possession if any was always with guilty knowledge, and was **malafide**.

22. That as regards the contents of paragraph 30 the answering defendant believes that the Hindu population of India has always been by and large secular, otherwise India would have been a Hindu Dharmic State. The infinitely small minority amongst Hindus, to which group the plaintiff no. 3 and the party of which he is the Vice-President namely the Vishwa Hindu Parishad belong, have little or no voice in the country. In last 42 years after India gained freedom from foreign rule, the plaintiff no. 3 and his like-minded political parties have never been able to win more than 1 or 2 percent of the total number of seats in the Indian Parliament thereby exposing their following in the country. The answering defendant believes that the Hindu public and devotees who have happily co-existed in Ayodhya with the Babri Masjid for over 400 years since its construction in 1528 will never commit an act of Adharma by demolishing the Babri Masjid and constructing a Mandir over it by illegal means as threatened by the Plaintiff No. 3 on 30.9.1989, especially when this Hon'ble Court is seized of the matter and an order for status-quo is in force. The threats contained in paragraph No. 30 amount, it is most respectfully submitted, to contempt of Court.

23. That the views contained in para 31 of the Suit Plaintiff are misconceived. The present suit is nothing but a guise to cover the shortcomings of the other original suits, and is bound to create more disputes than solve them. Contrary to what have been asserted in the plaint, the fact is that

there are no differences between Shia and Sunni sects of Muslims in India and elsewhere so far as the protection of mosques, including the Babri mosque, is concerned.

24. That as regards paragraph 32 of the Suit Plaintiff, this Defendant states that the Babri Masjid was built by Mir Baqi, a Shia Muslim and the Mutawalliship devolved upon his descendants since inception in 1528 without break. But both Shia and Sunni Muslims used to offer Namaz in the Babri Masjid, as indeed in all Shia managed mosques all over the world, in their own different ways. Sunni Muslims however were permitted by the Shia Mutawalli to form their own daily Jamaat in the Babri Masjid since about 1925, because by then the Shia population in Ayodhya had dwindled. The Sunni Imam Maulana Haji Abdul Gaffar was the last Imam of Babri Masjid, who led the last Namaz on 22.12.1949.

25. That as regards paragraph 33 of Suit Plaintiff, since every mosque is a public property and all Muslims regardless of their sect are its beneficiaries, every member of the Muslim community has right to represent the case of a mosque. Attempt of the Plaintiff No. 3 to drive a wedge between Shias and Sunnis in this Hon'ble Court in the instant proceedings is deplored. The Sunni Central Waqf Board, Defendant No. 4, and its co-defendants No. 5 and 6, being the present three plaintiffs in Suit No. 12 of 1961 have the full support of this answering defendant as President All India Shia Conference in their just struggle for the recovery of Babri Masjid. In fact this is the reason no Shia Muslim, including the Shia Mutawalli of Babri Masjid, or the Shia Central Waqf Board or All India Shia Conference has ever opposed or contested the claim of Plaintiffs in Suit No. 12 of 1961. The possession of the Babri Masjid and the Qabristan or Ganj-e-Shahidan adjoining that mosque on the mosque land, which is with the Court Receiver and under an order of Status-quo of this Hon'ble Court, should not be interfered with by the Plaintiffs' party.

26. That as regards the contents of paragraphs 34 and 35 of the Suit Plaintiff, the answering defendant being a representative of the Shia Muslims of India is deadly against any form of sacriligious actions. He is of the firm view that no place of worship of any religion should be destroyed and no place of worship should be constructed on the ruins of the destroyed one. The

Answering defendant firmly believes that the Babri Masjid was certainly not built after destroying the Vikramaditya Mandir or any temple. Yet, at the same time if it is unequivocally proved in this Hon'ble Court in the light of historical archaeological and expert scientific evidence that the Babri Masjid was really built after demolishing any Mandir on the Mandir land, only then this defendant will withdraw his opposition.

As a further concession to the Plaintiff No. 3 and to the Hindu community of India whose religious sentiments the said Plaintiff and his party are trying to wrongly arouse since last 3 years, this Defendant is prepared to withdraw his opposition also if it is unequivocally proved, in this Hon'ble Court that the belief, of Ram Janam Asthan being at the presently claimed spot inside the Babri Masjid, existed from before the Babri Masjid was built, existed from before the Babri Masjid was built. And that the Babri Masjid was knowingly built on the Ram Janam Asthan spot.

27. Regarding paragraph 36 of the Suit Plaintiff, it is submitted that no cause of action accrues to the Plaintiffs.

28. With regard to paragraph 38 of the Suit Plaintiff, this Defendant submits that the suit has been under-valued.

29. That as regard the contents of paragraph 39 of the Suit Plaintiff, this Defendant submits that the Plaintiffs have made out no case, and are not entitled to any relief, and the suit is liable to be dismissed.

30. It is irrelevant if the disputed Waqf is Sunni or Shia. In either case ownership of the Waqf vests in almighty Allah.

31. Once it is admitted that a mosque was built hundreds of years ago and was used as such it became Waqf by user, irrespective of the fact whether or not legal formalities for creating a Waqf were observed.

32. The Suit is definitely barred by limitation

33. The claim is also barred by the principle of estoppel.

Lucknow,
Dated 4.09.1989

Sd/-
Defendant No. 24

VERIFICATION

I, Prince Anjum Quder, son of Late Prince Mether Quder, aged 67 years by faith Shia Muslim, by nationality Indian, by profession Landlord, being the elected President of All India Shia Conference and being the Defendant No. 24 in the Original Suit No. 236 of 1989, do hereby solemnly affirm and verify that statements contained in paragraphs no. 2, 3, 7, 10, 11, 12, 16, 23 and 25 are true to my knowledge, those in paragraphs no. 14, 15, 18, 19 and 24 are based on information which I believe to be true, and the rest are my submissions to this Hon'ble Court.

Signed and verified at Lucknow on 4th day of September, 1989.

Sd/-
Defendant No. 24.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD SITTING AT LUCKNOW

O.O.SUIT NO. 5 OF 1989

Bhagwan Sri Ram Virajman & others Plaintiffs
Vs.
Rajendra Singh & others Defendants

WRITTEN STATEMENT UNDER ORDER VIII RULE 1 OF C.P.C.
ON BEHALF OF DEFENDANT NO. 25.

1. That the contents of para 1 of the plaint are denied. Neither the plaintiff No. 1 nor plaintiff no. 2 are the deities within the meaning of Hindu Law nor they are juristic person to file the suit. Remaining contents of para are also denied. Kindly see Addl. Pleas.
2. That the contents of para 2 of the plaint are denied. The area and the places indicated in Annexures No. 1, 2 and 3 of the plaint are neither Ram Janam Bhoomi nor Ram Janam Asthan. However, it is evident that there exists a Mosque known as Babri Masjid, the existence of this mosque is established by record, Historic, Judicial and Revenue. The filing of the suit no. 2 of 1950 are not denied. See the Addl. Pleas.
3. That in reply to the contents of para 3 of the plaint, only the filing of the suit No. 2 of 1950 is admitted but not the contents of the plaint of the said suit. The remaining contents of para under reply are denied. Kindly see Addl. Pleas.
4. That in reply to the contents of para 4 of the plaint it may be pointed out that the relief claimed in suit no. 2 of 1950 is wholly misconceived and legally not.
5. That in reply to the contents of para 5 of the plaint the filing of suit no. 25 of 1950 is admitted but the contents of the plaint of the said suit are denied. Remaining contents of the para under reply are also denied.
6. That in reply to the contents of para 6 of the plaint the filing of suit No. 26 of 1959 is admitted while the allegations of the plaint of the said suit are denied. The initiation of the proceeding under Sec. 145 Cr.P.C. and the appointment of the receiver, which still continue is also not denied. However, remaining contents of para under reply are denied. See Addl.

Pleas.

7. That in reply to the contents of para 7 of the plaint, the suit No. 12 of 1961 including its contents are admitted, the same may be decreed.
8. That in reply to the contents of para 8 of the plaint, it may be pointed out that the order dated 8th august, 1962 was rightly passed. Remaining contents of para under reply are not admitted as framed.
9. That in reply to the contents of para 9 of the plaint, it may be pointed out that the averments related to the judicial record, and hence are not denied.
10. That in reply to the contents of para 10 of the plaint it may be pointed out that at the time of granting of the said injunction the answering defendant was not a party in suit no. 2 of 1950. The said suit was also not in the representative capacity. Hence the answering defendant is not bound by the said interim injunction. The answering defendant is advised to state that the interim injunction order dated 16.1.1950 as modified on 19.1.1950 was also beyond the scope of suit No. 2 of 1950. Remaining contents of the para under reply are also denied.
11. That in reply to the contents of para 11 of the plaint it may be pointed out that Pooja etc. even in the restricted way, was wrongly permitted. However, the appointment of receiver is not disputed.
12. That the contents of para 12 of the plaint are denied. The averments of para under reply, as regards performing religious ceremonies during the pendency of the suit is also incorrect and denied. See Addl. Pleas.
13. That the contents of para 13 of the plaint are not admitted as framed, answering defendant is advised to state that the order of District Judge dated 1.2.1986 is wholly illegal and is also void being in utter violation of the principles of natural justice. However, the said order has been challenged in two writ petitions, vide W.P. No. 746/86 and writ petition No. 3106 of 1986.
14. That the contents of para 14 of the plaint are denied. There is no deity in the premises in dispute within the meaning and concept of Hindu Law and as such there is no question of devotees etc. The averments pertaining to the money received by the receiver are denied for want of definite knowledge.
15. That the contents of para 15 of the plaint are denied. There is no question of construction of any temple over the site in question. Answering

defendant and his co-religionist have a right to resist any such attempt. The premises is a mosque and muslims have a right to offer namaz in it. Neither Jagadaguru has any right or locus in the matter and nor he can execute any deed legally in respect of the premises in question. The answering defendant is not aware of the religious sect of the so called vairagies of Ayodhya.

16. That in view of the submissions made above the contents of para 16 of the plaint are vehemently denied. The so called trust deed is a nullity. It has no legal basis and the same has no relevance in the present controversy.

17. That the contents of para 17 of the plaint are vehemently denied. The so called 'Nyas' has no locus in the matter, nor it can be a party to any suit.

18. That the contents of para 18 of the plaint are vehemently denied. No other suit is needed. The present suit is also barred by limitation. The averments of the para under reply have been made with a malafide intention by which the plaintiff no. 3 only wants to boost his own status, while he has no locus; neither there is any deity having a juristic personality (or juristic person) and nor the plaintiff No. 3 is a next friend of any deity and the only persons who have a right to worship in the premises in dispute, i.e. the mosque, are the muslims.

19. That the contents of para 19 of the plaint are vehemently denied. There is no evidence, historic or otherwise, to indicate that Sri Ram Chandra ji was born there.

20. That the contents of para 20 of the plaint are vehemently denied. As there is no deity, there is no question of any devotee and there is no question of any asthan also. It is an innovation even in Hindu law; the answering defendant is advised to state that the so called asthan can not be treated as a juristic person and as such the suit is not maintainable on this count also. Kindly see addl. pleas.

21. That the contents of para 21 of the plaint are vehemently denied, the concepts of the various schools of thought of Hindu religion are not relevant to the controversy before this Hon'ble Court.

22. That the contents of para 22 of the plaint are denied, various philosophies, fictions and concepts of Hindu religion are not relevant for the controversy to be adjudicated in the 4 suits referred to above.

23. That the contents of para 23 of the plaint are denied. The narration of

history in the plaint is false and baseless. No authentic book of history has been referred in the plaint. The premises has always been a mosque since its construction in sixteenth century, it has always been used by the muslims for offering namaz and for no other purpose. Remark in the gazette is not an authentic record of history. It is only a generalised observation, the Gazette also does not make any reference of any authentic history or record. The pillars are not of Kasauti. However, it is not relevant as the fact remains that it is a mosque, and has always been used as mosque and it is wholly incorrect that anybody else other than muslims worshipped in the building which is called Babri Masjid. The narration of history by the plaintiff is baseless and false. There is no evidence of the demolition of any temple for the construction of this mosque.

24. That the contents of para 24 of the plaint are vehemently denied, the quotation from Holy Quran has been incorrectly quoted and the same is out of context. There is no evidence of demolition of any temple. The contents of sub-paras are also denied. On the basis of judicial records and other evidence, it is clear that the premises in question has always been a mosque in which muslims had been offering regular namaz up to 22nd December, 1949. No specific shape or specific design has been prescribed for the mosque in Islam. The shapes and architectural designs of the mosque vary in different parts of the world and even in India. The Ganj-e-Shahidan also belongs to muslims and vests in God Almighty.

25. That the contents of para 25 of the plaint are denied. The building has always been a mosque.

26. That the contents of para 26 of the plaint are vehemently denied. The building known as Babri Masjid has always been in use as a mosque and the muslims have offered namaz in it since its construction till 22nd December, 1949. some of those who offered Namaz in it are still available. Some part of the mosque was damaged in the communal riot of 1934 and the same was repaired soon thereafter. The threat contained in the para under reply is most unwarranted. There is no dispute between Shias and Sunnis over the mosque in question. Mosque is vested in almighty and every Muslim (Shias or Sunnis) have the right to offer Namaz in any Masjid. The averments in the para under reply are wholly incorrect and false.

27. That the contents of para 27 of the plaint are vehemently denied. As narrated in the foregoing paragraphs, some persons between the night of 22/23 December, 1949, illegally entered into the mosque about which FIR was lodged at the police station, Ayodhya in the morning of 23rd December, 1949. Some of the culprits were named in the F.I.R. and on that basis the proceedings u/s 145 Cr.P.C. were initiated and the mosque was attached, the attachment continues; there was no so called ceremony nor any supernatural happening. Kindly see Addl. Pleas.

28. That the contents of para 28 of the plaint are vehemently denied. It is incorrect that muslims do not live nearby. They do live there but the muslims were not in a position to prevent the aforesaid illegal act done with the connivance of the local administration. The muslims acted as the law abiding citizens and pursued the legal remedy available to them but no party can be permitted to take benefit of the delay caused in a Court of law. Here it may also be pointed out that the rights of the muslims to offer namaz should have been protected but the machinery of law failed in it. Only the muslims still have the right to offer namaz in the building and no other community has any right in the said building. The proceedings u/s 145 Cr.P.C. have not been dropped but after the filing of the suits the proceedings u/s 145 Cr.P.C. were stopped and consigned to record.

29. That in view of the submissions made in the foregoing paragraphs the contents of para 29 of the plaint are denied. Neither there is any deity and nor there could be any impleadment of it. Plaintiff no. 3 also has no locus standi and so also plaintiffs no. 1 and 2.

30. That the contents of para 30 of the plaint are denied. There is no question of any devotee, and the present campaign and proclamation made in the plaint has nothing to do with the struggle for freedom of the country. There is no question of construction of any temple there such an attempt will be resisted, there is no legal right for the construction of temple on the site in question. The assertion in the para under reply are most unwarranted, amount to incitement of an offence, and also amount to contempt, by way of undermining the authority of this Hon'ble Court as, it may be pointed out that the interim order passed by this Hon'ble Court on 3.2.1986 in W.P. 746 of 1986 for maintaining status quo, is still in operation.

31. That the contents of para 31 of the plaint are denied. As there is no deity there is no question of its next friend and a judicial decision will be binding upon all. Disregard of the Rule of law pleaded in the plaint is regretted.
32. That the contents of para 32 of the plaint are denied. The matter has already been adjudicated.
33. That the contents of para 33 of the plaint are denied. It may be pointed out that the entire complex belongs to Waqf Babri Masjid, the existence of which cannot be denied.
34. That the contents of para 34 of the plaint are vehemently denied. The premises has always been a mosque and it has been used as such and no one can remove the structure.
35. That no doubt that the muslims fear the God, other contents of para 35 of the plaint are denied. None of the plaintiff has any status to maintain the suit.
36. That the contents of para 36 of the plaint are denied. Plaintiff has no cause of action including the plaintiff no. 3. The cause of action, if any, had accrued in 1950.
37. That the contents of para 37 of the plaint need no reply.
38. That the contents of para 38 of the plaint are denied, the contents of para 38 of plaint are vague and property in suit has not been properly valued.
39. That the contents of para 39 of the plaint are denied, the plaintiffs are not entitled to get any relief and the suit is liable to be dismissed with special costs.

ADDITIONAL PLEAS

40. That on behalf of the All India Shia Conference it may be pointed out that the premises in question always has been mosque and it is a mosque.
41. That in the night of 22/23rd December, 1949 certain persons forcibly entered into the mosque and put an idol in the same; against them an F.I.R. was lodged in the Police Station, Ayodhya in the morning of 23rd of December, 1949. A case under Section 448, 147, 148 I.P.C. etc. was

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registered, on the basis of that F.I.R. the proceedings under Section 145 were taken and the premises was attached. A receiver was appointed in the proceedings under section 145 of the Cr. P.C. later that arrangement was also maintained by the Civil Court in the Civil suits. The said premises is still under the control of the receiver and in other words the same is under the control of the court. The premises when ever released must go to the Muslims to be used as a mosque. And no one has any right in respect of this premises except Muslims.

42. That it may also be pointed out that the suit is not maintainable. There is no Hindu deity as juristic person in relation to the premises in question nor there is any Hindu deity with the name and style of Asthan Srin Ram Janam Bhumi Ayodhya. It may also be pointed out that Sri Deoki Nandan Agarwal has no nexus with the premises in question nor he has any managerial and beneficial interest. He cannot be next friend to the deity. Hence the suit is not maintainable.

Place: Lucknow

Dated: 16.09.89/18.09.89

Sd/-
Syed Mohd. Hasnain Abidi
Hony. General Secretary
All India Shia Conference.
Defendant No. 25.

VERIFICATION

I, Syed Mohd. Hasnain Abidi, Hony. General Secretary, of All India Shia Conference, Defendant No. 25 do hereby verify that the contents of above written statement from paras 2 to 7, 9 to 15, 18, 19, 23 to 28, 30, 33 to 36 and 39 to 41 are true to my own knowledge and those of paras from 1, 8, 16, 17, 20 to 22, 29, 31, 32, 37, 38 and 42 are believed by me to be true on the basis of legal advice and information received. So help me god.

Verified this 16/18th day of September 1989 at Lucknow.

Sd/-
Defendant No. 25

S.M. Hasnain Abidi
Hony General Secretary
All India Shia Conference
Naden Mahal Regd. Lucknow.

//True Copy//

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**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

I.A.NO. _____ OF 2017

IN

CIVIL APPEAL NO. 4768-4771 OF 2011

IN THE MATTER OF:

BHAGWAN SRI RAMA VIRAJMAN
AND OTHERS.

...APPELLANTS

VERSUS

SRI RAJENDRA SINGH & ORS.

...RESPONDENTS

**AN APPLICATION FOR PERMISSION TO FILE
ADDITIONAL DOCUMENTS**

To,

HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUSTICE OF HON'BLE SUPREME COURT OF INDIA

The humble petition of the petitioner
above named:

ST RESPECTFULLY SHOWETH :-

1. That the above captioned petition has been filed against the common judgment and order dated 30.9.2010 passed by Hon'ble High Court of Judicature at Allahabad, Lucknow Bench Lucknow in O.O.S. No. 5 of 1989 (Regular Suit No. 236/1989), O.O.S. No.

4 of 1989 (regular Suit No. 12/1961), O.O.S. No. 1 of 1989 (regular Suit No. 26/1959) and and the same is pending adjudication before this Hon'ble Court.

2. That the appellant is filing some documents which are essential for the proper adjudication the matter by this Hon'ble Court and hence prayed that he may be permitted to file these documents in the interest of justice.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- a) permit the appellant to file additional documents and the same may be taken on record in the interest of justice.
- (b) Pass any such other order/orders that this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

FILED BY:

[P.V. YOGESWARAN]
ADVOCATE FOR THE APPELLANT

NEW DELHI
FILED ON 2.2.2018

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. NO. _____ OF 2018

IN 4768 -
CIVIL APPEAL NO 4771 OF 2011

IN THE MATTER OF:

Bhagwan Sri Ram Virajman & Ors. ...APPELLANTS

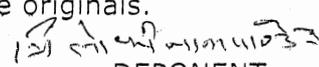
VERSUS

Shri Rajendra Singh & Ors. Etc. Etc. ...RESPONDENTS

AFFIDAVIT

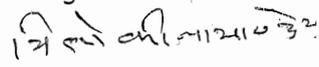
I, Triloki Nath Pandey, Aged about 68 Years, S/o. Late Shri Askrut Pandey Rao, R/o. Karsewak Puram, District Faizabad, Uttar Pradesh, Presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am next friend of the petitioner No.1 and 2 and I am the Petitioner No.3 in the above mentioned Civil Appeal and hence well conversant with the facts and circumstances of the case, as such competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying applications which has been drafted by my counsel on my instructions and the same are true and correct to the best of my knowledge and belief.
3. That the annexures annexed to the accompanying applications are true and correct copies of their respective originals.


DEPONENT

VERIFICATION

Verified at New Delhi on this the 27th day of ~~December~~ ^{January}, 2018, that the contents of above affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.


DEPONENT