

**HEARING DATED: 03.10.2019**

**::RAM MANDIR CASE::**

**ARGUMENT MADE BY MR. C.S. VAIDHNATHAN , SR. ADVOCATE**

Mr. C.S. Vaidhnathan referred his note and commenced his argument. Mr. CSV read page No. 22 and 29 of his note and said that Makar Pranal is 'Vahana' of Goddess Ganga, on being asked he clarified to the Bench that Makar means 'Crocodile' .

Mr. CSV made his submission on Wall No. 16 and Wall No. 15, from the MAP he show the correct positions of those walls and stated further argued that Wall No. 16 and Wall No. 18D are perpendicular and connected to each other.

Mr. CSV vehemently argued the ASI report and confronted the submission made by Ms. Meenakshi in reference of ASI. Mr. CSV strongly argued in reply of submission made by Ms. Meenakshi that inference is been drawn by ASI in reference of massive structure.

By showing the positions of Wall's from the MAP and thereafter indicating the ASI report Mr. CSV stated that it's not Idgah Wall, however, there were others walls connecting to that, which is not possible if this place would have been Idgah.

Mr. CSV referred the positions of Wall No. 18A, 18B, 18C, and 18D connecting with Wall No. 16 which shows that this place could not have been Idgah.

J. DYC: Justice DYC asked about the evidence of witnesses stating in reference of inner walls connection to main walls.

Mr. CSV: On being asked, Mr. CSV shown relevant portion of evidence of witness, and further shown the pillar based from the pictures.

J. DYC: All the pillar based are not explored, therefore, how can we guess that there were 85 or 87 pillars, is it a conjecture, what do you say about that?

Mr. CSV: Shown page No. 37 Volume 87, shown photographs of pillars, he said that more than 46 pillars and 17 rows were excavated and tried to showcase the direction of that. Mr. CSV said that it means it was a massive structure.

J. DYC: Kindly show us as how ASI dealt with it?

Mr. CSV shown page No. 80 of ASI report, wherein ASI indicated it as massive structure below the disputed structure.

Mr. CSV read page no. 73 from the ASI report, therefore, indicated page no 34 and 35 from his note, he argued regarding pillar bases, and emphasized shape and the positions of pillars excavated by ASI in it's excavation.

Mr. CSV argued that Muslims argued on two different theory:

Firstly, they said as there was no structure at all;

Secondly, they said that there was Idgah Wall.

Mr. CSV stated that we always had a firm stand that disputed structure was constructed after demolishing a temple.

Mr. Rajeev Dhawan referred page No. 2445 of impugned order, however, J. Bobde said that you show it later.

CJI: Kindly show us the finding from impugned order as what the High Court has said regarding these 46 pillar bases

Mr. CSV shown the relevant page to the Bench.

Mr. CSV also indicated page 2379 para 3904 from Volume II

Mr. CSV showcasing the evidence again argued that there was a massive structure, he said that various items were found in this regard which clearly indicate that this massive structure was a temple. He said that it can't be a private temple but it was a public temple. Mr. CSV indicated the things found during excavation and stated that on the basis of these articles

J. DYC: Faith and belief are different things now we are in the arena of core evidence?

Mr. Dhawan: Pillar based was on the top?

Mr. CSV: No it's not.

J. DYC: Please submit the list of all material evidence on ASI.

Mr. CSV: Yes, we will do it.

Mr. Dhawan: Read page 2445 para 3988, in which it was stated that ASI rightly refrain to give any finding in reference of demolition. He said that there is no categorical finding in reference of demolition and showcased the observation of High Court in this regard.

Mr. CSV: Kept on arguing ASI report, indicating the material excavated from Kusan Period.

Mr. CSV indicated ancient law in Smiriti, Vedas on which Mr. Dhawan confronted by saying that we are not challenging Vedas, Smiriti and Quran.

Mr. Dhawan stated that I believe that every material from Vedas, Smiriti is available to MyLord in written, therefore, to doubt anything is not possible?

Mr. CSV read page 93, and page 95 middle from his compilation, page 97 para 8, and thereafter moves on to the oral evidence as OPW1, OPW5, OPW7, OPW12, OPW13, DW3, DW3/3, DW2/3, PW2.

Mr. Dhawan: These witnesses gave evidence after December 1999, therefore, it doesn't show anything related to 'continuous worship'.

Mr. CSV show cased the picture of K.K. Nair, and Chandrashekher Azad.

#### RANJEET KUMAR, SENIOR ADVOCATE (PLAINTIFF IN SUIT NO. 1)

It was 5 minute remaining in Lunch. Mr. Ranjeet Kr. Senior Advocate sought permission of court to argue the case (Suit 1), on which CJI said that it's only 5 minutes remaining in lunch. Mr. Ranjeet Kumar stated that I will complete my argument in that time only. Mr. Ranjeet Kumar, appearing for petitioner in Suit 1 (for worshipper) completed his argument in 7 minutes, i.e. in given time, showcasing the importance of right of worship. Mr. Kumar utilized the given time in the best manner and read the highlights of his note in his loud and confident voice.

P.S. NARASIMHA, SR. ADVOCATE

Mr. P.S. Narasimha, Sr. Advocate also attempted to complete his argument before lunch, on which CJI stated that you complete your argument after lunch in 10 minutes. Mr. P.S. Narasimha argued for around 21 minutes after Lunch. Mr. P.S. Narshima basically argued that how importance the place Ramjanambhoomi is, in the Hindus life, he emphasized that once faith and belief are established, nothing more is required for determination of case.

Highlights of Argument of Mr. P.S. Narasimha is given herein below:-

Mr. P.S. Narsimha argued on Preponderance of Probability- He said that standard of proof in Civil case is generally proof on the balance of probability.

Mr. PSN referred two cases on preponderance of probabilities / balance of probabilities.

Mr. PSN relied upon *Sinha Ramanuja v. Ranga Ramanuja AIR 1961 SC 720*

*a century of case law in that part of the country has recognized certain rights of different grades of devotees and they and their innumerable followers began to cherish them or even to fight for them in criminal and Civil Courts. This Court, therefore, does not propose to reconsider the question of honours on first principles but only will resurvey the law on the subject with a view to ascertain, and if possible to clarify, the legal position”.*

Mr. PSN argued on the Evidence adduced in this case to proof belief and worship

Mr. PSN referred 7 documents to proof faith and belief:

1. *Valmiki Ramayan*
2. *Skand Mahapuran – Ayodhya Mahatamya*
3. *Bhagwadgita*
4. *Ram Charit Manas*
5. *Geetawali by Goswami Tulsidas*
6. *Sikh Itnias Me Ram Janambhoomi*
7. *Ayodhya by Hans Baker*

Mr. PSN read slokas from Skand Puran meaning of which was that Skandapuran extols the visit and darshan (darsana) of Janmasthan on Rama's birthday, especially meritorious for one who observes the vow of Navami and says that one who has darshan of Ram Janmabhumi is released from the cycle of rebirth. Accordingly, Mr. PSN attempted to showcase to the court as how important is this Ram Janambhoomi in Hindus' life.

By relying upon the religious books - Mr. PSN argued that if you are Hindu and you visit the place Ram Janam Bhomi then this religious journey is Moksha Daini for you.

Mr. PSN argued that if we divide the disputed place into two period as

- (1) Pre Mosque period (before 1528)
- (2) Post Mosque Period (after 1528)

### **PRE 1528**

By relying upon the evidence of witnesses before 1528 Mr. PSN argued that it was belief of people I will obtain Moksha if I visit that place' that was something which used to compelles them to visit that place once in their life

Mr. PSN stated that what objections are raised by Mr. Dhawan

-Historian Denial

-Objected Location

-Time of Birth of Lord Rama

Mr. PSN showcased the "Early Travels in India" by William Foster in which he says that there existed ruins of Ram Chandra's castle and houses which the Indians acknowledge the Great God.

Mr. PSN argued that place Ram Janam Bhoomi was talked about in entire country. He refers to culture, belief and argued that number of people were visiting there around the country.

### **POST 1528**

Mr. PSN said in every Human History Book nowhere existence of mosque is mentioned standalone; however, it is with continuance of temple.

We only need to prove faith and belief.

ASI is in addition.

Mr. P.S.N. read para 4070 from impugned order.

### **MR. SUSHIL KUMAR JAIN, SR. ADVOCATE APPEARING FOR NIRMOHI AKHARA IN SUIT 3:**

Mr. Jain commenced his argument for Nirmohi Akhara.

He said that it's like 20-20 match, on which CJI reacted and said that you have already argued for 3-4 days and now you are saying as it's 20-20 match. You keep on arguing we keep on listening, on which Mr. Jain said sorry and said that he will try his best to finish his argument.

Mr. Jaideep Gupta, Sr. Advocate tried to intervene in between on which both Mr. Dhawan and Mr. Jain objected by saying that why he is interfering after 32<sup>nd</sup> day of hearing.

Mr. Jain argued on 145 Cr.P.C proceedings. He said that his suit was only against the State.

He said that we are treating it as temple as whole, not in inner and outer courtyard. He said that in suit 4, for the first time the land in disputed got division in inner courtyard and outer courtyard.

He said that next friend is not even a worshipper but he wants the right to won and manage.

Mr. Jain Argued on De-fact and De jurie.

Mr. Jain argued on concept of possession.

Mr. Jain argued on Limitation for long time.

CJI said that how would you finish on time, from your argument it seems that it will take long time, Mr. Jain stated that he is representing a poor party, he further said that he is trying is best to finish on time.

J. Bobde: You do one thing, you read the headings from your note, we will go through it.

Mr. Jain: This suit is going to affect lacs of suits in country, this is very crucial question on limitation.

J. Bobde: If the interim order is against you and final order is in your favour, then how do you see that?

Mr. Jain: It will become infructuous then. There is no bar on filing a suit before. Mr. Jain drag the argument on which J. Bobde stated that it's not like that as you will argue until we agree, you can argue till we understand.

#### **It's 4.00 PM**

CJI: we will hear Mr. Mishra now on which Mr. Jain reacted strongly...

#### **At 4.15 PM**

CJI to Mr. Jain We will give you the time in the end if we will have. Mr. Mishra you start.

#### **ARGUMENT BY MR. P.N. MISHRA, ADVOCATE**

Mr. Mishra started to argue but referred the martial which was not the part of exhibit.

The same material was objected several time by Mr. Dhawan as well as by Judges.

Mr. Mishra said that he is replying to the questions raised by Mr. Dhawna by relying upon this material. He referred on Skahdpurana, Mitakshara, Yaglavya, Religious Dictionary.

Same material was again objected by Mr. Dhawan.

CJI: Mr. Mishra at this stage it's not possible to consider this material. If you want us to consider you have to file it alongwith application, we have to issue notice to other parties, they will reply to your application. It's not possible at this stage. CJI refrain to hear, and asked Mr. Jain to come and complete his argument.

MR. SUSHIL KUMAR JAIN, SR. ADVOCATE APPEARING FOR NIRMOHI AKHARA IN SUIT 3:

Below are the highlights of Mr. Jain's argument.

- There was no restriction in any manner to inner courtyard as it was never locked so my worshipper used to worship inside.
- I could not restrain my worshipper as there was no lock.
- Pooja was continuously going on, before 145 Proceedings.
- I am fighting for more than 50 years.
- They have taken papers from me, and not showing it to the court.
- They are doing all this with me because I am poor person
- In 1885, this plea was taken for the 1<sup>st</sup> time, Babur did come to Ayodhya, Mir Baki was not his commander, and this is argued by Mr. Mishra, should be part of record.

**ARGUMENT CONCLUDED IN SUIT 1, 3 AND SUIT 5. NOW ONLY SUIT 4 AND ONE ISSUEAS MOULDING OF RELIEF REMAINS NOW.**

**:: HEARING RESUMED WILL BEGIN ON FRIDAY::**

**Notes Prepared by:  
Amit Sharma, Advocate**