

Ram Mandir Case Proceedings

(09.08.2019)

Rajiv Dhawan:

- He said to the court that the matter cannot be rushed. Also, there is a rumor that the court is going to sit for 5 days. It is inhumane. He also stated that he did not think the lordships have read the judgement except Justice Chandrachud.
- He also further added that he has a duty to assist the lordships in every possible way as far as he could to the temple of justice.

K.P.:

- Suit can be disposed both on limitation and merits.
- My Lordship can decide the question of law on merits because this is Supreme Court. This Court is the highest Court of the land.
- Injury has been covered yesterday.
- He referred to the following case: 2001 4 SCC 492, (para 10)
- When a wrong is done, it is not an injury. When action is completed, then there is an injury.
- A suit can be filed on title or possession.
- Even if suit is filed earlier, the Magistrate can still pass an order.
- Order of civil court can never be injury at all.
- He then referred to the Compilation of Judgements: Page 133, 143, 144, 145 [1959 (Supp) SCR 798 or 1959 AIR 960] (Bhimka Case)
- If Court appoints receiver, the receiver takes possession.
- It cannot be argued that order of a Civil Court is wrong. Even assuming it is wrong, it is binding, till the suit is disposed of.
- He referred to the following case:
 - (i) Page 196, Sheoprasad Singh case.
 - (ii) Page 197 (last para), Page 198 (first para, last lines)
 - (iii) 1988 4 SCC 452, Page 226, 230 (para 8)
- He referred to the file “Pleadings in all suits”, Page 244 (para 19, 20), Page 245 (para 22)

- Something that is not an idol can be a juristic person. (In Kedarnath temple there is no idol.)
- He then referred to RamJankijee deity's case: 1999 5 SCC 50, Page 56 (para 11), Page 57 (para 19)

Justice D.Y.C.: He referred to para 15, 16, 17 of RamJankijee deity's case (1999 5 SCC 50)

Justice Bobde: Can you analyze how courts started recognizing Haship/Ship (not clearly audible) as a personality?

K.P.:

- The concept of due process is developed by judiciary.
- Concept of God is important.
- In Hindu religion there is worship of deity, the property is dedicated to the God.
- In last 10 months, Lord Ram and Sita suffered. We worshipped them in happy form.

Justice Bhushan:

- There is Parikrama marg of Janambhoomi, will Parikrama give sanctity to the birthplace (Janamsthan)?
- Evidence on record says Parikrama marg was there.

K.P.:

- The entire city becomes Janambhoomi. Janambhoomi is not a specific area. The whole Ayodhya is a Janambhoomi.
- He then spoke on Valmiki Ramayana.
- He referred to the following case: 1963 3 SCR 242 (Yagna Purush), Page 260 and 263.

Post Lunch:

K.P.: He referred to Page 48, sixth line of shloka from Srimad Valimiki Ramayana. He further stated Ayodhya was known before Lord Ram.

Justice Bobde: He asked, “Is anyone from Raghuvansh Dynasty still there?” (The response to the question was negative.)

K.P.:

- He gave reasons for Parikrama. He also argued that concept of juristic person even in other laws comes from Hindu law.
- Further giving examples of juristic person, he added Sarovar is also a form of God which comes in form of water.
- He then referred to the following cases:
 - (i) 1969 1 SCR 624 (Kamaraju Venkata), Page 628 (V. Marujappa v. Puttaramaya)
 - (ii) 2005 1 SCC 457, Page 463
 - (iii) A case on Parikrama: 1931 Law Weekly 340 (Privy Council, Madura, Tirupparankundram v. Ali Khan Sahib) Page 345, 346 (last para), 12th May 1931.
 - (iv) 2000 4 SCC 146 (SGPC, Amritsar v. Somnath Das) Page 155 onwards (para 10, 11, 16, 17, 18, 19, 20, 21, 24, 27)
 - (v) 1969 1 SCC 555, para 5, 6 on Page 557, 560 (Yogendra Nath case)
- Then a discussion took place on Shastras discussed

K.P.:

- While discussing Parikrama stated God is everywhere in the area. God is not only in temple but surrounding area as well.
- In Ayodhya, entire city is Holy.
- What is important is the relationship.

Hearing concluded for the day

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