

**HEARING DATED: 13.08.2019**

**:: RAM MANDIR CASE ::**

ARGUMENT BY MR. PARASARAN (SR. ADVOCATE)

Court after pronouncing a judgment resembled at around 10.45 and Mr. Parasaran appearing for Bhagwan Sri Ram Virajman (plaintiff in Suit No. 5) continued his argument and stated that today he complete his argument before time.

Mr. Parasaran argued that to do complete justice is exclusive jurisdiction of Hon'ble Supreme Court.

Mr. Parasara relied upon the compilation volume and put up his argument on inconsistent evidence. To buttress his argument Mr. Parasaran quoted 1958 SCR 895 relevant page 905 in support. Mr. Parasaran concluded his argument by 11.00 am.

C.S. VAIDHNATHAN (SR. ADVOCATE)

Mr. C.S. Vaidhnathan, Sr. Advocate also appearing for Bhagwan Sri Ram Virajman started his argument on following issues:

*-Limitation*

*-Janamsthan*

*-Deity*

*-Faith of Devotees*

*-Mosque*

*-Possession, Joint Possession & Adverse Possession*

- Mr. Vaidhnathan relying upon the relevant observation of the three judges in the impugned order stated that the Muslims were ousted from the janamsthan on 16.12.1949 and they filed their suit on 18.12.1961, hence same is barred by limitation. As per old limitation act, limitation is 6 years. He elaborated the relevant sections from the Old Limitation Act and further shown the finding of the judges on Limitation. Mr. Vaidhnathan vehemently argued that in any case the Suit No. 4 of Plaintiff is barred by Limitation.

- Mr. Vaidhnathan relied upon the pleadings and showed relevant portion of plaint of Plaintiffs in Suit 5, Plaintiffs in Suit 4 and W.S.
- Mr. Vaidhnathan stated that the argument of other side is that land vest in State, Babar was the King so he has right to construct a mosque.
- Mr. Vaidhnathan argued adverse possession he stated that for the adverse possession following are the conditions:

Whether adverse possession is adverse to the temple

Whether adverse possession is adverse to the Hindus

- As per the observation of Mr. S.U. Khan that since 1934 only Friday Prayer was being offered and thereafter Last Friday Prayer was held on 16.12.1949. While replying the query of Justice Bobde Mr. CSV shown the finding of two judges in this regard from the impugned order.
- Mr. CSV stated that as per the defendants (Muslim) itself there is no dispute regarding the faith of the Hindus at Ayodhya.
- Mr. CSV relied upon ASI report to showcase that there was a temple and read out the conclusion part of ASI report.
- Mr. CSV put up his case by relying upon the evidence of Muslims showing that as per their own statement they have accepted that prayers of Hindus were going on continuously.
- Mr. CSV thereafter vehemently argued that entire janamsthan is itself a deity, there are examples in Hindus as Gangas, Gangotry, Yamunotry, Narmada, Certain Hills, Mountain, Kailash, Gobaradhan, Kedarnath wherein place itself a deity. Since it is the faith of Hindus that Bhagwan Sri Ram took birth at janamsthan therefore, the entire jamansthan was worshiped by them.
- Mr. CSV further argued that idol is not necessary for the deity. He further argued that as per Hindu religion God can be fameless, shapeless. As per Bhagwad Geeta God can be in any form.

J. Bhushan gave an example of Kamadgiri temple wherein as per the believe of Hindus Lord Ram stayed therein during Vanvas period.

- Thereafter Mr. CSV stated that when the place had itself becomes deity then the deity is known by name. Hindus are visiting the place since time immemorial.
- In the preset case every condition is satisfied regarding deity and deity as juristic person.

- Mr. CSV shown the statement of Mohd Hashim (Plaintiff) as according to him Ayodhya is sacred for Hindus as Macca is sacred for Muslims. On query of Justice Bobde he told that Mohd. Hashim was 72 years of age at the time of his statement.
- Mr. CSV shown the big map of janamsthan to all judges and show the path of Parikarma, thereafter it was argued that Hindus are doing Parikarma from several Hundred years of janamsthan.

**J. Bobde** put a query to show the path of parikarma in said MAP and details of person as who prepared this.

- To establish that the place is deity Mr. CSV shown the observation/finding of all judges in impugned order.
- Page 3583 is as there is no limitation against perpetual minor.
- Hence page 3585 is finding that suit is not barred by time.
- Mr. CSV shown the relevant portion from judgment as according to Muslims the birthplace was 200 meter away, however, J. Aggarwal narrowed down the area to the central dome.
- CSV argued that it is not established that Hindus were ousted. Title is also not proved by Muslims and Exclusive Possession was also not proved, they themselves admitted that Hindus were in possession.
- CSV argued that Muslims were offering prayer doesn't mean that they have title.
- CSV shown from the impugned judgment that on the one hand judges accepted that place is deity, however, on the other hand divided the same, which is not permissible as per law. Deity is can't be divided.
- He argued as Hindus possession accepted other party was unable to produced title, they did not possess exclusive uninterrupted possession, then how can a decree to the extent of 1/3<sup>rd</sup> be passed.

## **IT'S LUNCH NOW**

- Mr. CSV again argued that place is itself a deity and he shown relevant judgment to this effect.
- Mr. CSV Argued that property in dispute is deity.
- Once it is established that place is itself a deity, then there can't be joint possession, therefore, the finding of impugned order in this regard is absolutely contradictory and wrong.
- Mr. CSV shown page 2853 of finding of judges that .... We therefore, hold that place can't vest in deity when place is itself a deity....

- Mr. CSV shown page 1747 regarding possession of Hindus and relied upon 2005 ((1) SCC 457.
- Mr. CSV vehemently argued that there can't be destruction to the deity as well as there can't be any division in support he shown the judgment 1979 (5) SCC mentioned on page 154 volume 1.

J. Bobde : Deity is not partable.

CSV : No its not.

CSV further argued as follows:

- The person comes to offer prayer in mosque can't take away deity right.
- There is faith of people which can't be changed. They continued to worship the place/janamsthan as deity.
- The people kept continue to feel the sanity and dignity of place, so called mosque (if any was raised) it can't take away peoples right.
- Waqf board is claiming the dispossession, their suit is dismissed, hence, they have to stand on their own legs, they can't put their right in my suit.
- Structure can be destroyed but faith and belief of people can't be destroyed.

### **HOT EXCHANGE BETWEEN MR. DHAWAN AND CJI**

Mr. Rajeev Dhawan, Sr. Advocate, raised strong objection that Mr. CSV is relying upon impugned order and not showing the exhibits filed, on which CJI said that let him put his case in a way he would like to. However, Mr. Dhawan said that he has apprehension that he would not be allowed to show the same evidence as it has already been relied by them.

CJI : We have been observed that you are saying this since beginning, we would like to make it clear that we will not stop anyone to put up his argument. We are not in hurry, you may not it.

Mr. CSV again continued his argument and relied upon several important portion from impugned order in support of his case.

**:: Hearing resumed will begin tomorrow::**

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