

HEARING DATED: 22.08.2019

:: RAM MANDIR CASE ::

RAJNEET KUMAR SENIOR ADVOCATE, APPEARING FOR PLAINTIFF IN SUIT NO. 1

- Mr. Ranjeet Kumar commenced his argument and submitted that he is adopting the argument of Mr. C.S. Vaidhnathan and Mr. Parasaran (Sr. Advocates) with regard to deity, faith, limitation and on other issues, however, he is arguing on right of worship which is a Civil Right.
- Mr. Ranjeet Kumar referred date of 16.01.1950 on which this Suit No. 1 is filed and stated that proceeding of 1885 is confined only to Ram Chabutara, however, he is seeking right to worship and indicated the relevant pages from Impugned Order to showcase in the manner, Hon'ble High Court dealt this issue.
- Mr. Ranjeet Kumar stated that entire Janam Bhoomi is spiritual for devotees, and for devotees it doesn't matter whether there is any temple, any suit, or any other thing, their right to worship will always remain as continuous prevailing right.
- Mr. Ranjeet Kumar read the relevant portion of W.S. and Suit before Court and also read relevant portion from impugned order wherein it is mentioned that Suit filed in 1885 was filed in personal capacity to erect a temple on Chabutara, as per para 22 page 43 of impugned order (J. S.U. Khan) Muslims remained offering prayer till 16.12.1949 and on 16.12.1949 mischievously Idols were placed in the inner courtyard.
- Mr. Ranjeet Kumar thereafter indicated towards W.S. filed in Plaint and stated that he is also a defendant no. 1 in Suit 4.
- Mr. Ranjeet Kumar indicated at how his right to worship was effected due to proceedings u/s 145 Cr.P.C.

- Mr. Ranjeet Kumar made his submissions regarding an affidavit filed by him wherein some documents were not accepted by court, however, he stated that it's my argument before this Hon'ble Court to accept the same.
- Mr. Kumar replied on query that the rejection of document order was part of final order, therefore, could not have been challenged separately and hence he is challenging it now.
- Mr. Kumar, showcased the inventory attached by receiver while taking possession.
- Mr. Kumar indicated relevant portion from impugned order according to which since 1934 to 1949 Muslims were offering only Friday Namaz.
- Mr. Kumar showcased all the relevant exhibited/documents filed by him before the court and made his submissions in regards to those exhibits. Mr. Kumar submitted by relying upon those exhibits that Hindus were performing Pooja from 100rd of years.
- Mr. Kumar draw the kind attention of the court towards report of Thanedar Sheetal Dubey on 01.12.1850 wherein Masjid Jamansthan is mentioned and thereafter put up Ex. 22 related Sikh Nihang wherein Parwana (summons) were issued to him.
- Mr. Kumar on the basis of exhibits vehemently put up his case before court that during 100rd of years Pooja, Darshan and worship was continuously going on and right to worship is right of plaintiff and should be continue, it is a right which can't be disturbed.
- Mr. Kumar indicated the finding of J. Aggarwal on page 1361 to 1415 wherein these exhibits were considered.
- Mr. Kumar made his submissions that I am only trying to establish my right to worship which is continuous and uninterrupted. He submitted that there are documents on record to show that his right existed continuously.

Judgments Quoted:

To buttress his argument Mr. Kumar cited various judgments and read out relevant portion before court some of the judgments are mentioned herein below:-

- 1952 (1) SCR 849
 - 1966 (3) SCR 242 – Hinduism and worship
 - 1995 Supp 1 SCC 245 – Is on Temple on Champaner, Gujarat wherein issue was related to Public Trust and Private Trust. In this judgment it was held that Idol is juristic person and right to worship exists.
 - 1995 Supp 4 SCC 286 – Right to worship is a civil right wherein it was discussed that such suits are maintainable u/s 9 CPC.
 - 2005 11 SCC 45 – Ministers of Board of committee is required to be Hindus.
 - 2016 (2) SCC 725- It was held that religion incorporates the particular beliefs that a group of people subscribe to. The exclusion of some and inclusion of a particular segment of denomination appointment as Archakas would not violate Article 14, so long as the inclusion or exclusion is not based on caste, birth or any other constitutionally unaccepted parameter.
- Mr. Kumar argued that order dated 16.01.1950 was modified on 19.01.1950 and it was directed that it will remain in force till disposal of Suit.
- Mr. Kumar argued that apart from the fact that Suit No. 5 is decreed, my right will always remain, it is unfettered right. He submitted that for rest of the issues he is adopting the argument done in Suit 5.

MR. SINHA, SENIOR ADVOCATE (DEFENDANT NO. 11 IN SUIT NO. 5)

Mr. Sinha mentioned that he is in difficulty since AOR is died in the Month of October 18 and therefore he don't have documents. He made a request to the court to permit him to file the documents, and to make his submission later on.

Mr. Dhawan, stated that he is not bound to reply those documents, if filed, at this stage.

MR. SUSHIL KUMAR JAIN, SR. ADVOCATE FOR NIRMOHI AKHARA

Mr. Bobde : What are your arguments?

Mr. Jain : I am claiming Shebaitship rights.

CJI : You have already argued for 1.5 days and you were given liberty to file exhibits.

J. Chandrachud : Once you claim Shebait right means you don't have 1/3rd right over land, its gone?

Mr. Jain : Next friend is not even idol worshiper, he was examined when deities were shifted from outside to inside and he stated that he is not worshiper.

J. Bobde : We are trying to note your point of arguments, please tell us as on which issues you want to argue?

- Shebait right
- Possession
- Limitation
- Not only Shebait I am managing this property since beginning.

J. Chandrachud : This covers in Shebaitship itself.

Mr. Jain Argued as followed:

- No Namaj was offered since 1934
- We are the one who are fighting for our right since beginning.
- Except defendant no. 10 (Umesh Pandey) no one has taken any objection on my Shebait right. Umesh Pandey was not appeared as witness.
- No cross examination was made by Hindu parties on my shebaitship right.
- Since 1934 deity was in inner courtyard its mentioned in Gopal Singh Visharad case.
- Mr. Jain indicated that in para no. 1 of Suit 5, plaintiff is not claiming himself as worshiper. He has stated in cross that he is not worshiper. He can't be next friend, hence, there suit is not maintainable.

Mr. Parasaran : Raised an strong objection as how can he argue that my Suit No. 5 is not maintainable, he told Mr. Jain that he can't argue this.

Mr. Jain: I am not arguing this.

J. Chandrachud: Are you denying that deity is a juridical person? He is only a next friend to the deity?

-Mr. Jain: I am not denying.

He indicated that prayer part in Suit 1 and 5 and stated that there is no prayer to remove me.

J. Chandrachud: Please clarify as what you want to argue. Your argument is against your stand in your Written Statement, you are arguing contrary to your stand, without amending it?

Mr. Jain: My argument is deity is juridical person, and I have shebait right, that's my stand.

Mr. Jain: My suit is from 1959 my before to suit no. 5. I am seeking management of temple, Temple belongs to shebait.

CJI : Please tell us tomorrow as how can you argue against your stand in W.S. Satisfy us tomorrow on this first, otherwise, we will not allow you to argue any further.

:: Hearing resumed will begin tomorrow::

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