

**::RAM MANDIR CASE::**

**ARGUMENT BY MR. SUSHIL KR. JAIN (SR. ADVOCATE)**

**Mr. Sushil Kr. Jain, Sr. Advocate appearing for Nirmohi Akhara (Plaintiff in Suit No. 3) commenced his argument as follows:**

In the very beginning below conversation took place between CJI and Mr. Jain:

CJI: We are looking for some pin pointed and precise argument from you. But we are not in hurry. You have to show us oral as well as documentary evidence. Yesterday we pointed that you raised your argument against your pleadings.

Mr. Jain: I will not repeat my argument.

CJI: As Mr. Jain argued different from pleading, CJI got frustrated and stated that it's been 10 minutes and you are still not arguing your case, and arguing something else.

Mr. Jain: I am entitle to same indulgence as given to plaintiff in Suit 5, I am important party to the suit, I have strong case, I am a senior member of the bar.

CJI: You are still not arguing your case. We will give you as much indulgence, but please argue you case.

Mr. Jain argued as follows:

- The plaintiff No. 3 (Next Friend) in Suit 5 has no right to act as next friend. I filed a suit for charge and management, not for title.
- I am claiming Shebait rights not anything else and accordingly management of temple belongs to me.
- Nirmohi Akhara has right to construct and manage the temple in all manner.
- A confusion took place regarding measurement of 'Suit Property' on which Mr. Jain raised several argument and shown various pages of judgment but not reached on any conclusion and could not convince the bench in any manner.

An interesting Argument raised by Mr. Jain that property belongs to Waqf, Waqf doesn't belongs to Muslims, it's a general board, and he is claiming Shebaitship right to the property belongs to 'Waqf'.

J. Bhushan / Bobde : We are unable to understand this argument as Waqf is in Muslim Law? In your pleading you have not said such?

Mr. Jain : Its general, Waqf has general meaning, it doesn't belongs to Muslims only.

J. Chandrachud : You claim is in the teeth of deity, suppose if Suit 5 (of deity) is dismissed, you will not survive in your case. You have not filed counter claim, in your pleading you are only claiming Shebait rights.

Mr Jain : The possession of land can't be given to next friend, its belong to Shebait only.

Bobde: Can you take the possession adverse to the deity. Are you saying that Suit 5 is liable to be dismissed? Are you against the deity?

Mr Jain: I am only saying that plaintiff no. 3 (next friend) is not entitled to file the case.

Mr. Jain: We are in possession since 1934; plaintiff no. 3 in Suit 5 was not even part of 145 proceedings. I am the person whose name was recorded in all records. I am the one who is entitled.

J. Chandrachud : Indicated towards an affidavit from pleading of Nirmohi Akhara in which Nirmohi Akhara has claimed his Shebaitship only at Ram Chabutara.

Mr. Jain: Inner courtyard and outer courtyard are always in possession of Nirmohi Akhara. In the attachment proceedings name of Nirmohi Akhara is specifically mentioned. It was in our possession before 1500 when Amir Ali attacked.

Nihang Sikh installed the Flag not the Idol, Idols were already there.

- In 1982 Dacoity committed by Dharm Dass.

J. Bhushan : Dacoity is your internal dispute, we will not go into this.

Mr. Jain read several pages from impugned order and evidence and argued that as per Suit 3 and Suit 5 there are two basis differences, Suit 5 says that Muslims were in possession till 1949 Suit 3 says Nirmohi Akhara in possession since 1934. Thereafter Mr. Jain read several extract from 'Depositions' and from 'Impugned order'

## **LUNCH**

After Lunch Mr. Jain argued for 15 minutes. Bench rise around 2.40 PM.

**Further argument will continue by Nirmohi Akhara on Monday.**

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