



Neutral Citation Number: [2024] EWHC 3143 (KB)

Case No: QB-2021-001052

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL  
Date: 09/12/2024

**Before :**

**MR JUSTICE MARTIN SPENCER**

-----  
**Between :**

- (1) RASHPAL SAMRAI
- (2) KASHMIR SAHOTA
- (3) HARPRIT DILBEHER
- (4) MANDEEP DILBEHER
- (5) JOGINDER SINGH
- (6) TARSEM SINGH
- (7) SUKHDEV KAUR

**Claimants**

**- and -**

**Defendant**

RAJINDER KALIA

**Mr Mark Simeon Jones** (instructed by **Peacock & Co**) for the **Claimants**  
**Ms Sarah Crowther KC and Mr Daniel Clarke** (instructed by **Kingsley Napley LLP**) for the  
**Defendant**

Hearing dates: 24, 25, 28 June 2024,  
1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 22, 23 and 24 July 2024  
-----

**Approved Judgment**

This judgment was handed down remotely at 10.30am on 9<sup>th</sup> December 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....

THE HONOURABLE MR JUSTICE MARTIN SPENCER

**Mr Justice Martin Spencer:**

Contents	
<u>Introduction</u> .....	3
<u>The Parties</u> .....	6
<u>The First Claimant: Rashpal Samrai</u> .....	6
<u>The Second Claimant: Kashmir Sahota</u> .....	7
<u>The Third Claimant: Harprit Dilbeher</u> .....	7
<u>The Fourth Claimant: Mandeep Dilbeher</u> .....	8
<u>The Fifth and Sixth Claimants: Joginder Singh and Tarsem Singh</u> .....	8
<u>The Seventh Claimant: Sukhdev Kaur</u> .....	9
<u>The Defendant: Rajinder Kalia</u> .....	9
<u>Limitation (1)</u> .....	10
<u>The Evidence of the First Claimant: Rashpal Samrai</u> .....	11
<u>The Evidence of the Second Claimant: Kashmir Sahota</u> .....	17
<u>The Evidence of the Third Claimant: Harprit Dilbeher</u> .....	23
<u>The Evidence of the Fourth Claimant: Mandeep Dilbeher</u> .....	30
<u>The Evidence of the Seventh Claimant: Sukhdev Kaur</u> .....	39
<u>Other Witnesses called on behalf of the Claimants</u> .....	42
<u>Neil Johnston</u> .....	42
<u>Tarlochan Garcha</u> .....	43
<u>The Evidence of Rajinder Kalia</u> .....	44
<u>Other Witnesses Called on behalf of the Defendant</u> .....	51
<u>Ms Sharanjit Sidhu</u> .....	51
<u>Ms Ruby Gill</u> .....	54
<u>Ms Serena Kaur</u> .....	59
<u>Ms Amandeep Dutta</u> .....	61
<u>Ms Mandeep Bisla</u> .....	64
<u>Mr Sunil Dadra</u> .....	66
<u>Ms Meena Salhan</u> .....	69
<u>Ms Anita Jassal</u> .....	71
<u>Mr Surinder Kalia</u> .....	73
<u>Ms Parmjit Kaur</u> .....	71
<u>Mr Pavan Kalia</u> .....	76
<u>The Expert Evidence</u> .....	81
<u>The Evidence of Dr Blyth</u> .....	81

<u>The Evidence of Professor Maden</u> .....	89
<u>Witness Intimidation and the conduct of the trial</u> .....	95
<u>The Parties’ Submissions</u> .....	97
<u>Submissions on behalf of the Defendant</u> .....	97
<u>Limitation</u> .....	97
<u>Credibility</u> .....	102
<u>Harassment</u> .....	102
<u>Fundamental Dishonesty</u> .....	103
<u>Undue Influence</u> .....	103
<u>Laches</u> .....	104
<u>Submissions on behalf of the Claimants</u> .....	105
<u>Findings: letter of 17 July 2017</u> .....	107
<u>Preliminary Conclusions on the evidence and decision on limitation</u> .....	111
<u>The First Claimant, Rashpal Samrai.</u> .....	116
<u>The Second Claimant, Kashmir Sahota.</u> .....	118
<u>The Third Claimant, Harprit Dilbeher.</u> .....	121
<u>The Fourth Claimant, Mandeep Dilbeher</u> .....	123
<u>The Seventh Claimant, Sukhdev Kaur</u> .....	125
<u>Harassment</u> .....	127
<u>Fundamental Dishonesty</u> .....	127
<u>Decision</u> .....	128
<u>ANNEXE</u> .....	129
<u>JUDGMENT OF 5 July 2024</u> .....	129

## **Introduction**

1. Hinduism is one of the great religions of the world. It is predominantly observed in India: a 2011 census revealed that 81% of the population (over 600 million people) identified with Hinduism. It is a religion which covers a range of traditions, with certain common themes such as belief in a cycle of reincarnation with freedom from this cycle of reincarnation being the highest purpose of life. The source of these beliefs is the Veda, a body of texts in Sanskrit comprising divine revelation containing hymns to gods and verses (or “mantras”) which may be recited at religious ceremonies.
2. The three major streams of tradition focus on the gods Vishnu, Shiva, and the Goddess. Smaller sects based around lesser deities are permitted: these are often based on a local deity who has become identified with one of the major gods. One such sect,

originating in the Punjab, is the Baba Balak Nath tradition, a sub-branch of Shaivism. This is especially found in the Punjab and Haryana areas of north-eastern India and the main shrine is in Himachal Pradesh. This tradition is of a Brahmin cowherd boy (balak) – he is often portrayed as feeding cattle - who committed himself to a life of asceticism. He is said to have performed miracles. He is believed to be the eldest son of Shiva. He lived in a cave where he kept a lamp burning and according to local tradition he walled himself up and lives there still. The cave, which was referred to during the trial as the “Guffa”, is the site of the main shrine to Baba Balak Nath at Shah Talai in Himachal Pradesh and is a place of pilgrimage for followers of Baba Balak Nath, pilgrimage being an important part of Hinduism.

3. There are a number of Temples (or “mandirs”) to Baba Balak Nath in the Punjab and Haryana areas, being the principal places of worship. Generally, within Hinduism, worship (or Puja) is traditionally individual in the sense that a person or family will go to the Temple and make an offering (food or money) to the image of the deity – in this case Baba Balak Nath. The food is thereby blessed and distributed to the community as blessed food embodying the grace of God. Puja is essentially making an offering to the deity and receiving a blessing in the form of blessed food. The Temple is the house of the god and worship is performed with “bhakti” or devotion.
4. There are three further concepts of Hinduism which have featured significantly in this case, and need to be described: the guru, seva and Naam.

#### The Guru

5. Gurus are teachers and spiritual advisers. Whilst some traditions hold the guru in very high regard as being an embodiment of God, in other traditions the guru may simply be an intermediary between the community and the particular deity in a Temple. In the case of the Baba Balak Nath tradition, the guru or priest is not regarded as God but as a servant of God and spiritual guide. Gurus may be Renouncers (Hindus who have given up the householder’s life to seek salvation or liberation, who wear ochre robes, carry a staff, traditionally have very few possessions and are often regarded as possessing supernatural power, gained by asceticism) or Householders (Grihastha) who pursue the first three goals of life: duty, wealth and pleasure. The Defendant undoubtedly falls into the latter category.

#### Seva

6. Seva means service. It means anything done in the service of the Temple, community, or guru. It might involve money donation or time donation in the sense of giving over time to a building project or administrative service. Seva is service and so not paid employment. There are variable expectations of a community regarding how much seva it provides.

#### Naam

7. Naam is a ceremony, equated by some witnesses in the trial to baptism, whereby a follower of Baba Balak Nath is given a set of prayers by the priest or guru that they can repeat in the early morning for the rest of their life. As with baptism, Naam can be given to a minor in the presence of his or her parents and it is a form of initiation

whereby the person is welcomed into the Temple and as a follower of Baba Balak Nath. In the course of his evidence, it was put to the Defendant that one of the key features of being a member of the Coventry Temple was the Naam ceremony, which was held up as something that particularly devout, enthusiastic members of the congregation would undertake. The Defendant, in his answer, purported to distance himself from the Naam ceremonies, stating “It’s their feeling and it is up to them. It’s their feeling. It has nothing to do with me.” However, I do not accept this answer. The court – and the Defendant – were shown a video clip from a Naam ceremony on 19 November 1995 which included the Third and Fourth Claimants being given Naam (along with others) when aged 7 and 5 respectively. The Defendant has a garland hung round his neck by each of the recipients of Naam who also bow down at his feet and it seems clear that, far from having nothing to do with the Defendant, he is closely involved. In addition, there was evidence that people would celebrate the anniversary of their Naam at the Temple with the Defendant, bringing the Defendant cakes. Thus, the court was shown a photograph of a Naam anniversary cake with the words in icing “Happy Naam Anniversary, with all our love Guru Ji, from your children.” Shown this, the Defendant responded “It’s up to them, whatever they wish. It’s nothing to do with me. They can write whatever they wish” but, again, I felt that this answer was disingenuous: the evidence showed that Naam is regarded as a significant moment and ceremony at the Temple, lavishly celebrated at the time and commemorated on its anniversary, and that the Defendant played a full part in both the ceremony and in accepting anniversary gifts, thereby indicating his own significant part.

8. With immigration of Indians to the United Kingdom over the years, it is natural that they should have brought their religion with them and, if they originate from the area of India that follows Baba Balak Nath, that particular branch of Hinduism or Shaivism. Many of these families are affiliated to family homes back in India which might be homes for the wider extended family, both those who have emigrated abroad and those who have stayed behind. The family home would be the destination for British Indians returning to India on holiday and, indeed, on pilgrimage. Individuals or families worshipping at a particular Temple in England might, as was described in this case, travel together to their family homes which might be in close proximity to each other and in close proximity to the Temple where they worship their god in India. Such journeys, particularly if combined with a pilgrimage, might also be made, and indeed led, by the priest of the Temple in England.
9. The claims in this case arise from allegations of sexual and financial abuse and exploitation against the priest of the Temple to Baba Balak Nath in Coventry, the Defendant Rajinder Kalia. The Claimants were all at some stage worshippers of Baba Balak Nath and attendees at the Temple, at 9 Proffitt Avenue, Coventry. That Temple, or mandir, was founded by the Defendant and opened by him on 28 September 1986. It was successful in that it attracted a large number of followers, not just from the Midlands but from further afield: one witness, Ms Anita Jassal, described how she would travel to the Coventry Mandir all the way from Kent, a round trip of 6 hours. As with other religions, some of the attendees were introduced and brought to the Temple at a young age and the Temple formed an important part of their lives, both individually and as families. The relationship of these Claimants with the Defendant and the Defendant’s position as priest of the Temple and how he was regarded by those who attended the Temple, lies at the heart of the issues and allegations that arise in this case. In particular, a fundamental issue is the extent to which the free-will of the

Claimants was overborne by the Defendant by him exploiting his elevated position as priest of the Temple. This in turn engages the question of the position of the priest of a Temple generally within Hinduism (see paragraph 5 above), how elevated it was, and the position of this Defendant in particular. Although the Defendant did not call himself a “guru”, he was referred to as “guru-ji” by many - in fact most - of those who attended the Temple, a title he did not discourage and the case therefore raises the question of how gurus are regarded within Hinduism and to what extent followers generally, and these followers of Baba Balak Nath in particular, were capable of saying “no” to the Defendant.

10. With the success of the Temple in Coventry, the Defendant was able to found and open a second Temple, this time in Goraya, India, near his family home and near the Guffa of Baba Balak Nath. This opened on 23 March 2003 and it was at about this time every year that the Defendant would make a pilgrimage to that part of India, both to celebrate the anniversary of the opening of the Goraya Mandir and also to visit the Guffa. It also coincided with the Hindu New Year. Many of those who attended the Temple in Coventry would also journey to India at the same time as the Defendant, whether to visit family on holiday or to undertake a pilgrimage, or both. In some cases, the family homes in India were in close proximity to those of other worshippers at the Temple in Coventry, forming a kind of enclave. My impression was that these families would travel to India at the same time in March, sometimes together, visit each other’s homes in India, worship at the Goraya Mandir and at the Guffa and be led by the Defendant. I was shown a video of the Defendant’s arrival in 2013, the 20<sup>th</sup> anniversary of the founding of the Goraya Mandir, and he and his wife were clearly treated almost as royalty. They were in an ornate float, drawn by horses, with crowds of people greeting them and photographing them, preceded by ceremonial drums and dancers, with the event being shown as a live telecast on a YouTube Channel. On arrival at the Mandir, petals are thrown at his feet and he enters to great pomp, with singing and music to greet him. He sits on what can only be described as an ornate throne where his feet are washed by two men who then kneel at his feet with their hands together, a sign of deep respect. A silver crown is then brought in on a trolley covered with petals, and a woman crowns the Defendant, who has a garland round his neck. A video screen shows highlights of the 20 years. The Defendant is greeted and described on the screen as “Respected Guru Mahara Ji Bhagat Shri Rajinder Kalia Ji”. I have no reason to believe that this is any different to the way many gurus are treated – and respected – in India and held in the highest regard by worshippers at the Temple where they preside.

## **The Parties**

### The First Claimant: Rashpal Samrai

11. The First Claimant was born on 25 June 1967. In late 1992, when aged 25, she was going through a divorce. At that time she had a young son whom she was struggling to bring up alone. By early 1993, Ms Samrai was depressed and despondent about the future. Her parents were disapproving of the divorce. Her sister was an attendee at the Temple together with her four daughters (Ms Samrai’s nieces) and suggested that Ms Samrai go with her to the Temple, saying that the Defendant could help her with

her problems. She went for the first time in January or February 1993. In February 1994, after she had been attending for about a year, she went through a Naam ceremony. Then, in March 1994, she and her son joined her sister on pilgrimage to India. Ms Samrai states that when the time came for her sister and nieces to return to England, she stayed on, staying at the Defendant's house and this is when she says they started an intimate relationship. This is vehemently denied by the Defendant. She says that this relationship continued until 2016 and that she would book hotel rooms for them to meet and have sex. She says she became pregnant three times by the Defendant and underwent three abortions, in 2001, 2007 and 2008. These abortions are documented in her medical records. Ms Samrai says that her relationship with the Defendant ended when she discovered in November 2016 that the Defendant had also been having sex with other women. She claims damages for trespass to the person based upon her compromised ability to consent to sexual intercourse when her will was overborne by the undue influence which the Defendant held over her. She also claims damages by way of restitution and/or equitable compensation for financial outlay and unpaid work given by her in consequence of the Defendant's undue influence.

The Second Claimant: Kashmir Sahota

12. The Second Claimant was born on 7 August 1976 and started attending the Temple in July 1988 when aged 11, together with her family: her parents and two brothers. Her parents are the Fifth and Sixth Claimants. She went through a Naam ceremony on 27 November 1988. She claims that when she was 13, in Year 9 at school, the Defendant started to abuse her sexually, requiring her to perform sex acts on him by way of oral sex. This was in his private room at the Temple. She claims this went on throughout her teens, about once every six weeks, until she left home. Then, when she was at university, in 1997, she claims that she was required by the Defendant to meet him at a hotel where they had sexual intercourse, for the first time in her case. She claims he in fact raped her in that he proceeded with intercourse despite her saying "no". She claims that his sexual abuse of her continued until 2015 or 2016. She also claims damages for trespass to the person based upon her inability to provide valid consent by reason of her age and also her compromised ability to consent to sexual intercourse when her will was overborne by the undue influence which the Defendant held over her. She also claims damages by way of restitution and/or equitable compensation for financial outlay and unpaid work given by her in consequence of the Defendant's undue influence. In addition, she claims damages by way of equitable compensation for the cost of travelling to India and in respect of loan agreements which she says were entered into by her with BJ Finance at the Defendant's direction.

The Third Claimant: Harprit Dilbeher

13. The Third Claimant was born on 19 November 1986 and started attending the Temple with her family when a toddler from about 1988 until 2017. She underwent Naam on 19 November 1995, when aged 7. She claims that from the age of 13 the Defendant required her to massage him and that he would "grope" her body, but she does not allege that he required her to perform oral sex or any other penetrative sexual activity. However, in August 2008, when she was 21, he told her to book a hotel room where she claims he raped her when she was still a virgin. Thereafter, she claims they continued to meet in hotel rooms every few months over the next five years. In 2013,

the Third Claimant underwent heart surgery and they did not meet for sexual intercourse after that, although she says they did continue to meet in his room at the Temple when he would suck her breasts and get her to touch his penis. She also claims to have been financially abused. As with the Second Claimant, she claims damages for trespass to the person based upon her inability to provide valid consent to the “groping” by reason of her age as well as the Defendant’s rape of her in August 2008 and her compromised ability to consent to sexual intercourse when her will was overborne by the undue influence which the Defendant held over her. She also claims damages by way of restitution and/or equitable compensation for financial outlay and unpaid work given by her in consequence of the Defendant’s undue influence. In addition, she claims damages by way of equitable compensation for the cost of travelling to India and to the Temple in Coventry.

The Fourth Claimant: Mandeep Dilbeher

14. The Fourth Claimant was born on 4 June 1988 and is the sister of the Third Claimant. She attended the Temple almost from birth until 2016. She claims that from when she was 4 years old, the Defendant would ask her to come into his private room at the back of the Temple where he ordered her to bow at his feet and then would lift her up, place her on his lap and hug and kiss her in an inappropriate way. At times he touched her chest. He also visited the family’s home where she alleges he would grab her, kiss her and place her on his lap, even in front of her family, who thought it was normal for their guru to act in this way. She claims that their sexual relationship started in around 2010 when the Defendant told her to book a hotel room. As with the Third Claimant, the Fourth Claimant alleges that the Defendant then raped her even though she told him that it was wrong, that she didn’t want to do it and asked him repeatedly to stop. Again, she was a virgin. Thereafter, he told her to book hotel rooms for them to meet and have sexual intercourse. It finished when she discovered on New Year’s Day, 2017, that other women were involved including two members of her own family, one of which was her sister. She claims damages for trespass to the person based upon the Defendant’s rape of her in 2010 and her compromised ability to consent to sexual intercourse when her will was overborne by the undue influence which the Defendant held over her. She also claims damages by way of restitution and/or equitable compensation for financial outlay and equitable compensation for travel costs to India and for unpaid work given by her in consequence of the Defendant’s undue influence.

The Fifth and Sixth Claimants: Joginder Singh and Tarsem Singh

15. The Fifth and Sixth Claimants, the parents of the Second Claimant, made financial claims against the Defendant which were similar to those of the other Claimants: restitution and/or equitable compensation for financial outlay and in respect of loan agreements entered into with BJ Finance and equitable compensation for travel costs to India and for unpaid work. However, in a separate judgment delivered on 5 July 2024, in the course of the trial, I struck out their claims on the application of the Defendant because of their wholesale failure to comply with the provisions of Practice Direction 32 in relation to their witness statements and CPR Part 22 and the Practice Direction to Part 22 in respect of the Statements of Truth in the Statements of Case. That Judgment is appended as an Annexe to this Judgment.



The Seventh Claimant: Sukhdev Kaur

16. The Seventh Claimant was born on 23 December 1955 and is the mother of the Third and Fourth Claimants, Harprit and Mandeep Dilbeher. She was a member of the Temple in Coventry for over 30 years having started attending the Temple in 1988 after the death of her father. She claims that under the influence of the Defendant, she did unpaid work at the Temple on Tuesdays, Thursdays and Sundays and once a month on Saturdays from 4pm until 3am. She also claims to have carried out building work for the Defendant. She claims to have been induced into entering into loan agreements with BJ Finance and to have made significant financial outlay to the Temple, for which she claims restitution or equitable compensation and she further claims equitable compensation for the unpaid work and for travel costs.

The Defendant: Rajinder Kalia

17. As stated, the Defendant, Rajinder Kalia, founded and became the priest of the Temple in Coventry dedicated to the worship of Baba Balak Nath. He was born on 9 November 1955 in Punjab, India. When he was 17, he had a serious motorbike accident and was advised by doctors that he would never walk again. It is claimed that he visited the shrine of Baba Balak Nath in Himachal Pradesh and his leg was cured: this was considered to be a miracle on the part of Baba Balak Nath.
18. The Defendant moved to the UK on 26 January 1977. His son, Pavan, was born in July 1979. The Defendant told me that he started preaching in 1983/84 about Baba Balak Nath and in 1984/85 he bought a plot of land with the intention of building a Temple dedicated to Baba Balak Nath. The Temple opened on 28 September 1986. It is a registered charity and has a board of trustees of which the Defendant was one. The day-to-day running of the Temple was in the hands of a Committee that would organise keeping the Temple clean, organising the provision of free food (including shopping for the food) which is served at the Temple three times a week, and helping the elderly.
19. At some stage the Defendant, as well as being the priest at the Temple, started a business within the finance industry. He traded under two trading names, BJ Finance Company and JBN Finance Company. The principal business was the making of loans to people, for example to purchase houses or cars. Between January 1993 and May 2016, these businesses were regulated by the Office of Fair Trading, and since 24 May 2016 they have been regulated by the Financial Conduct Authority. The Defendant also has property interests, owning properties which are rented out – sometimes to members of the Temple congregation. Now that he is in his late 60s, he leaves the day-to-day running of the business to his son, Pavan, and it was my impression that he now devotes his time mainly to the Temple.
20. In relation to the allegations of sexual abuse, the Defendant's case is straightforward: he denies them in their entirety, his case being that he has never had sexual intercourse or, indeed, any kind of sexual contact, with any of the Claimants who, he says, are lying and have conspired to tell lies to the court. In relation to all the Claimants, he denies any undue influence: his case is that any unpaid work was by way of seva,

undertaken voluntarily by the Claimants as part of their devotional duty to Baba Balak Nath.

## Limitation (1)

21. In relation to the First, Second, Third and Fourth Claimants, the Defendant relies upon the defence of limitation, and the defence of “laches” in relation to the Seventh Claimant. Although further consideration of this defence is given in my findings from paragraph 304 below, it is appropriate to set out the legal context within which my consideration of the facts below is contained.

22. It is accepted on behalf of Claimants 1-4 that their claims have been brought outside the primary limitation period of 3 years and that they are therefore reliant upon the court exercising its discretion pursuant to section 33 of the Limitation Act 1980. In the present case, limitation has not been tried as a preliminary issue but has been left to be tried as part the substantive issues. In those circumstances, the approach of the court was made clear by Auld LJ in *KR v Bryn Alyn Community Ltd* [2003] 3 WLR 107 at paragraph 74:

“vii) Where a judge determines the s.33 issue along with the substantive issues in the case, he should take care not to determine the substantive issues, including liability, causation and quantum, before determining the issue of limitation and, in particular, the effect of delay on the cogency of the evidence. Much of such evidence, by reason of the lapse of time, may have been incapable of being adequately tested or contradicted before him. To rely on his findings on those issues to assess the cogency of the evidence for the purpose of the limitation exercise would put the cart before the horse. Put another way, it would effectively require a Defendant to prove a negative, namely, that the judge could not have found against him on one or more of the substantive issues if he had tried the matter earlier and without the evidential disadvantages resulting from delay.”

23. In *JL v Bowen* [2017] EWCA Civ 82, [2017] PIQR P11 at [26] Burnett LJ (as he then was) lucidly explained the thinking behind Auld LJ’s horse and cart metaphor:

“The logical fallacy which Lord Clarke MR was concerned with at [21] of the *Nugent Care Society case* and Auld LJ at [74(vii)] of the *Bryn Alyn case* was proceeding from a finding on the (necessarily partial) evidence heard that the Claimant should succeed on the merits to the conclusion that it would be equitable to disapply the limitation period. That would be to overlook the possibility that, had the Defendant been in a position to deploy evidence now lost to him, the outcome might have been different. The same logical fallacy is most unlikely to apply in the reverse situation, especially when the case depends upon the reliability of the Claimant himself. That may be illustrated by a simple example. A Claimant sues for personal injury 10 years after an alleged accident and seeks an order to disapply the limitation period of 3 years. The Defendant has lost witnesses and records, but advances a defence

that the accident did not occur. The judge concludes, without the lost evidence, that indeed the accident did not occur. The burden is on the Claimant to prove that it would be equitable to disapply the limitation period having regard to the balance of prejudice. In those circumstances he would not be able to do so. There would be no purpose in extending the limitation period and it would not be equitable to do so. Similarly, a full exploration at trial, of, for example, the Claimant's reasons for delay may enable the judge to reach firm conclusions which could have been no more than provisional had limitation been resolved as a preliminary issue."

As the court also held in that case, when assessing the cogency of evidence in considering whether to disapply the limitation period, the judge must take into account findings adverse to the Claimant which he makes in the course of his fact-finding.

24. Relying on these and other decisions, Ms Crowther KC submitted that, where limitation is decided in conjunction with the other issues and not as a preliminary issue, there is effectively a two-stage process. The first stage is to decide on the basis of the evidence as it exists and is presented to the court, whether the claims are made out factually (and legally). If they are not, then judgment will be entered for the Defendant and it is unnecessary to proceed to stage 2. If, however, the claims are made out, then this is a provisional finding only. What the court must then do is to go on and consider what the prejudice to the Defendant has been from the fact that those findings have been made at a much later stage than they would have been if the trial had been held at an earlier stage. This involves a full consideration of the section 33 discretion and whether the disadvantage to the Defendant from the delay and the potential adverse effect on the evidence from the Defendant's point of view has been such that the discretion should not be exercised to disapply the limitation period despite the court's preliminary position on the facts. Mr Jones, for the Claimants, did not disagree that this is the correct approach and it is, in any event, in my judgment, a logical approach if proper effect is to be given to the principle espoused by Auld LJ that a judge "should take care not to determine the substantive issues, including liability, causation and quantum, before determining the issue of limitation and, in particular, the effect of delay on the cogency of the evidence." This principle could perhaps be modified as follows (the modifications are underlined):

"A judge should take care not to determine the substantive issues, including liability, causation and quantum, finally in the Claimant's favour before determining the issue of limitation and, in particular, the effect of delay on the cogency of the evidence. Those issues can, on the other hand, be finally determined in the Defendant's favour without determining the issue of limitation."

### **The Evidence of the First Claimant: Rashpal Samrai**

25. Ms Samrai's evidence-in-chief, as with all the witnesses of fact, was adduced through her witness statements. She made three statements: the first in response to an earlier strike-out application by the Defendant; the second for the purpose of the trial; and

the third in response to a court Order concerning discovery. It is the second statement which effectively contained her evidence for the purposes of the trial.

26. Ms Samrai described how she had joined the Temple in 1993 when going through a divorce and struggling to bring up her young son alone, at the suggestion of her sister who had been attending the Temple for 4-5 years. She said she was told by her sister that the Defendant claimed to be able to channel Baba Balak Nath through his body and that God would grant to the person whose name the Defendant had called out whatever they wanted and they would feel very special. Ms Samrai described becoming a regular attendee at the Temple, 3 times a week, and that the Defendant would call her into his room, give her a hug and talk to her. On 14 February 1994, she went through her Naam ceremony, after which the Defendant instructed her that he was her guru and she was his disciple. She believed there was a spiritual tie between them and the Defendant was going to take her to enlightenment. She stated: "He was now a very powerful figure in my life. From hereon I have relinquished my free will, can no longer do what I like, only what he likes." She quoted from the Defendant's sermons to support this view.
27. Ms Samrai then described going to India on a pilgrimage in March 1994 with her sister and nieces. She would have been aged 26. After her sister returned to England, Ms Samrai said she stayed on and the Defendant invited her to stay at his house. On the first night, she says he invited her to his bedroom and they had sexual intercourse. She describes her state of mind as follows:

"I remember feeling really confused thinking that I had to do what he was asking because he was my Guru and I should not question anything. If this is the way he was going to love me then I had to do it. I had no choice. I had taken the Naam and he was now my Guru. I was so confused and kept thinking about his sermons all the time. In those sermons he said that you had to be obedient, you had to obey everything he said if you want to reach God. There was no way I could say no to this authority figure in front of me who had hundreds of followers in India and in the UK. Also he preached that any kind of love that you share between you and your Guru is totally secret. Momentarily, I thought he was not God and doubted him thinking that this was wrong, but not for long because he kept reinforcing the fact that he was making me pure because I was special and I could not doubt him."

28. Ms Samrai goes on to describe how, in 1994, she left her parental home in Birmingham and moved to a rental property in Coventry and then to a further property in Coventry where the Defendant was the landlord, as she believed. She says that the Defendant would turn up once a week or once a fortnight to have sex with her, but without conversation or affection: "He convinced me that he was making me pure and was entitled to have sex with me whenever he wanted and that by acceding to his demands, I was on the path to redemption. He repeatedly told me that he was God and that I should trust him." She says that, from 1996/1997, the Defendant decided they should move to hotels for their liaisons, and that she would book the hotel rooms, mainly in Solihull, the routine being that she would arrive first, text the room number to the

Defendant who would turn up between 12.30 and 13.30. In her statement, Ms Samrai provides intimate details of their meetings. She says that, in 1997, she contracted genital warts which were treated in a clinic for sexually transmitted diseases in Coventry, which has since shut down so that no records are available. She also describes how she became pregnant (with the Defendant the father) on 3 occasions, in 2001, 2007 and 2008. On each occasion, she had a termination through the British Pregnancy Advisory Service and these are documented. After the first termination, Ms Samrai describes meeting the Defendant at the St John's Hotel in Solihull where she told him that she could not have sex as she was ill and still bleeding from the abortion, but he nevertheless forced himself on her and raped her. She says that the Defendant gave her a gold chain after each termination, and told her that he was making her pure and that she was going to be his wife in the next life.

29. Ms Samrai describes how, in 1999, she became jealous of another follower called PT whom she suspected of being in a relationship with the Defendant and attempted to commit suicide. Ms Samrai says that she tried to cut her wrists but although she says she saw her GP about it, this is not confirmed in her medical records. What is confirmed is that she took an overdose of paracetamol for which she was admitted to hospital, and the hospital discharge letter to the GP, Dr Sihota, is dated 17 September 1999. Ms Samrai says that she confided to Dr Sihota that the reason for her suicide attempt was her relationship with the Defendant, but this is not confirmed in the medical notes. What is contained in the medical notes, though, is an entry from 21 December 2002 by Dr Dosanjh which reads: "10 yrs ago divorced & family took her to see priest Proffit Avenue started relationship with married man (priest)10 yrs now...". Ms Samrai places strong reliance on this note as confirming that she was in a relationship with the Defendant and as refuting the Defendant's denial that any such relationship existed.
30. Ms Samrai stated that her meetings with the Defendant for sex continued until 2016. These included occasions when, although meeting the Defendant in a hotel room, she did not want to have sex but he forced himself on her. She says that, on one occasion in 2013, he did so so forcibly that she suffered a slipped disc. She explains her state of mind as follows: "The reason I succumbed to his sexual demands remained the same. It was because I was totally under his influence, believed he was my Guru and that I had to comply with his demands in order to become his wife in a future life and so obtain redemption." She reinforces this with extracts from the Defendant's sermons, of which she took copious notes. The last occasion they met for sex was, she says, 31 October 2016.
31. For a little time prior to this, Ms Samrai describes how she had started to become friendly with PT. They would exchange messages on WhatsApp and then, on 25 November 2016, Ms Samrai describes how PT told her that the Defendant had asked PT's sister-in-law to have sex with him in a hotel. Ms Samrai says that this was, effectively, when the scales fell from her eyes, saying: "At this I just froze because I realised that had been my life for the last 22 years. I was so shocked and started to confide in her. She admitted to me that she had also been having sex with Kalia in hotels. I told her about my obsession with her and then she told me her entire story. She was the first person I told about having sex with Kalia, apart from the doctor on 17th September 1999 and 21st December 2002 ... It was only when talking with PT on WhatsApp I realised I was not the only person that Kalia had groomed and abused

that the truth dawned. Before then, although I sometimes had doubts, he managed to persuade me that I was special and like the disciple Meera, I would, if I obeyed him, become pure and obtain enlightenment. ... I was devastated by finding out the truth. I discovered that it was all a pack of lies, that he was not a Guru at all and not God. For all these years he enslaved me with preaching false dogma. He did not love me but used me as a sex slave for decades under false religious pretences. During this time, he isolated me from my family and friends. He dominated and controlled me to such an extent that I was unable to make decisions or think for myself as he had always told me what I should do.”

32. The second aspect of Ms Samrai’s claim, after the sexual abuse and exploitation, relates to financial exploitation arising from the donation of money and also the giving of unpaid work. The claim is reflected in Schedules to the Amended Particulars of Claim starting in 1999. Ms Samrai states that, influenced by the Defendant’s sermons and preaching about the benefit of donations in attaining salvation, she gave whatever she could, giving money for garlands, bouquets of flowers, roses and peach gowns. She says: “I would withdraw cash from my Halifax account, put the money in an envelope and give it to him. For Poojas we had to pay extra money. I also had to buy him gifts of food and clothes. I would use my credit card to pay for some of the items and ended up being in debt and being chased for payment. I also worked tirelessly for Kalia and provided hours of unpaid work, as set out in detail at Schedule 1B of the Amended Particulars of Claim. Although unskilled I carried out building works at the Temple. Kalia instructed me what to do and then it became normal practice also because everyone else at the Temple was doing it. For the Temple extension we would be there all-day toiling away. Kalia would sit outside on a chair, with girls massaging his legs and back while he directed everyone. Often he would call me to massage him and give him oral sex. I could not say no to his requests for work as it was our duty to do ‘seva’ (service).” A pooja, also spelt puja, is a worship ritual performed by Hindus to offer devotional homage and prayer to the deity, to host and honour a guest, or to celebrate an event. For example, it may honour or celebrate the presence of special guests, or their memories after they die.
33. Finally, another important aspect of Ms Samrai’s evidence-in-chief concerned a payment which she made to the Defendant of £85,000, mainly financed from a gift from Ms Samrai’s father to help her to buy a house. She exhibits 3 cheques, drawn on her Nationwide account, in the sums of £15,000, £35,000 and £35,000, all dated 14 December 2015. At about the same time, in early 2016, documents were drawn up for the Defendant’s company, BJ Finance, to grant a mortgage loan for £85,000. The loan did not in fact go through and Ms Samrai says that her brothers prevailed upon the Defendant to repay the £85,000 but she uses this as an example of the influence that the Defendant had over her, saying: “I cannot believe that I was so gullible as to give Kalia £85k and then agree to pay it him again via a mortgage, but that shows the level of trust and indoctrination I was under. I basically obeyed Kalia and did whatever he demanded in every sphere, physical and financial, convinced that as my Guru, he wanted the best for me.” She says that, back in 1994, she had given the Defendant £15,000 from her divorce settlement, although she now has no documentary proof of this.
34. Ms Samrai made statements to the police on 2 January 2017 and on 24 February 2017, alleging, among other things, rape. She says that, when she first contacted the police,

which was in 2016, she had no idea of the allegations being made by the Second, Third and Fourth Claimants. She says: “We had not spoken and had not cooperated in any way. PT told me she suspected Harprit but had not been able to get to the truth. When I told my family on the 24 December 2016, I called PT and told her my brother had called Sutton Coldfield police and that we were told to go to Coventry Police after the Christmas/New year holiday. I had no idea at all about Mandeep she was never on PT’s or my radar.”

35. In cross-examination, virtually the entirety of Ms Samrai’s evidence was challenged by Ms Crowther KC on behalf of the Defendant. Ms Crowther referred Ms Samrai to the passages from the Defendant’s sermons to demonstrate that those passages did not in fact support the propositions for which they were cited, for example that there should be secrecy between them or that Ms Samrai should be unquestioning. Ms Crowther suggested that the passages referred mainly to God and a follower’s relationship with the deity rather than to the Defendant. Ms Crowther challenged that the Defendant had ever claimed to be God.
36. Turning to the financial claims, Ms Samrai accepted that her claim for a debt owed to Barclays bank could not be sustained in whole because she had not paid the debt in whole: she said she had paid some of it, but could not specify how much. Ms Samrai asserted that all the payments from her Halifax account formed part of her claim because everything going out of the account went to the Defendant in some capacity, whether food, gifts for the Temple, clothing for the Defendant etc. When Ms Crowther challenged a payment to T-mobile, Ms Samrai claimed (for the first time) that the Defendant had given the phone to her for her to get in touch with him, for example to text the hotel details. When Ms Crowther suggested that some of the payments must have been for Ms Samrai’s and her son’s own maintenance, Ms Samrai claimed that the food she bought went to the Temple, but that she then brought some of the food home for herself and her son. Ms Crowther put that all Ms Samrai had done was highlight every single debit card transaction and every single cash withdrawal and attribute it to the Defendant, and that this did not represent a realistic basis for her claim. Furthermore, Ms Crowther contrasted the claim based upon Mr Samrai attending the Temple, going out and buying things for the Temple and for the Defendant and submitting herself to his sexual demands with entries in her GP records such as that for 26 October 2016 where it was recorded that she was in such a state of anxiety and mental agitation that it was not possible to have a meaningful conversation with her, and she had been in that state for 2-3 years. Ms Samrai’s son, Sanjay, was recorded as telling the GP that she was unable to care for herself and stayed in bed most of the time, and Ms Crowther put that this was inconsistent with Ms Samrai’s evidence about all the things she was doing for the Defendant and for the Temple. In reply, Ms Samrai accepted that she had been suffering from a deep depression and said that her son was helping her with the shopping and donations for the Temple, but Ms Crowther pointed out that she had not said this in any of her witness statements. Ms Crowther suggested that Ms Samrai had in fact been “doing a bit of an act” for the doctor and was doing the same giving evidence in court, which she denied, saying: “No I am not acting. Sadly, no. I have lost 23 years of my life while I was in that cult being abused sexually, physically, financially and it takes a toll on you and that was - that’s what happened to me.”

37. Returning to Ms Samrai's financial claim, Ms Crowther took her to the table of hours alleged to have been worked, appended to the Particulars of Claim and pointed out that the number of hours claimed – 206,148 from 1993 to 2016 – would work out at an impossible average of 24.5 hours every single day of the year. Ms Samrai acknowledged that the original claim was erroneous and had been corrected in the Amended Particulars of Claim to a claim for 36,134 hours. Ms Crowther asked for an explanation for the original error and Ms Samrai attributed this to her mental health not being good: she said that it was difficult to work out the amount of hours spent when she had been doing work at the Temple for 23 years. Ms Crowther challenged this explanation when, by the time the information was needed in early 2021, she had been holding down a job since 2018. Ms Crowther also challenged Ms Samrai over other inconsistencies between the claims made originally and in the Amended Claim: for example, the claim for "seva" claimed at 8 hours a day for 275 days between 1 July 1997 and 1 April 1998, which would be 8 hours every single day, doing building work at the Temple: Ms Crowther put that the claim was in fact imaginary, because professional builders had been employed and there was no evidence to show that Ms Samrai had been involved in the way that she claimed.
38. Ms Crowther again referred Ms Samrai to her GP records where it is recorded that, for significant periods, she was agoraphobic and unable to leave the house and suggested that there was a fundamental inconsistency between what she was telling the GP and her account now that she was regularly going to the Temple and also meeting the Defendant in hotels for sexual liaisons which she claimed averaged about 60 times a year. She denied that she had in fact been pretending to be ill to her GP.
39. Ms Crowther referred to Ms Samrai's evidence that her first sexual encounter with the Defendant had been at his house in India in 1994 and challenged this, suggesting that she never stayed at his house: Ms Samrai insisted that she did, together with her son. She also challenged that Ms Samrai had suffered from genital warts, pointing out that this is not supported by her medical records: Ms Samrai said that she had attended a clinic for sexually transmitted diseases which had since shut down. Ms Crowther then challenged Ms Samrai's account of having slashed her wrists and attempted suicide having witnessed the Defendant and PT having a sexual encounter in 1999, pointing out that there was no supportive evidence for this in the medical notes, which Ms Samrai was unable to explain.
40. Referring to the GP entry for 21 December 2002 (see paragraph 29 above), Ms Crowther put to Ms Samrai that the priest referred to was not Mr Kalia at all but another man who referred to himself as a priest and had a Temple in Bedford. Ms Samrai denied this, saying: "It is the same priest. There is only one priest in my life, only one person, religious figure in my life and that was Kalia."
41. Turning to Ms Samrai's evidence of meeting the Defendant at hotel rooms, Ms Crowther pointed out that there is not a single document showing a hotel booking: Ms Samrai responded that, where she paid by credit card, the name of the hotel is on the credit card statements. Referring to Ms Samrai's evidence that a cash withdrawal for £81 was to pay for a room at the Brownsover Hall Hotel in Rugby on 1 August 2000, Ms Crowther put that this couldn't have been for her to meet the Defendant because he was in India at that time. Ms Samrai responded that the withdrawal may have



preceded the booking by a few days if Mr Kalia called her from India and told her to book a room for when he returned: she denied that, in this instance, she had been caught out. Ms Crowther also challenged Ms Samrai about other dates when she said she had met with Mr Kalia at hotels by reference to events when Mr Kalia was elsewhere, for example in India or at his son's wedding or by reference to entries in her medical records showing that she was incapacitated.

42. In respect of Ms Samrai's evidence of having had three abortions, Ms Crowther pointed out to Ms Samrai that there were no records from the BPAS organisation in Coventry, although Ms Crowther acknowledged that there are references in the GP notes to Ms Samrai having had terminations of pregnancy: in fact, the relevant documents were obtained through Ms Samrai's GP in the course of the trial and submitted later. In any event, Ms Crowther put that they had not resulted from Ms Samrai having had intercourse with Mr Kalia – Ms Samrai insisted that they had. Ms Crowther also challenged Ms Samrai's evidence that she had suffered a slipped disc as a result of the Defendant forcing himself on her in 2013 by reference to the medical records which, although recording back pain for 2 days on 4 November 2013, also recorded that there had been "severe sudden onset, no trauma."
43. An important part of Ms Crowther's challenge to Ms Samrai's evidence was by reference to inconsistency between what she said in her witness statement and what was pleaded. The context for this was that, in response to a strike-out application on 10 May 2022, Deputy Master Grimshaw had dismissed the Defendant's application to strike out the claim but, on the basis that the Defendant was saying that the claim as pleaded gave him insufficient information to know the case he had to meet, gave permission for the Claimants to file and serve Amended Particulars of Claim. On that basis, Ms Crowther put, and Ms Samrai accepted, that it was important to include everything she wanted to say, and yet there was no mention in the Amended Particulars of Claim of the matters referred to in paragraph 92 of her witness statement where she had alleged that the Defendant called her to give him oral sex at the Temple whilst building works were going on. Nor was there mention of this by Ms Samrai in her statements to the police.
44. Ms Crowther also questioned Ms Samrai about the extensive pages of WhatsApp messages between herself and PT between 21 November 2016 and 23 December 2016. It was suggested that these supported the view that Ms Samrai and PT were putting their heads together to concoct these allegations against Mr Kalia and were also intending to include others in their plan, but Ms Samrai disputed this interpretation. She said that the messages reflected herself and PT confiding with each other about what had happened to them and showed the development of their understanding of the wider picture and, as they suggest, Mr Kalia's sexual abuse and exploitation of others.

### **The Evidence of the Second Claimant: Kashmir Sahota**

45. The substance of Ms Sahota's evidence-in-chief was contained in her first and second witness statements dated 22 April 2022 and 31 October 2023 respectively, which she affirmed were true. She started to attend the Temple in Coventry from the age of 11 in the summer of 1988, together with the rest of her family – her parents, grandmother and brothers. Her Naam ceremony took place on 27 November 1988 when, as she put

it, she “became Kalia’s divine disciple”. This meant that she had to do what Mr Kalia said “because he was our Guru”, a “living god”. She states:

“He preached that we were never to question him and always to do what he told us to do as he knew what was best for us. From then on I was unable to resist his demands and did as he said. He preached that even if you questioned him in your mind, you would go to hell. A true follower always did as they were told.”

She states that she believed that, by following him, she was on a special path to redemption, that he persuaded her whole family to trust him, follow him and honour his every word and action. She describes how the family joined the Defendant on the annual pilgrimage to India, when they would visit his home. In England, he became a frequent visitor to their home.

46. Ms Sahota described how Mr Kalia would call her into his private room at the Temple and how, after a while, in 1989-1990 when she was 13, he started to abuse her sexually. She states: “Then he started to put his hand down my top and squeeze my nipples and breasts. I told him it was painful and really hurt but he told me I would get used to it. This was as a build up to oral sex”. Having exposed himself to her, he then said *'touch it first.'* She continued: “Then he just brought my head close to him and said *'go on, kiss it, touch it, suck it, just do it, do it.'* I had to put my mouth to his penis and do what he told me. I did not know what to do as a child, I did not have a clue and he just said, *'carry on, carry on.'* Then he ejaculated in my mouth and made me swallow it. He said, *'That'll make you clever and it'll make you choose the right things to do''''*. She said that he forced her to perform oral sex on him approximately every 6 weeks from the age of 13 until she became an adult, this being in his private room at the Temple.
47. Ms Sahota stated that, having attained a place at Leicester University, the Defendant raped her in 1997 during her first year at university, although, in a letter to the CPS dated 28 August 2017, she said “The first time I was raped was before I was due to start university.” She goes on in her second statement to say that he asked her to meet him at a hotel in Stratford upon Avon and first asked her to make him a cup of tea. He then lay on the bed whilst she massaged his feet. Then he invited her to join him on the bed where he made her undress. When she realised what he intended to do, she says that she said to him: *'I am not going to do this. I cannot do this.'* She says that she asked him to stop as it was so painful and he just said *'somebody's got to do this and somebody else will hurt you '*. She says: I think he was referring to my virginity because he knew I had not slept with anybody because he had told me not to. She continues:

“He made me lie down and then he told me to open my legs and then he just stuck his penis into me. It was vile. It was the most horrific pain I had ever had. I said *'stop'* and he said *'Shh don't make any noise.'* Then because I was about to scream, he put his hand over my mouth and just carried on and on and on and just would not stop. It felt like I was there for hours. He knew that I did not want him to do it because I told him so; and that's why he covered my mouth. He just gagged me and did it anyway.”

In common with the other Claimants, Ms Sahota describes the Defendant’s lack of any love or affection or, indeed, conversation.

48. At some stage on a later occasion, still in the late 1990's, Ms Sahota said that the same thing happened again, this time at a hotel in Rugby. Again, it was against her will. She also describes how he would require her to perform oral sex on him when they went to India on pilgrimage, this being at his home in the late 1990's and early 2000's.
49. Ms Sahota then describes how she entered into a relationship with a young man called Raj in the summer of 2005, but the relationship was difficult because of what the Defendant had done. She describes having what she refers to as a mental breakdown which led to her being sectioned and taken to West Bromwich Hospital: she attributes her mental illness to what the Defendant had done and to her difficulty in coping mentally with her relationship with Raj. She was discharged after 6 weeks and was able to return to her job, teaching computing to students at a secondary school in Coventry. She also resumed her worship at the Coventry Temple.
50. Ms Sahota says that, on the Defendant's instruction, she used to go travelling with the Defendant's wife, Sachitra, as a kind of companion. They travelled to Mumbai twice and also to Rome and Naples. Although it is apparent that Ms Sahota and Mrs Kalia became close, Ms Sahota did not confide in Mrs Kalia about what Mr Kalia had done. Ms Sahota says that the last time anything sexual occurred with the Defendant was in 2015 or 2016, in India, by when it had mostly been oral sex for some time.
51. So far as the alleged financial claim is concerned, Ms Sahota says that, from the time she was an adult, the Defendant extracted large sums of money from her as set out in Schedule 2A to the Amended Particulars of Claim. This details payments made between 1 August 2001 and 6 August 2015 amounting in total to some £213,000 and said to be for building work or renovations to the Temple, utility bills for the Temple and other lesser miscellaneous items such as flower garlands and "langar" (meals served free of charge to all at the Temple). In addition, there is a claim for £168,000, said to represent annual payments of £12,000 for 14 years. Furthermore, there is a claim for travel costs amounting to £27,000 and an uncosted claim for mileage amounting to 522,344 miles representing travel to the Temple and to the Defendant's other properties over a 22 year period. These sums are claimed in restitution or as equitable compensation arising from the Defendant's alleged undue influence over Ms Sahota.
52. Ms Sahota has also claimed repayment of loan repayments said to have been made by her to Mr Kalia's firm, BJ Finance in respect of various cars, the total being just over £100,000, as set out in Schedule 2B to the Amended Particulars of Claim. It is alleged that the rates of interest paid were extortionate and manifestly against Ms Sahota's interests, and are claimed as equitable compensation.
53. Finally, Ms Sahota has claimed for unpaid work by her at the Temple and doing building work at the Defendant's properties in Rugby and other services for the Defendant, totalling 319,666 hours over 13,331 days, but not costed. If, for example, her time were to be costed at £10 per hour, the claim would be for £3,200,000, but in the Amended Particulars of Claim, a claim is simply made for "an unliquidated sum". Again, the basis of the claim is that this work was done as a result of the Defendant's undue influence on Ms Shota, entitling her to equitable compensation.

54. In cross-examination, Ms Sahota was highly emotional in answering Ms Crowther's questions: she consistently referred to the Defendant as "the devil" and she diverted many of her answers into an attack on the Defendant for what she perceived he had done to her. Ms Crowther started by asking Ms Sahota about her psychiatric admission in 2006 and took her to the entries in the medical records surrounding that episode to put, as contained in the records, that she had suffered a psychotic episode consequent upon taking cannabis whilst in India, and that she had wanted to disguise the reasons for her absence from work to her colleagues when she returned. Ms Crowther was trying to show that Ms Sahota had been prepared to mislead or lie to her work colleagues where it suited her and that she was similarly telling lies to the court for her own advantage. She pointed to entries in the medical records which tended to show that Ms Sahota had not been telling her GP the truth – for example, an entry that her father had died when this was untrue and that her parents had divorced which was also untrue. Ms Sahota vehemently denied that this was the case: she explained that she had told the GP that her grandfather, not her father, had died, and that her parents had been going through marital difficulties, which she attributed to her own behaviour which was, in turn, attributable to the sexual abuse she had suffered from the Defendant since she was a child. It was also recorded in the medical records that Raj (referred to as Parminder) had been her boyfriend for 7 years but Ms Sahota insisted that this was an error because he had been her boyfriend for 7 months, not 7 years.
55. Ms Crowther then asked about Ms Sahota's interviews with the medical experts, and in particular Dr Blyth's report where she reported being told by Ms Sahota that when Ms Sahota saw Professor Maden, he told her that he didn't know what was in his letter of instruction and he didn't know who Mr Kalia was. Ms Sahota accepted that Professor Maden had not said either of those things to her, and could not explain how those things had got into Dr Blyth's report. She accepted, however, that she had tried to give Dr Blyth the impression that Professor Maden had not done his job properly. Her explanation was "because he didn't ask me about anything to do with the devil [i.e. Mr Kalia]. He didn't ask, he ignored everything. To me that's not a fair assessment." This did not reflect well on Ms Sahota's reliability and credibility as a witness, however, because she accepted that it had been agreed at the start of her interview with Professor Maden that he would not question her about what she alleged Mr Kalia had done to her, to her relief, and so this cannot or should not have been a basis for Ms Sahota to consider that Professor Maden's assessment was not fair or to give Dr Blyth an inaccurate account of what Professor Maden had said. On the basis of this evidence, Ms Crowther accused Ms Sahota of being a skilful and experienced liar.
56. Turning to the allegations of sexual assault, Ms Crowther suggested that there were inconsistencies in Ms Sahota's accounts as to the sexual assaults between the ages of 11 and 13 because she was suggesting that the Defendant had touched her breasts inappropriately when that had been omitted from the witness statements. Furthermore, in a letter written on her behalf to the Crown Prosecution Service in September 2017, and signed by her, it was stated "I maintain I was indecently assaulted by Rajinder Kalia between school years 9 and 11, when I would have been aged between 13 and 16 years old. During this time, Rajinder Kalia made me perform oral sex upon him without my consent" without any mention of any inappropriate touching before the age of 13. In answer, Ms Sahota said that the oral sex and

inappropriate touching of her body didn't happen before the age of 13, only the massaging which she now realises was also inappropriate. Ms Sahota agreed that she had omitted any mention of the Defendant squeezing her nipples in her first witness statement of April 2022, but Ms Crowther accepted that she had referred to this in her second witness statement. Ms Crowther challenged that the Defendant could not have done this without her responding audibly and without others in the Temple hearing and realising. She also challenged that the Defendant could have required her to perform oral sex on her as often as she alleged, again without others in the Temple realising what was going on. She suggested to Ms Sahota that her father would have been nearby, others would have been going in and out, and there would not have been the necessary privacy. Ms Crowther put to Ms Sahota the Defendant's case that the whole thing was made up and was a fabrication, which Mr Sahota denied. Ms Crowther also asked about the occasions when she was saying there had been indecent assaults in India and when that had occurred: Ms Sahota appeared in her pleaded case and witness statement to suggest that there had been oral sex on two occasions in the late 1990's/early 2000's in India, but in her evidence she said that this was referring to full intercourse, and that the oral sex happened on other pilgrimages to India right up to 2016 and much more frequently. There seemed no doubt that Ms Sahota's evidence in this respect was somewhat confused and inconsistent.

57. Next, Ms Crowther asked about documentation and suggested to Ms Sahota that she had deliberately suppressed documents which she knew were relevant to the proceedings, including passports and WhatsApp messages, which she denied. A particularly unsatisfactory part of Ms Sahota's evidence concerned the absence of WhatsApp messages despite this being an application which she accepted she uses. As Ms Crowther put to her, in November 2023 Deputy Master Fine had made an Order requiring her to reveal communications with the other Claimants from 1987 to date and the Order specifically included WhatsApp exchanges. In response, she had stated: "I have never used social media platforms" but did not refer to WhatsApp messages. When challenged about this, Ms Sahota replied "I don't see WhatsApp as a social media [platform]. I see it as a communication device." However, this was unsatisfactory given that the Order referred specifically to WhatsApp, not just to social media. Ms Sahota stated that she had surrendered her phone for examination but didn't give an explanation for why there were no WhatsApp messages on it. This part of her evidence was particularly unsatisfactory given that she is a teacher in computing. She also denied being in a same-sex relationship with one of the other Claimants, Harprit Dilbeher, although she confirmed that she had a female partner as reflected in her medical records. She also denied that she was part of what Ms Crowther described as a "little gang" comprising the First, Third and Fourth Claimants and PT. The suspicion was that there had been WhatsApp messages between them as a group which had since been deleted.
58. Ms Crowther then took Ms Sahota to the financial claims as set out in her Schedule of Loss, which Ms Sahota accepted she had drafted herself using a template provided to her by her solicitor. Ms Crowther challenged the claims, for example pointing out that the claim for 319,666 hours (see paragraph 53 above) had to be nonsense because, even working 24 hours a day every day of the year, it would take over 36 years to work that number of hours and further suggesting that the claim for £168,000 (see paragraph 51 above) was fictitious because the Defendant never charged for services. Ms Sahota responded that she was not here for the money, that she would in fact be

happy for a judgment to be made for her not to have the money, saying: “I want a judgment made against him to stop him from doing that. That’s why I am here.” In relation to Ms Sahota’s suggestion that she had been treated by the Defendant’s wife, Mrs Kalia, as a slave, Ms Crowther took Ms Sahota to a series of photographs in one of the trial bundles showing her and Mrs Kalia apparently enjoying time together, whether just the two of them or with another, having drinks and seeming to be enjoying each other’s company. Ms Sahota responded that she regarded Mrs Kalia as a goddess, being married to Mr Kalia whom she considered at the time to be a god. In relation to the claim for payments made for flowers and garlands and the like, Ms Crowther put to Ms Sahota that the flowers and other offerings were for the deity, not for Mr Kalia, which Ms Sahota disputed: she also disputed that the sale of flowers was run by another lady and was nothing to do with Mr Kalia at all. So far as the claim for unpaid labour is concerned, when challenged about this, Ms Sahota immediately accepted that the schedule was inaccurate and that the claim was overstated. Ms Crowther put that the claim in respect of building work was a fabrication, pointing out that for part of the period when Ms Sahota was claiming to have been doing building work, she was signed off work because she had been in a road traffic accident and was suffering from a whiplash injury. Ms Sahota responded that she continued to do her duty for the Defendant and that this in fact prevented her recovery from the accident. However, she accepted that this was not supported by expert medical evidence although she had told her expert in psychology, Dr Blyth, that an orthopaedic expert had been instructed. Nor was there any reference to her doing heavy manual labour in her medical notes.

59. Ms Sahota’s evidence was spread over two days, and when Ms Crowther resumed her cross-examination on the second day, she asked about the claim in respect of cash payments contained in the Schedule to the Amended Particulars of Claim. Ms Crowther produced a document in the form of a spreadsheet reducing the various transactions in the bundle of documents into categories, comparing the sums claimed as reflected in Ms Sahota’s cheque-book stubs with her bank statements and the bank statements of various accounts associated with the Defendant. What Ms Crowther was able to demonstrate was not only that none of the payments could be seen going into any of the Defendant’s accounts, but also that the claim in the schedule was erroneous in many places. For example, a claim for £800 related to a cheque which had in fact only been for £300. Another cheque, for £100, had been claimed as a payment for £1,000. Ms Sahota accepted that these were errors which she had made in respect of her data entries on the computer when putting together the schedule. Ms Crowther put to her that there had been three attempts to plead the case, and therefore three opportunities for her to check the data, and none of these errors had been picked up. Ms Sahota responded by saying:

“This is not something I anticipated or ever wanted to do. I did not want to have a civil action with claiming money. The police came to me, the whole purpose of this was for the police to investigate and they were never going to give me any money. A criminal court will not give you money and I did not want the money. This is something I was legally advised to do and, yes, I have mistakes in there and I have made mistake after mistake

because I can't do it. I openly say I can't do it. I find it really difficult to work with figures.”

Ms Crowther disputed what Ms Sahota was saying by reference to a letter of claim dated 11 April 2019 seeking repayment of sums paid and money owed which, she suggested, showed that it was in fact always about the money, and the claim for sexual assault was just tacked onto a claim which has always been about the money. Ms Sahota denied this, pointing to the way the police had been involved. A further difficulty was created from the fact that Ms Sahota, as she admitted, redacted parts of her bank statements, doing so to the originals, not copies, with the result that, in some cases, what had originally been contained in the statements could not be resurrected (the bank no longer being able to produce copies). Again, she acknowledged that this had been a mistake on her part. Similarly, in relation to the travel claim, the claim in the schedule for travel to and from the Temple in Coventry from Ms Sahota's home is 66 miles a day for 6,524 days, a total of 430,584 miles. The number of days travelled is stated to be “data extracted from work sheet” but Mr Sahota accepted that the work sheet is no longer available so that it is now impossible to discern how the number of days has been calculated. As I pointed out to Ms Sahota, 6,524 represents every day for 18 years and the figure of 430,584 miles is extraordinarily high. Nor has this claim ever been translated into a claim in terms of money. Ms Sahota was reduced to saying that she did not know how she got to the figures claimed.

60. In re-examination, Mr Jones took Ms Sahota to some of the Defendant's teachings including a passage which contained the words “God said if you haven't obeyed your guru's orders then how can you obey mine?” and another one which contained the words “After death when one goes to God's court [it says guru's in brackets] name is written with yours then you are recognised quickly, there is no need to ask. The one who has not got a guru's name attached to his name no one will bother about him irrespective of how well known he is.” Ms Sahota confirmed that these passages accorded with what the Defendant preached and taught, namely that you must obey your guru and if you go against the guru, you are a sinner. This formed part of the basis for her evidence that she had no choice but to comply with the Defendant's wishes, whether in respect of sexual matters or in respect of the money and service she was obliged to give when this was demanded of her by the Defendant.

### **The Evidence of the Third Claimant: Harprit Dilbeher**

61. The substance of Harprit Dilbeher's evidence-in-chief was contained in her first and second witness statements dated 21 April 2023 and 2 November 2023 respectively, which she affirmed were true.
62. Harprit Dilbeher stated that she started attending the Coventry Temple when she was a toddler, along with her mother, sister and the whole of her mother's family (cousins, aunts and grandmother). They attended regularly and when, from age 16, Ms Dilbeher became a drummer, she also attended practices for major events and Poojas: drumming was a central part of the music which accompanied ceremonies and special events. Ms Dilbeher stated that the Temple governed their lives and her entire life revolved around Mr Kalia and “following his word in every way”. She states that he

preached about God, saying things like “I am God. I know you. I can control the Universe.” She went through her Naam ceremony when she was 7, on 19 November 1995. From the age of about 13, Ms Dilbeher says that she became one of those who would massage the Defendant in his private room. She says that he would hug her when alone with him in his private room in the Temple, squeeze her, feel her body and tell her that he loved her. She regarded her selection to be a drummer to be a special honour, saying: “It was my service or duty (‘seva’) and I was building a relationship with my Guru in this life and the next. He said a Guru was more important than actual God. To me he and God were one and the same thing. When my hands bled, he told me that bad things were coming out of them. I was the main drum player and often played alone.”

63. Harprit Dilbeher did not go to university, but went into employment after school, initially in a perfume shop and then working at the Department of Work and Pensions. She continued her devotion at the Temple and then, in August 2008, she says that the Defendant asked her to book a hotel room, ostensibly for them to talk privately about God. She states:

“As requested, I booked a hotel room. It was in 2008, I was 22, had just started work and got my first permanent job at the Department of Work and Pensions. I booked this modest little hotel room at the Rollason Wood Hotel because I honestly thought we would just talk. The hotel was just down the road from where I worked in the Erdington office. My Mum had dropped me off at work because I pretended I was going to work but I had booked the day off because Kalia had told me to. It was a Wednesday. He told me to make him a cup of tea and hang his jacket up. He sat on the bed and I sat on the floor massaging his feet. He instructed me to lie on the bed next to him. Out of the blue he started kissing me on my lips. He grabbed my hand and put it on his erect penis. I was completely taken aback. He then told me to remove my clothes. I did so as he was not to be challenged and I was also scared. He then raped me, throwing me around like a rag doll. He was so heavy. I could barely breathe but he did not care. Whilst raping me he told me to smile but I could not. It was too painful as I was a virgin. After 45 minutes he finished and hugged me. He told me it was a relationship between me and my guru and no one should ever know and to take paracetamol. He got dressed and left.”

Ms Dilbeher corroborates her account by reference to her bank statements which include an entry on 22 August 2008 reflecting a payment to Rollason Wood Hotel for £23.50.

64. Harprit Dilbeher states that the Defendant “swore her to secrecy” telling her that if she spoke badly about her guru, she would be disabled in her next life and would go to hell, but if she obeyed him, he would take her with him to heaven. She says that the Defendant continued to rape her for the next five years, stating:



“Following the rape at the Rollason Wood Hotel, Kalia continued to rape me for approximately the next five years, would instruct me repeatedly to book hotel rooms every few months. I was so indoctrinated by his teachings that I complied and booked different hotel rooms as instructed. He would give me a few days’ notice of when he wanted me to book a room. It was always on a Wednesday. I reserved rooms at The Fort and The Holiday Inn, and at hotels in and around Birmingham, Walsall and Erdington and paid for them with my credit card.”

In order to meet the Defendant, Ms Dilbeher says that she took time off work, including sick leave. In an email to DC Katy Roberts dated 3 April 2017, she provided eight dates when she took time off work to meet the Defendant at hotels: these were 7 October 2009, 6 January 2010, 27 June 2012 and then three dates in 2014 and two dates in 2015, the last being 21 October 2015.

65. In 2013, Harprit Dilbeher began to suffer severe pain as a result of an atrial septal defect (“hole in the heart”) and she underwent open heart surgery on 15 May 2013. About a year after the operation, she says that the Defendant resumed calling her into his room where “he would grab, kiss, and grope me and force me to massage his head, thighs and genitals as I had done for years before my operation ... He would suck my breasts and get me to touch his penis. I just hated it but was completely incapable of resisting his demands as I trusted his teachings so completely and thought he was my Guru and God and this was somehow required of me.”
66. Harprit Dilbeher also alleges financial exploitation, stating that she was required to make donations to the Temple after she started working, and to pay for items for the Temple such as garlands and flowers. She was also required to carry out building works, both at the Temple and at flats which the Defendant owned at Stuart Court, behind the Temple. In Schedule 3A to the Amended Particulars of Claim, she sets out the payments of money she says she made to the Defendant totalling £58,885. She further claims £15,000 as equitable compensation for the cost of undertaking pilgrimages to India at the direction of the Defendant and a further £7,800 for transport costs and mileage for travelling from home in Handsworth and thereafter Great Barr to the Temple. At Schedule 3C, she sets out the hours of unpaid work done by her, for which she claims “an unliquidated sum”.
67. Ms Dilbeher states that, at the end of 2016, one of her aunts disclosed that she was being abused by the Defendant and Ms Dilbeher revealed that she too had been sexually abused. They went together to the police station on 1 January 2017 and made statements. It was after this that Ms Dilbeher discovered that the same thing had allegedly been happening to her sister, Mandeep. The CPS eventually decided that there was insufficient evidence for the Defendant to be charged with any offences. In the summer of 2017, Harprit Dilbeher was herself arrested and questioned in respect of allegations of sexual abuse by her and possession of pornographic material. She suspects the origin of these false complaints to have been malicious complaints by followers of the Defendant. Similar accusations were made against others who had come forward to report sexual abuse by the Defendant. No charges were brought. Ms Dilbeher is highly critical of the decision not to prosecute the Defendant.

68. Ms Dilbeher claims to have suffered significant psychological effects from the Defendant's prolonged sexual abuse of her. She states:

“Kalia has ruined my childhood and most of my life. Although I have left his Temple, I cannot get over this living nightmare. Everything reminds me of him and what he did to me.”

She says that she has no confidence or self-esteem as a result, that she drinks a lot of alcohol to suppress these memories and that she does not trust men. She says that her claim is not financially motivated but is motivated by a desire to see the Defendant held to account for his actions.

69. In cross-examination, Ms Crowther started by asking about the claims made by Ms Dilbeher in the schedule to the Amended Particulars of Claim, which she acknowledged she had compiled herself using a template supplied by her solicitor, and it soon became apparent that there were significant errors. Thus, the first claim for unpaid work relates to the drumming which Ms Dilbeher did as seva. Unfortunately, the number of days a year (104, representing 2 days a week for 52 weeks) was claimed and multiplied twice so that the total number of hours claimed was 1,134,382 when it should have been 10,907. A similar “error” is made in relation to the claim for “choreography” for events during the year. In relation to the next claim, for decorating gates, Ms Dilbeher accepted that she had erroneously claimed for 365 days a year for 7 years instead of 2 days a year so that the claim was for 2,558 days instead of 14 days.
70. Ms Crowther then challenged the suggestion that Ms Dilbeher still suffered from pins and needles and pain in her hands from the amount of drumming she was required to do, pointing out that this was not reflected in her medical notes, nor is there any expert evidence in the case to support this claim. Although Ms Dilbeher did go to her GP about her hands in December 2019, she didn't attribute it to the drumming and the GP had accordingly arranged for a battery of tests to be carried out. By this time, Ms Dilbeher had instructed solicitors in relation to her claim, so Ms Crowther put that there was no logical reason for Ms Dilbeher to hide the true reason. Ms Crowther also put that Ms Dilbeher was happy to play the drums at events at which neither the Defendant nor any member of his family were present, such as at the pre-wedding event of Ms Amandeep Dutta. Ms Dilbeher responded by saying: “Amandeep Dutta? I don't even know who Amandeep Dutta is.” Ms Crowther responded: “Sorry, what?” and Ms Dilbeher repeated: “I don't know who Amandeep Dutta is.” However, after a short break, Ms Dilbeher then said: “I know who she is because obviously I know she came to the Temple but I have never had any social interaction with her. I am not friends with her.” Ms Crowther was then able to take Ms Dilbeher to a photograph showing her attending Ms Dutta's wedding in India: she accepted she had been to the wedding but said that the Defendant had told her to go. She also said:

“This was at her house -- like I said when you go to India all the congregation, all his followers live in the same vicinity. That's at her house and her house is literally there. All the congregations' houses are opposite. We are all in one vicinity.”

It was thus unclear whether Ms Dilbeher was saying that she had been to the wedding because she was instructed to go by the Defendant, or because their families were neighbours in India. Ms Crowther was also able to take Ms Dilbeher to WhatsApp messages between Amandeep Dutta and Harprit Dilbeher's sister, Mandeep, showing that they were friends, but Ms Dilbeher said that she didn't know they were friends. This passage reflected badly on the evidence of Harprit Dilbeher: her initial denial that she knew who Amandeep Dutta was was clearly untrue, and the fact that she had been to Ms Dutta's wedding in India and her sister was a friend of Ms Dutta made her assertion that she had never had any social interaction with Ms Dutta or even spoken to her highly unlikely to the point of being incredible.

71. I took Ms Dilbeher to Ms Dutta's witness statement where she said:

"I have known Harprit for around 25 to 30 years from the Temple. I think Harprit has been going to the Temple for as long as I have. I began speaking to Harprit earlier than to her sister Mandy. I would say I eventually became closer to Mandy."

In response, Ms Dilbeher said:

"She is lying. She is absolutely lying. That is a lie. I have never spoken to Amandeep Dutta."

It is obviously a serious accusation to allege that someone is lying in a witness statement to which is appended a statement of truth, and I do not accept it. On the basis that, as Ms Dutta says, they had both been attending the Temple for many years, that they were neighbours in India, that Ms Dilbeher attended Ms Dutta's wedding and her sister, Mandeep, was a friend of Ms Dutta, Ms Dilbeher's evidence that she had never spoken to Ms Dutta, in conjunction with her initial denial that she even knew who she was, subsequently accepted to be untrue, leads me to the inevitable conclusion that not only was Ms Dutta not lying and was telling the truth, but that Ms Dilbeher's evidence was untrue, and deliberately so.

72. Ms Crowther then challenged Harprit Dilbeher's evidence in relation to Naam, and what that meant, suggesting it was in fact about finding a pathway to God and being given a mantra to do so. Ms Dilbeher responded that Mr Kalia was not following Hinduism in that way but was following his own teachings which included him becoming a person's guru upon receiving Naam, and then being beholden to him, unable to challenge him or question him in any way, even to the point where she delayed having treatment for her heart condition because he told her that the doctors were wrong. Ms Crowther disputed this on the Defendant's behalf by reference to the medical records, which appeared to show that Ms Dilbeher was initially reluctant to have open heart surgery, elected to have keyhole surgery instead and only consented to open heart surgery when the keyhole surgery was unsuccessful in resolving the problem.
73. Ms Crowther further cross-examined Harprit Dilbeher on a variety of matters, often by reference to the statements of other witnesses due to be called on behalf of the Defendant. Ms Dilbeher accepted that at some stage she had been drinking alcohol to excess (although she had denied this to Professor Maden) because, she said, of what the Defendant had done to her. Ms Crowther also questioned her about when the

conversation with her aunt had taken place about the Defendant sexually abusing others because Ms Dilbeher had told the police this was on 31 December 2016, the day before they went to the police, but she had said in her witness statement that it was in November/December 2016 and there were WhatsApp messages between PT and Ms Samrai in November 2016 where they refer to speaking to Ms Dilbeher about whether she wanted to make any allegations or not, suggesting that the matter was out in the open significantly earlier than she had told the police. Ms Crowther also raised the issue of whether Ms Dilbeher had shown pornographic images on her phone to young girls at the Temple, which Ms Dilbeher denied vehemently, saying that Mr Kalia had used people from his congregation to make false counter-allegations after Ms Dilbeher and the others had made their allegations against Mr Kalia. Ms Crowther also challenged Ms Dilbeher's evidence that she was forced to do drumming until her hands bled, putting to her that the drumming was entirely voluntary and the number of drummers meant that Ms Dilbeher could stop whenever she needed to if it was too much. Ms Crowther referred to the evidence of Mr Sunil Dadra, a Professional drummer and Ms Dilbeher again denied having ever spoken to him or knowing him apart from the Temple.

74. Ms Crowther also questioned Harprit Dilbeher by reference to WhatsApp messages she had exchanged with a friend, Ms Anita Jassal, in January 2017 where Ms Dilbeher had asserted that her family had given thousands of pounds to the Defendant, including Ms Dilbeher's life savings, in order for the Defendant to heal a man called Raju, the boyfriend of Ms Dilbeher's aunt: Ms Crowther put to Ms Dilbeher that this was all nonsense and untrue, suggesting that, had it been true, there would have been a claim for it in the schedule as there was for monies paid to the Defendant for the cure of her dogs. Ms Dilbeher said that she had forgotten to include it in the schedule and in her witness statement. Ms Crowther suggested that Ms Dilbeher's evidence was a tissue of lies designed to extort money from the Defendant and that Ms Dilbeher had tried to recruit others such as Meena Sahal to support their story on the basis that there would be money in it for Ms Salhan if she did so: Ms Dilbeher denied this and said that Ms Meena Salhan was lying when she said in her statement that Ms Dilbeher had approached her when shopping at H&M in West Bromwich with her mother and asked her to lie to the police about what the Defendant had done.
75. In relation to WhatsApp messages, Ms Dilbeher accepted that she had WhatsApp on her phone between 12 March 2020 and 9 November 2023 when she deleted the application because, she said, it contained details of her new job and colleagues and she didn't want to get harassed in her department. Ms Crowther pointed out that 9 November 2023 was the week before she was ordered to hand in her phone for inspection and put that she had deliberately deleted the application in the face of a court order. However, I note the Order of the Court by Deputy Master Fine was in fact on 16 November 2023 and so would not have been extant as at 9 November 2023.
76. Ms Crowther then questioned Harprit Dilbeher about her evidence concerning the sexual assaults, and she started by delving into the details of the dates when Ms Dilbeher was alleging she met the Defendant at hotels. Ms Dilbeher confirmed that, as pleaded at paragraph 75 of the Amended Particulars of Claim, this was for 5 years until 2013 and that she was not alleging she met the Defendant for sex at hotels after her heart surgery in May 2013. She also confirmed that it was always on a Wednesday. However, Ms Dilbeher was unable to provide dates other than those which she had

provided to DC Roberts in April 2017 (see paragraph 64 above): five of those eight dates were after the heart surgery and therefore, on Ms Dilbeher's evidence, not dates when she met the Defendant. As for the other three dates, Ms Crowther took Ms Dilbeher to her bank statements to see if there was any corroboration by way of payments to hotels for those dates and the records of her absences from work. The first date, 9 October 2009, was not supported by a bank payment or an absence from work record. The second date, 6 January 2010, was not supported by a bank payment. Ms Crowther was able to point to a payment to Novotel on 27 August 2010 which Ms Dilbeher said must have been another date she met the Defendant because she never went to hotel rooms with anybody else. However, not only was this not one of the dates she had provided to DC Roberts, but it was a Friday, not a Wednesday. The third date on the list given to DC Roberts was 27 June 2012, but the bank statements showed a payment to the Holiday Inn, Walsall for £69.95 with a transaction date of Thursday, 28 June 2012. In relation to both the 27 August 2010 and 28 June 2012 transaction, Ms Dilbeher suggested that this may have been because the payment went onto the bank statement on a different date, although the bank statements do show both the transaction date and the posting date. Ms Crowther suggested to Ms Dilbeher that two transactions showed that she was in fact meeting someone else at the hotels, which Ms Dilbeher denied, saying: "I never went to hotel rooms with anyone else."

77. I can perhaps make three comments at this stage. First, given that it was pleaded that Harprit Dilbeher met the Defendant every 2-3 months for about 5 years until 2013, it seems clear that the dates provided by her to DC Roberts were not purporting to be the entirety of the dates when she met the Defendant, so finding a further date in 2010 does not come as a surprise from Ms Dilbeher's point of view. Secondly, as the bank statements relate to credit card transactions rather than direct debits, I do not find it surprising that the transactions dates as posted differ by a day or two from the actual transaction if the hotel took a day or two to put the transaction through. But, thirdly, Ms Crowther was wholly entitled to interrogate the dates when Ms Dilbeher was saying she met the Defendant at hotels and given that the dates provided to DC Roberts were the only dates which Ms Dilbeher was able to specify, those were the dates she was cross-examined on. The fact that some bank statements were missing for the relevant dates and that the calendar is now missing which Ms Dilbeher said she took the dates provided to DC Roberts from are relevant to the limitation issue, and the fact that 5 of the 8 dates given to DC Roberts were outside the period when Ms Dilbeher was clear she met the Defendant was a serious inconsistency in Ms Dilbeher's evidence. This prompted the following exchange between Ms Dilbeher and myself:

"MR JUSTICE MARTIN SPENCER: But it's your evidence as I understand it that you didn't go on seeing Mr Kalia in hotel rooms after your surgery in 2013?

A. Yes.

MR JUSTICE MARTIN SPENCER: So why did you include dates in 2014/2015?

A. I -- I can't remember.

MR JUSTICE MARTIN SPENCER: So you can't remember why you gave the dates and you think it may have been from a calendar that you no longer have?

A. Sometimes he would cancel, I know that, sometimes he would call me and he'd cancel. Maybe that's why I included it, but --

MR JUSTICE MARTIN SPENCER: That's not really an explanation, is it?

A. No, I can't remember. But on the other dates he definitely did -- he definitely did. And again the police could've confirmed that if they'd -- if they'd done the investigation."

This latter remark was a reference to Ms Dilbeher's assertion that the police could have obtained "cell siting" evidence showing that the Defendant's telephone was attaching to cell sites in the vicinity of the hotels where she said she was meeting him on the relevant dates.

78. Finally, in relation to the sexual allegations, Ms Crowther challenged what Harprit Dilbeher was saying had happened in the priest room at the Temple by reference to several factors such that the lay-out did not, she suggested, allow sufficient privacy or others in the Temple would have been able to hear, as well as see, what was going on: Ms Dilbeher disagreed. Ms Crowther also challenged something that Ms Dilbeher had alleged to the police, namely that the Defendant would hit and slap children in his room at the Temple which could be heard: Ms Crowther put that the children's parents would also have been able to hear and would never have tolerated this if it had happened. Ms Dilbeher replied:

"People trusted him. People leave their kids with him in that room, in that private room, that's how I was groomed, that's what happened to me. People trust him because they think he's God."

79. Ms Crowther also questioned Harprit Dilbeher about the allegations in her Schedule of Loss about the purchase of flowers and langar for the Temple, and put that this was voluntary upon her part and other followers of the Temple, to which Ms Dilbeher responded that it was not voluntary but compulsory because they were told to do it by the Defendant, which Ms Crowther challenged.

#### **The evidence of the Fourth Claimant: Mandeep Dilbeher**

80. As with the other Claimants, Mandeep Dilbeher's evidence-in-chief was provided through two witness statements, the first, dated 24 April 2022, made in response to the Defendant's strike-out application and the second, dated 2 November 2023, made for the purposes of the trial.

81. In her first witness statement, Mandeep Dilbeher stated that she had been “born into” being a member of the Baba Balak Nath Temple in Coventry, attending with her mother and sister from an early age. She underwent a Naam ceremony on 19 November 1995, when aged 7, and the court was provided with a copy of a video showing part of the ceremony. She stated that she first became a victim of the Defendant’s abuse when, from the age of about 4, he led her to believe that she was “the chosen one” sent by Shiva for Mr Kalia, which was why she was fair skinned and had blond hair. She says she was told by Mr Kalia that he loved her and that they had a special bond and their own special secrets. She describes him placing her on his lap, hugging her and kissing her in an inappropriate way, both in his room at the Temple and also when he visited their home.
82. There was a time, which Ms Dilbeher told the police she thought was when she was about 8 years old, and until she was 21 or 22, when she stopped going to the Temple, although it was unclear whether she meant she stopped going regularly or stopped going altogether. She left school at 16, attended sixth form college and then university. In her second witness statement, she said that she was told by Mr Kalia which university to go to and what subject to study, implying that she must have had some contact with the Defendant in the period before she made her university choices. She was persuaded to resume her worship at the Temple by her family in 2010 and she sought Ms Kalia’s advice because she was dating someone she had met at work of whom her family did not approve. She states Mr Kalia advised her that it would not work out with the man and that she should leave him. She says that her sexual relationship with the Defendant then started in 2010 when, on his instructions, she booked a room at New Hall Hotel and Spa, Sutton Coldfield. She describes what happened in her second statement as follows

“I had never stayed in hotels before and was an extremely innocent virgin. I thought okay maybe he just means book a room, maybe that is how it works in hotels. ie, when you book a room, they probably give you dinner. I had no idea what Kalia was planning.

He arrived about 2pm and it was summer because I remember the sun was out and it was a really nice day. So he came in the room and got undressed straight away. He hugged me, then kissed me full on. But I was not kissing back because my gut feeling was that it was wrong. For somebody who teaches and has connection with God, it did not feel right. I was really reluctant to do anything. And then he went to the toilet, hung his clothes up and got into bed. He kept his boxer shorts on at this point. It was quite a big room, and I was just sitting on the sofa and he said to me, ‘oh order some tea’. So, I ordered the tea, the lady came, but he said ‘Don’t let the person come in’, I said that’s fine, signed for the tea and poured it out for him. I was still on the sofa just watching telly. Then as he was lying there, he called me over and he had his arms out as if to say, come and give me a hug. So, I hugged him and he started taking my jacket off and kissing my lips again and then said ‘take it off ‘and ‘take

everything off.’ Then I took everything off apart from my bra and my knickers and he said ‘Come and lie next to me’.

And that is when he started touching me, touching my breasts and kissing me and then he got on top of me. I remember thinking, this is really wrong, and I said it to him, ‘This is wrong, this doesn’t feel right’, and he said, ‘Do you trust me?’ and I said, ‘Yeah I do’, and then he said, ‘it’s fine, this is normal. This is how people, who’ve met God, he said ‘this is what they used to have to go through as well.’ Then he said, ‘take your knickers off’. And I did not want to. I said, “No I do not want to take them off”, and he made me take them off.

He made me feel guilty, because he said ‘Do you not want to be at one with your Guru? Do you not want to be at one? If you don’t want to do this, then shall I leave?’ It was like emotional blackmail as he then said ‘You don’t love me then,

if you don’t want this, it means you don’t love me.’ and that’s when I just thought okay, I do not want him to think that I do not love him because he knew the type of love that we have in our culture for a Guru who teaches you about God, it is a different kind of love, it is not a sexual love. So he used that sort of love that I had for him, the respect that I had for him, and abused his position with it. And that is when I felt guilty and thought maybe it is right, then maybe I should just do as I am told and just take my knickers off. Then, he started putting his penis inside me and I kept saying to him, ‘It’s hurting me’, because I was a virgin. I said to him, ‘It’s hurting me, can you please stop, it’s really, really hurting me’. After I told him to stop, he told me when he was raping me that when Bullah Shah’s Guru told Bullah to take his clothes off and dance naked in front of the village, he never hesitated and did it without thinking twice because he had unconditional love for his Guru and that is how I should be with him. I should not hesitate or question him when he has told me to remove my clothing. And he said, ‘Just relax, just relax your body’. And I said, ‘I don’t want to, this is wrong’, I said ‘I don’t want to do this, I feel uncomfortable’. And he kept pushing and pushing and as I was saying to him, ‘It’s really, really hurting me, please can we stop’, and then because I just could not take the pain, I pretended I needed to go to the toilet’, and he asked, ‘right now?’ and I replied, ‘Yeah I do’. Then he said, ‘Hurry up then’, and he let me go to the bathroom. I tried thinking, what I could do to get out of the situation. I needed to get away, this was not right. But I could not think and had no choice except to return to bed. He made me lie there for a bit and then started touching me until he got aroused again. And then carried on and I just lay there and let him do it because I thought the quicker I let him carry on, the quicker it would be over and done with. But I kept saying to him ‘It’s hurting me’, and all he replied was



‘Relax your body, just relax, relax.’ ‘I’ll make you a real woman. Let me make you a woman, I’ll make you mine’. And then eventually he discharged, on me. He did not use a condom.

Then, he just went to sleep for a while and left me lying there. I remember how painful it was because I was bleeding afterwards. And that was it. That was the first time he had a sexual encounter with me. My gut feeling was telling me it was not right, but because he had brainwashed me and used his position as Guru, I believed his explanation.”

83. Mandeep Dilbeher states that, despite being raped by the Defendant, she continued to attend the Temple and agreed to meet him in hotel rooms for sex, which they did every few months. Whilst unable to specify every occasion, she sets out a list of occasions they did meet, compiled from her credit card statements, setting out the dates, the hotel and the amount paid as follows:

24/09/2010 New Hall Hotel, Sutton Coldfield £168  
11/10/2010 Ramada Birmingham Warley £44  
25/10/2010 Ramada Birmingham Warley £70.10  
22/11/2010 Ramada Birmingham Warley £54  
10/12/2010 Ramada Birmingham Warley £47  
18/03/2011 Ramada Birmingham Warley £54  
10/10/2011 Ramada Birmingham Warley £59  
08/05/2012 Dunchurch Park Hotel, Rugby £49  
31/05/2012 Ramada Encore Birmingham £41.65  
16/05/2013 Ramada Oldbury £49  
04/09/2014 Dunchurch Park Hotel, Rugby £45  
08/12/2014 Dunchurch Park Hotel, Rugby £70  
26/05/2015 Dunchurch Park Hotel, Rugby £60  
31/12/2015 Dunchurch Park Hotel, Rugby £60

She says that it would always be on a Monday, Wednesday or Friday as Tuesdays and Thursdays were days of Temple services. She states she booked rooms at various hotels on 1 to 3 occasions a month until 2015.

84. As well as meeting the Defendant in hotel rooms, Mandeep Dilbeher says that he also “used to call me into his room in the Temple all the time where he kissed and touched me and I used to think, this is wrong because it is in the Temple, it should not be happening. I could not tell anybody because he told me not to and kept repeating, ‘don’t tell anybody’.”
85. In June 2012, Mandeep Dilbeher says that she suffered a pulmonary embolism after returning from India: she was put on Warfarin, but she stopped taking it on Mr Kalia’s advice. She resumed when admitted to hospital because it was observed that her blood was not thinning.
86. Mandeep Dilbeher states that her assignments with the Defendant stopped in 2015 when she noticed that he was starting to call other, younger women and girls into his private room at the Temple rather than her. She states:

“I felt a mixture of emotions. Although greatly relieved, I was confused as to why he was no longer choosing me and wondered if I was still special and would be his wife in the next life. I also wanted to know that I was safe from the devil.”

87. After graduating, Mandeep Dilbeher says that she initially had a job at the local job centre, and then she obtained employment at HSBC. As she lived at home, she had minimal overheads but she didn’t save, rather she paid any money left over to Mr Kalia. She states:

“Following his preaching, whatever money I had left, I paid to Kalia. I would pay for donations, flowers and garlands on every occasion I attended the Temple. In addition, I paid for langers, cakes for my own birthdays, fasts and other payments as set out in schedule 4 to the Amended Particulars of Claim.”

Schedule 4A to the Amended Particulars of Claim sets out a list of cash payments made between 5 December 2009 and 10 November 2016 for “langar” and flower garlands totalling £32,780. In addition, there is a claim for “mileage for petrol costs” setting out the mileage for journeys to and from the Temple between 2007 and January 2017 totalling 744,544 miles, but no liquidated claim is made in monetary terms. £6,000 is also claimed in costs incurred going on pilgrimages to India with the Defendant, Mandeep Dilbeher saying:

“Every March we travelled to India on pilgrimage with Kalia. Again my mother used to pay for my sister and me until I started earning and paying my own way. Kalia preached that we should not worry about not having money because God would look after us. He had looked after us for this long and would continue.”

Schedule 4B sets out Mandeep Dilbeher’s claim for unpaid work done by her for the Defendant between January 1996 and January 2017, totalling 22,918 hours over 2,655 days. Again the claim is not liquidated. Mandeep Dilbeher states:

“In addition to financial payments, I worked tirelessly for Kalia in my school holidays and sometimes on service days carrying out building works. At the age of 11 or 12, I climbed up scaffolding, with no helmet or safety gear. I would stand in line passing breeze blocks. Kalia would watch and be angry if the pace slackened. Construction work on the Temple and his other properties would take place in all weather.”

88. In her second statement, Mandeep Dilbeher describes discovering about the Defendant’s sexual abuse of her sister and aunt on New Year’s Day, 2017, stating:

“But it was only on New Years Day 2017 when my aunt summoned us urgently over to my grandmother’s home as she had something to tell us. My aunt then disclosed what our Guru had been doing to her and to Harprit and asked if he had also done it to me. Harprit was not there at the time as she had gone to the police station. My aunt had already been to make a

statement and had returned. I broke down, burst into tears and confirmed he had also done it to me too.”

She went to the police and made a statement, but claims that the police seemed to have no concept or understanding of what she was going through. She says she was in a state of shock and not processing what was happening, but felt there was no understanding, awareness or empathy from the police. Her car was vandalised in May 2017 but although she says she was able to identify the perpetrator from CCTV as a member of the Temple, no action against him was taken by the police.

89. In March 2017, Mandeep Dilbeher left her job at HSBC because, she states, “some people from the Temple worked there, and it was too difficult to be in the same office with them.” She was out of work for 8 months.
90. Ms Crowther, in cross-examination, started by asking Mandeep Dilbeher to clarify when she stopped going to the Temple and whether she stopped going altogether or stopped going regularly. Ms Dilbeher had said to the police that she had been going to the Temple once every 1-3 months for special occasions, to do the drumming, but she would never have had one to one contact with Mr Kalia and Ms Crowther asked her to confirm that this was true. It has to be said that there was some difficulty getting an answer to this question, but after I had intervened, it became clear that what Ms Dilbeher was saying was that this was not in fact true because, when she went back to the Temple, he used to call her into his private room. This was despite the very careful questioning by the police officer who had wanted to be sure as to exactly what Ms Dilbeher was saying. Ms Crowther put that what Ms Dilbeher had said to the police was correct and was the truth, and that Mr Kalia had never told her what degree to do or where. Ms Crowther returned to this later in her cross-examination of Ms Dilbeher, pointing out that she had told the police that she had left the Temple, returning in 2010 and when she sought Mr Kalia’s advice about a possible relationship with a man of whom her family disapproved, saying “that was the first time after a long while I had been in his private room.” Ms Dilbeher accepted that she had said this, but denied it was true, explaining that she had not been in her right frame of mind at the time. She also said to the police, in relation to this occasion: “After I sought his advice I bowed down when I went to leave his room. He then grabbed me and for the first time kissed me on the lips.” Ms Crowther asked if this was accurate, and Ms Dilbeher replied: “I don't know. I wasn't thinking when I wrote this.” Ms Crowther suggested that the reason Ms Dilbeher was giving inconsistent and contradictory accounts was because none of it in fact happened.
91. Ms Crowther then asked about the man whom Ms Dilbeher said she had been dating whom she had met at work and put to her that she did not stop seeing him, but carried on seeing him and that it was him she was meeting in hotel rooms: she denied this. Ms Crowther took her to a string of WhatsApp messages between her and Amandeep Dutta exhibited to Ms Dutta’s statement from the period May 2016 to January 2017. In them, she refers to a man she used to chat to whilst she was with Rakesh, and Ms Dilbeher agreed that this was Rakesh Tachita and he was the man she had met at work and been told to stop seeing by Mr Kalia. Ms Crowther then asked whether it had been a physical relationship, because, in her interview with the police, she had accepted that she had had partners with whom she had been in a physical relationship. This was in contrast to what she was recorded as saying to Professor Maden: “She has

never had a physical relationship and says she lacks the confidence to do so.” Ms Crowther also pointed out that Ms Dilbeher had gone on the pill in October 2010 but Ms Dilbeher said that this was because her periods were irregular. Ms Crowther also pointed out that Ms Dilbeher’s medical records record two terminations of pregnancy, and at this point, Ms Dilbeher accepted that she had been physically intimate with other men, although she denied it was a relationship. Ms Crowther put that she had not told Professor Maden the truth about this: she replied that she couldn’t remember what she had told Professor Maden because her mind was in turmoil at the time of the interview as a result of a family bereavement.

92. Ms Crowther then asked Mandeep Dilbeher about the circumstances surrounding her leaving her job with HSBC and Ms Dilbeher agreed that she had resigned in March/April 2017 after an investigation was brought by HSBC after she had been “account browsing”, that is, going into customer accounts without authority to look at their contents. Ms Crowther took Ms Dilbeher to a WhatsApp exchange with Mr Sunil Dadra and suggested that this showed that she had been asked by Mr Dadra to look into the account of someone called Charn, Mr Dadra’s ex-girlfriend. Ms Dilbeher said that it was the Defendant, Mr Kalia, who told her to check Charn’s account and to get whatever information Mr Dadra was looking for. Ms Crowther then took Ms Dilbeher to her witness statements and pointed out that, in her first statement, she had not mentioned that she had resigned from HSBC whilst they were investigating her gross misconduct. Ms Crowther suggested that she had deliberately withheld that information, which Ms Dilbeher denied. However, in her second witness statement she had said:

“I left my job at HSBC because some people from the Temple worked there and it was too difficult to be in the same office as them”

and Ms Crowther put that this was a lie because it was clear the reason she resigned was because of the investigation into her gross misconduct. She suggested that, when Ms Dilbeher had asserted that the reason she resigned was because she was being harassed at work by people loyal to Mr Kalia, she was deliberately misleading the court, which Ms Dilbeher denied.

93. I consider that, in her evidence, Mandeep Dilbeher was being evasive and, on occasions, deliberately obtuse. This is exemplified by a passage in the cross-examination when Ms Crowther was putting to Ms Dilbeher that at the time she was account browsing, in 2015, that was long before she had made any allegations against the Defendant:

“Q. And there is no evidence to support any suggestion of involvement of Mr Kalia at all. It makes no sense for Mr Kalia to have been involved. The events in question took place in 2015 didn't they, Ms Dilbeher?

A. I can't remember now without looking.

Q. Well we can look at the HSBC investigation documents but you account browsed on 17 and 18 August and 9 September

2015. That was long before there was any suggestion of any allegations made by you against Mr Kalia, wasn't it?

A. Say that again sorry?

Q. Well, in August and September 2015 you hadn't made any allegations against Mr Kalia at that point, had you?

A. I don't understand what you are asking me, sorry.

Q. You had not made any allegations against Mr Kalia in September 2015, had you? They came later.

A. Again, I don't --

MR JUSTICE MARTIN SPENCER: Just answer the question.

A. Sorry I don't understand the question.

MR JUSTICE MARTIN SPENCER: You are being asked a simple question, whether as at September 2015 you had made any allegations against Mr Kalia.

A. Allegations of what, abuse?

MR JUSTICE MARTIN SPENCER: Yes.

A. The abuse was consistent like --

MR JUSTICE MARTIN SPENCER: It is the making of allegations you are being asked about.

A. The ones that are in my witness statement, sorry?"

I have no doubt that Ms Dilbeher understood perfectly well what she was being asked and deliberately evaded the question by pretending not to understand or by trying to deflect the question into a repetition of her allegations of abuse.

94. Ms Crowther put to Mandeep Dilbeher that she and a group of others - Ruby Gill, Rajani Tak, Harprit Dilbeher, Asha, Rashpal and Kashmir - were disgruntled with Mr Kalia and the Temple in 2016, that they would meet up in cafes and hotels, have chats and that Mandeep Dilbeher looked into Mr Kalia's accounts and told the others that he was very wealthy, as confirmed by Ms Gill in her witness statement and notebooks. Mandeep Dilbeher denied this completely and asserted that if she had been browsing Mr Kalia's accounts, this would have been discovered by HSBC when they did their investigation.
95. Ms Crowther returned to the allegations of sexual abuse, and pointed out that, in her pleaded case and in her witness statements, Ms Dilbeher had not suggested that the Defendant had forced her to give him oral sex until he ejaculated, and yet this was something which she had suggested he had done in her second interview with the police, and Ms Crowther asked about this inconsistency. Ms Dilbeher replied that she

had not put it in because she didn't have the transcript of her interview available to her. Ms Crowther put that she had only alleged this to the police because she knew by this time that Kashmir Sahota had made similar allegations and Ms Dilbeher had agreed with Ms Sahota to back her up by making these fresh allegations. She put that none of the allegations were true, and Ms Dilbeher replied:

"They are true, Ms Crowther. I wish, I wish I wish to God they aren't true. They are true. I wish. But they are. He raped me. He made me meet him in a hotel, he got on top of me, he told me that if Bulleh Shah's guru told him to dance naked in front of his village he would do it without thinking twice and that is the level of dedication and devotion I should have. I told him to stop, Ms Crowther. I told him to stop. I said this is not right. This isn't right and you are hurting me. I ran into that bathroom in that hotel and I thought to myself how can I get out of this? ... I didn't want to do this with him, Ms Crowther. I did not want to do this with him. He is old enough to be my dad! His youngest son is a month younger than me. What am I going to gain by sleeping with him?"

96. Ms Crowther then turned to the financial claims and began by challenging the claim for unpaid work, claimed from January 1996 to July 2017 in a total of 22,918 hours. This includes occasions when Ms Dilbeher was "told to play dhol [a double-headed Indian drum] for occasions by Kalia as seva", which Ms Crowther suggested she did because she enjoyed it, not out of duty, a claim for 84 hours of building works in 1997 when she would have been 9 years old and other unpaid services (decorating gates and jobs in preparation for events), between 1996 and January 2003 for 2,558 days. When asked how she got to 2,558 days, Ms Dilbeher said that she "just completed this the best I could". However, the claim appears to make little or no sense. 17,906 hours are claimed, namely 2,558 hours a year for 7 years. However, the claim also suggests that 2,558 represents the total number of days for the period: if that is right, then it should not have been multiplied by 7 and the claim appears to be at least 7 times greater than it should be. Ms Dilbeher was unable to explain the discrepancy. Similarly, Ms Dilbeher was unable to explain how she calculated her claims for mileage, a total for 83,000 miles over 4 years which again appeared to be a gross over-estimate. Asked how the claim worked, she replied: "I did it to the best of my ability. It's difficult to calculate over so many periods and give an exact figure." At one stage, I asked Ms Dilbeher about the methodology for the claim which prompted this exchange:

"MR JUSTICE MARTIN SPENCER: I just want to understand the methodology, never mind whether you can remember it right or wrong, just how these figures are reached. I understand 53 miles per journey. I understand five days a week. I understand 260 days a year. I understand 4 years. But I don't understand any of the other figures.

A. So I tried to calculate the number of days attended over the years so it's difficult then to work out because you have number of days of weeks -- sorry number of days per week over 4 years.

So if you are trying to calculate the different days but you can't remember every single day that you went.

MR JUSTICE MARTIN SPENCER: No I understand that. I am not querying whether the days are right or wrong, I just want to see the methodology, what you have done. Because if you were to multiply 53 by 260 you don't get any of those figures.

(Pause)

A. I don't know.

MR JUSTICE MARTIN SPENCER: If you don't know, nobody does, do they? Because you are the one who put this together.

A. Yes. It was so long ago. I just did it as best as I could. That is the honest answer. It was such a long time ago.

MR JUSTICE MARTIN SPENCER: This schedule which you said was true was only done two months ago, less than two months ago.

A. The amended one, yes.

MR JUSTICE MARTIN SPENCER: Because this is 23 May 2024.

A. I don't know.”

This was, of course, wholly unsatisfactory. Mandeep Dilbeher had attested to the truth of a Schedule of Loss dated 23 May 2024 which she had compiled and which she was then completely unable to explain.

97. Ms Crowther also challenged the claim for monetary payments alleged to have been made, based on the premise that, as asserted in her witness statement, Ms Dilbeher spent all her spare money on Mr Kalia. Ms Crowther suggested to Ms Dilbeher that, having obtained a university qualification and a well-paid job at HSBC, she was living a perfectly normal life and there was no control being exercised on her by the Defendant whatsoever and that it was all untrue. Ms Dilbeher insisted that it was true.

#### **The evidence of the Seventh Claimant: Sukhdev Kaur**

98. Mrs Kaur, as well as being the Seventh Claimant, is also the mother of the Third and Fourth Claimants, Harprit and Mandeep Dilbeher. She made three statements, on 2 November 2023, 31 December 2023 and 10 May 2024, the last simply confirming that her daughter, Harprit Dilbeher, had assisted her in preparing her mileage and petrol claims.
99. Mrs Kaur attested to the truth of her witness statements, which stood as her evidence-in-chief. She was occasionally assisted by an interpreter when she gave her evidence. She confirmed that she had started attending the Coventry Temple in 1988 following

the death of her father to whom she had been very close, having been told by her cousin that Mr Kalia, the Defendant, was a spiritual healer who could help her to come to terms with the death of her father and what she could do to help her father pass over into his next life. She joined the Temple and then the Defendant advised her to leave her husband, who did not approve of her attending the Temple, and said that her husband was planning to kill her and take her daughters away. Mrs Kaur says that she believed the Defendant and followed his instructions, stating: “By Kalia telling me this and instructing me to divorce my husband, he broke up our marriage and ensured my daughters did not have their father in their lives.”

100. Mrs Kaur states that she attended the Temple regularly, taking her daughters with her, and made payments for garlands and the like, and also donated as much out of her salary as she could afford to her ‘guru’ to assist her journey to the afterlife once she died: she worked as an assembly worker at a local factory. She says that she relied heavily on Mr Kalia’s teachings and that he had a huge involvement in her daughters’ lives.
101. Mrs Kaur describes the unpaid work she carried out at the Temple, mainly in the kitchen where she would cook and wash up. She says she also carried out building works, both at the Temple and at his flats in Rugby. She says she would also go to other peoples’ houses on Friday and Saturday nights to work whilst the Defendant blessed the homes. She states he also blessed Mrs Kaur’s home on two occasions, charging her £1,000 each time. Mrs Kaur says that she borrowed money from her family or took out loans in order to pay for the donations to the Defendant and the Temple. She also says that she was coerced into buying new cars which she neither needed nor wanted.
102. Mrs Kaur left the Temple on 1 January 2017, “the day I found out Kalia had been abusing my two daughters and sister and when my world fell apart. For months I was in total shock. I could not believe this man had abused my daughters and done so right in front of me while I was worshipping him as my guru.” She says that she was devastated at finding out that she had been instrumental in delivering her daughters into the arms of a sexual predator and also at finding out that she had wasted approximately 30 years of her life in “following and worshipping a man who is the biggest fraud walking this earth.” She states:

“My entire life has been a lie. Instead of helping a vulnerable woman who was helpless he has taken advantage of me and my daughters. He has literally taken me for everything I have. Thirty odd years of my life I will never get back. ... I did not ever question him because he taught us never to question our guru. He made me give my money to him with false promises for a better next life. I feel so stupid, but he was so intimidating I could never bring myself to question him. If anyone ever challenged him, he threatened them by saying they would die a very bad death.”

103. Using the example of Mandeep Dilbeher not attending the Temple between the ages of 10 and 22, Ms Crowther started her cross-examination by putting to Mrs Kaur that whether people did or didn’t go to the Temple was a question of choice, Mandeep’s



choice being to stay with her grandmother while Mrs Kaur went to the Temple. Mrs Kaur accepted that Mandeep chose not to go when older, but nevertheless insisted that they had no choice whether to go because “we believed that [Mr Kalia] was a God and how he made us go and how he preached and how he manipulated us and the things he was saying, he made us go.” Ms Crowther also challenged Mrs Kaur’s assertion that those attending the Temple were not allowed to talk: Mrs Kaur said that any talk was limited by Mr Kalia to Temple matters. Mrs Kaur accepted Ms Crowther’s suggestion that Mr Kalia is a family man and that he had not set himself up as father to her children, but she said he was a ‘father figure’ to them, making the revelation of what he had done to them all the worse. She agreed she had known nothing about it until 2017 and had not seen any signs of such behaviour going on before then. Ms Crowther put that she would not have allowed her daughters to go into Mr Kalia’s room on their own if she had had suspicions that he was sexually abusing people there and she replied: “Well, I trusted him, I trusted him as God. I didn’t think he would do such things.” She agreed she had no suspicions.

104. Ms Crowther also challenged Mrs Kaur’s evidence that Mr Kalia had told her to break up with her husband, putting that it had been her choice to leave her husband, to believe in Mr Kalia and to attend the Temple. Mrs Kaur insisted that it had not been her choice, but Mr Kalia’s choice.
105. Ms Crowther then questioned Mrs Kaur about her financial claim and Mrs Kaur said that she had been told by the Defendant that 10% of her salary every month should go to her guru: this was not something she had suggested in her witness statements. Ms Crowther took Mrs Kaur to her Schedule of Loss, which comprised:
- (i) a claim for £67,252.65 in respect of payments between 28 November 2005 and 1 January 2017 (including a payment of £5,000 in 2011 for “curing our dog’s cancer in future lives”);
  - (ii) £216,600 for money paid annually in the period January 1988 to December 2005 for which bank statements were not available, being £11,800 a year for 17 years together with £800 a year for 20 years for the two children until they started working;
  - (iii) £46,000 in respect of expenses incurred in going on pilgrimages to India with the Defendant;
  - (iv) An unliquidated claim for mileage for attending the Temple and people’s houses for service with Mr Kalia between 1988 and 2016 totalling 1,247,603 miles;
  - (v) Car loan payments totalling £8,314.48; and
  - (vi) Unpaid work totalling 126,535 hours between January 1988 and December 2016.
106. Ms Crowther started with the mileage claim for attending people’s houses, made up of journeys of 300 miles on 2,288 occasions. I asked how the figure of 2,288 was reached and Mrs Kaur was unable to answer. Ms Crowther put that it would equate to journeys of 300 miles 80 times a year for 29 years, that this was an exaggeration and that Mrs Kaur was making an inflated claim fuelled by her anger with Mr Kalia

and at what he did: Mrs Kaur denied this. In relation to the claim for unpaid work, Ms Crowther compared the claim in the schedule to the hours which Mrs Kaur said in her evidence she was working in the Temple. The claim in the schedule appeared to be a claim for 21 hours a week for 52 weeks, 1,092 hours a year which, over 29 years, would amount to 31,668 hours. However, the claim in the schedule appeared to be 3 times greater, i.e. 95,004 hours. Mrs Kaur accepted that there may have been an error but could not explain it, saying: “Well if you think I am wrong, because I cannot explain everything because I am not that much educated like you can see me, and I can make mistakes, anybody can make mistakes and if you think it's wrong you can change it if you think they are wrong.” Ms Crowther put to Mrs Kaur that, in order for the claim to be made good, namely that Mr Kalia took advantage of her by making her do unreasonable amounts of work, it is necessary to know how much work she did, and the position was that the schedule remained inaccurate even after three attempts to get it right. She further put that, in reality, none of it was forced on her and “It was all something that you happily chose to do at the time” which Mrs Kaur denied.

### **Other Witnesses called on behalf of the Claimants**

Neil Johnston

107. Neil Johnston is a reporter with The Times newspaper, who started investigating the allegations surrounding this case in November 2018. His evidence-in-chief was his witness statement of 2 November 2023. He stated that he had met with the Second, Third and Fourth Claimants and heard their accounts. He met the First Claimant on a later occasion. He described how he had investigated the Defendant's financial position and ascertained that he owned properties in Warwickshire with an estimated value of £5 million, from apparently unexplained income. On 23 July 2019 he and a colleague visited the Temple in Coventry and were shown round by the Defendant's son, Pavan Kalia. Pavan Kalia explained to them that this was the only Temple in the UK specifically dedicated to Baba Balak Nath and that they had abandoned “what we would call the morbid approach to religion” which resulted in them having a lot of young people among the worshippers. Pavan Kalia said that the priest sat free of charge on Tuesdays, Thursdays and Sundays to “help people with their problems”. He would be there “when you need a firm voice, someone to diffuse, emotional situation and what not”. Pavan Kalia described these meetings as “counselling sessions” and that the priest could sit there until 1.30pm or three to four hours after the end of a Sunday service. He gave further evidence relating what he had been told by Pavan Kalia about the role of the priest, Rajinder Kalia, the form of the services, the healing experienced by some worshippers and the philosophy of the Temple, with an absence of written scripture but an emphasis on individuals connecting with spirituality in their own way. Pavan Kalia stated that counselling sessions were confidential but always within earshot of a third party for security reasons. Pavan Kalia also described the main annual events, including 9 November which is both the birthday of the deity and of Rajinder Kalia. The interview with Pavan Kalia was recorded, and Mr Johnston provided a transcript.
108. In cross-examination, Ms Crowther challenged that the form of worship at the Temple in Coventry was unusual, compared to other Hindu Temples, and Mr Johnston

accepted that he is not an expert in Hinduism. Ms Crowther also challenged Mr Johnston in relation to his evidence about Rajinder Kalia's financial position on the basis that he had no evidence about Mr Kalia's income. Ms Crowther questioned Mr Johnston about his visit to the Temple and suggested that the interview with Pavan Kalia had been recorded secretly, which Mr Johnston absolutely denied, saying that Pavan Kalia was aware they were journalists, but not that they were investigating allegations of sexual abuse. He denied it was a "gotcha" interview.

Tarlochan Garcha

109. Mr Garcha and his family were worshippers at the Coventry Temple from the mid-1980's when Mr Garcha was 9 years old. They lived in Gravesend, Kent and would travel to the Temple once a month or more. He describes how the Defendant visited their family home in 1987 or 1988 when he was 12, and when they were alone in a bedroom, he was sexually assaulted by the Defendant who put his hand down his trousers and touched Mr Garcha's penis. He says:

"My family members then came into the room and I have no idea what was talked about or for how long. I just remember being numb. At the time I was brainwashed by Mr Kalia and thought he was God. I simply accepted what happened as normal, but deep down I was traumatised. I dared not tell anyone because I did not think anyone would believe me as Mr Kalia was meant to be God. Now I know what Mr Kalia did to me was wrong and illegal. He had no right to touch me inappropriately as he did."

110. Mr Garcha also described how, when he was 23, he was introduced by Mr Kalia to a woman, H, one of his followers, and told to marry her, which he did. Ms Garcha then says:

"We got married but it soon became apparent that there were issues and the marriage only lasted 10 months. During the marriage, when I was at work, H would go to Coventry on her own without telling me. Eventually I became suspicious and confronted her. She openly admitted that she was and had been in a physical, sexual relationship with Mr Kalia for many years and was continuing with it."

He says this caused him to break off the marriage and stop going to the Temple. He stated that, unfortunately, as his parents then took different sides, his father continuing to be a devotee of the Defendant, their marriage also broke up.

111. In cross-examination on behalf of Mr Kalia, Ms Crowther challenged Mr Garcha's evidence. She suggested that he had undertaken a spiteful campaign against Mr Kalia which included issuing a complaint against Mr Kalia's company to the Financial Conduct Authority, that it was untrue that Mr Kalia had told him to marry H, that it was untrue that she had been having an affair with Mr Kalia, H having divorced him on grounds of his coercive control, and that it was untrue that Mr Kalia had sexually assaulted him when he was 12. Mr Garcha insisted that his evidence was entirely true.

## **The Evidence of Rajinder Kalia**

112. The Defendant, Rajinder Kalia, made one witness statement on 10 November 2023. The statement was originally drafted in Punjabi, Mr Kalia's own language. He gave his evidence with the aid of an interpreter. His witness statement stood as his evidence-in-chief. He confirmed his personal details. He moved to the UK on 26 January 1977 and started to preach in 1983/84, building the Temple in Coventry which opened in September 1986. He describes the running of the Temple through a committee.
113. In his statement, Mr Kalia disputes much of the evidence given on behalf of, and by, the Claimants. Thus, he denies that those attending the Temple are his followers, but rather they come to worship Baba Balak Nath. He describes Hinduism as being centred around liberty, with people being free to come and go as they please, and retaining their freedom of choice. This includes whether to give seva and whether to donate to the Temple, stating that he has never demanded money or charged for anything. As for his own role, he states that he has never referred to himself as a guru and if members of the congregation so refer to him, that is their choice. He describes his relationship with the congregation as one of respect whereby he provides guidance, support and understanding. He does not claim any kind of divinity, but to be someone who speaks to God through prayer. He does not claim to be able to perform miracles or heal disease. He does say, though, that people within the congregation have been healed through their faith, so that ailments such as eczema have improved. He describes the Temple as a place where everyone is welcome, it is not exclusive, and those attending lead their normal lives, working and having interaction with others who do not attend. He says that his teachings are positive whereby he encourages the congregation to find their own way in their religious journey. Eternal damnation plays no part in Hinduism. The Defendant describes the services at the Temple, which are mainly in Punjabi. His teaching is based on his own personal experiences and beliefs rather than on scripture.

The Defendant also describes the geography of the Temple, and in particular the priest room which has existed since 1988. From about 1995, it has been an open plan room accessible from the main hall which has no door or curtain and is visible from the main hall. Those who wish to speak to Mr Kalia after a service put their names down and volunteers stand outside the priest room: thus, he says, he is never alone with people in the priest room. The Temple is also covered by CCTV.

114. Given the claim by the Claimants for compensation arising out of unpaid building work, the Defendant states that all construction work at the Temple is carried out by Professional skilled workmen, and the congregation are not permitted to be involved. All that members of the congregation are allowed to do are small things such as sweeping, cleaning, and dusting, and odd jobs, such as painting gates or decorating the Temple with non-permanent decorations, in advance of festivals, as part of their seva: At no time is anyone forced to do these things.
115. Dealing with pilgrimages, the Defendant confirmed that, in around March, he undertakes an annual pilgrimage to India where he has a family home near the Goraya Temple which opened in 2003 and where he holds services. Prior to 2003, services were held in the outside area of his family home. There is also a Temple near the

caves where Baba Balak Nath originated, the “Deotsidh Temple”, in the Hamirpur district of Himachal Pradesh, where the Defendant holds services. The Defendant says that prior to 2003, visitors were only permitted to enter the guest area on the ground floor of his house or the garden, but not upstairs to the living quarters and since 2003, no one from the congregation has visited the family home for services, as all services take place at the Goraya Temple and the Deotsidh Temple. On occasion, guests in large numbers will visit the family home for celebrations but, with one exception (not relevant to this case), no-one from the congregation has ever stayed over in the family home in India. This was to refute the evidence of Ms Samrai that she stayed at the house with her son (see paragraph 27 above) and the evidence of Ms Sahota that he required her to perform oral sex on him when they went to India on pilgrimage at his home in the late 1990’s and early 2000’s (see paragraph 48 above). He stated that all the family gather at the house in India in March time, including Mr Kalia’s surviving brother, Surinder, his two sisters and the widow of his dead brother, together with their families. Mr Kalia confirms that sometimes members of his congregation also visit India at the same time if they wish to, staying in their own family homes or in hotels.

116. In his statement, Mr Kalia confirms that he has business interests through BJ Finance Company and JBN Finance Company which are regulated by the relevant regulatory authorities: his involvement now is limited, with the day-to-day running of the businesses in the hands of his son, Pavan. He also confirms that, in around 2000, he had 8 flats built in Rugby, using Professional builders.
117. Mr Kalia then deals with events prior to the commencement of these proceedings, referring to online criticisms of him through fake websites, the complaints to the police by the Claimants and others, a complaint made by Mr Garcha which, Mr Kalia says, was motivated by a dispute over an unpaid debt owed to BJ Finance, complaints and false accusations made to third parties, including the Punjab Police, by individuals impersonating other peoples’ identities and complaints made to the Charity Commission, the Coventry Temple being a registered charity. He suggests that the Claimants in the present case are behind much of this activity, which is part of a malicious campaign culminating in these proceedings.
118. Finally, the Defendant, in his statement, deals with the allegations made by the Claimants in this case. It is unnecessary to repeat in detail what he says in respect of each Claimant, his evidence in respect of the individual allegations generally being reflected in the cross-examination of the Claimants by Ms Crowther as related earlier in this judgment, but generally his evidence was that what has been alleged is a pack of lies, stories fabricated in order to extort money from him. He denies that he forced any of the Claimants to work at the Temple or at the construction site in Rugby, and in particular he denies that he has had sexual relations with any of the Claimants. He notes that “the Claimants have not pleaded any distinguishing features of my person”, something which he repeated in cross-examination when he gave evidence: he has not, however, given evidence of any particular such feature which the Claimants might have been expected to notice and mention if their evidence is true. He denied that he has counselled or procured members of the Temple congregation to threaten the Claimants, attack their property or to make false allegations against them. He states that none of the allegations that the Claimants have made in these proceedings, or to the police, are true and that the Claimants have been “fundamentally dishonest” (an

expression with certain legal connotations causing me to wonder whether he has been induced to use this expression by someone with legal knowledge). He concludes by stating:

“The Claimants have made these allegations against me in an attempt to obtain money from me. Their motivation has always been, and continues to be, financial.”

119. The Defendant’s evidence in cross-examination was unsatisfactory in many respects, as I shall find in due course. One problem was the difficulty which Mr Jones had on several occasions in getting Mr Kalia to answer the question. This was illustrated at an early stage when Mr Jones asked Mr Kalia why he had not mentioned in his witness statement that he had been given assistance by his son, Pavan, in compiling it. There was the following passage:

“MR JONES: ... Nowhere there do you mention your son having helped you with your statement?

A. Yes, but you need to understand that English, I don't know English and I know Punjabi, so my son had to help me.

Q. But why is the involvement of your son not mentioned in the statement?

A. Yes, but this is common sense. When I don't know English, I need somebody.

Q. The question I asked was why is the involvement of your son not mentioned in the statement?

A. I have said this is common sense. When I don't know English, my son has to deal with it. He has to do the translation.

Q. Well, I understand that. The question is, why wasn't his assistance mentioned in the statement?

A. Well I am telling you again that I don't know English. Whatever the solicitor's explaining me, that is in English and my son is with me to assist me.

Q. Yes. I understand your son was with you to assist you. Your statement fails to mention that?

A. So when you know, why are you asking it again and again?

Q. Because you haven't yet answered the question.

A. Yes, so like my solicitor, when they are having a conversation with me, my son translates for me because I don't know English and whatever I have to say, then my son translate it back to the solicitors.”

120. In answer to Mr Jones' questions, the Defendant confirmed that his position as priest of the Temple was not based upon any course of study such as a theology course or other qualification, saying: "For the feeling, there is no need of education. If you have a feeling, do you need education?" He agreed that his teachings are entirely based upon his "feelings" and that there is no religious hierarchy or any form of external monitoring of his teaching.
121. Mr Jones asked about certain pictures which used to hang on the walls of the Temple showing the Defendant in holy poses, or infused with holiness from Baba Balak Nath, or indeed, in one case, feeding cows in a painting clearly based upon a near-identical painting of Baba Balak Nath. The purpose of these questions was to establish that, with his knowledge and consent, Mr Kalia was portrayed at the Temple as a holy man who taught and preached with the authority of the deity, Baba Balak Nath. Mr Kalia's answers to these questions were, as I find, evasive and obstructive. Thus, for example, when Mr Jones put that a particular picture used to hang in the Coventry mandir, he replied "Up until today, I have not hung any photograph in the Temple" as though whether he had put the picture up himself or someone else had done it was relevant or pertinent. I needed to intervene in order to get Mr Kalia to accept that the pictures had been hung with his approval. However, having accepted that a certain picture used to hang on the wall of the Temple, he then said that he had not seen it saying "I haven't seen it and I don't either look around. If it was hung up there, I haven't seen it because I don't look around." Given his position as priest of the Temple over so many years, I found this answer to be so unlikely as to be untruthful and evasive. When Mr Jones asked how a picture painted on the wall came to be there, he replied "Temple is for everybody, not only mine" and suggested that anyone can paint things on the walls if they have the permission of the Temple committee. Again, as I find, this was disingenuous as it underplayed the Defendant's role and influence as both the priest and a member of the Temple. I have no doubt that nothing would have been painted or hung on the walls of the Temple without the personal knowledge and approval of Mr Kalia, and that he would have been fully aware of all the decorations. The same lack of candour was displayed when Mr Jones asked about the content of a picture showing Mr Kalia holding up two chapatis from which are coming blood and milk. He replied: "Who has hung it, you must ask him." Mr Jones then asked Mr Kalia if the squeezing of blood and milk from chapatis is a miracle attributed to Guru Nanak who is sacred in the Sikh faith to which Mr Kalia again answered: "You must ask the person who has hung it." He denied commissioning the painting, a denial which I did not believe. Mr Kalia did accept that he was aware of a painting in the Temple depicting him holding open his chest with the deity, Baba Balak Nath, inside his chest, and with an aura of holy light shining around him. However, when asked if the picture was intended to demonstrate Mr Kalia's affinity with the deity – something which appeared obvious to anyone looking at the picture – Mr Kalia again demurred, protesting that he had not made the picture and saying "Mandir belongs to everybody, not only me. And when anybody wants to hang it, they ask the committee."
122. Mr Jones then asked the Defendant about his teachings, and in particular whether he claimed to have provided enlightenment to Meera 5,400 years ago. Mr Kalia answered "The first thing is that I am a preacher and I am also an entertainer": the fact that he is an "entertainer" is something to which he returned later in his evidence. He then denied that he had provided "enlightenment" to Meera: he appeared to be quibbling over the word "enlightenment". When asked if he has had any interaction

with Meera, he replied that he had said “I wish I was there”. He was then asked if he had told his followers that he trained Meera “to be crazy about Lord Krishna” whereupon he quibbled over whether the congregation were his followers or followers of Baba Balak Nath. Mr Kalia then denied that:

- He had told the congregation that he had special powers;
- He believed he had special powers;
- He could bring people back from the dead;
- He had told the congregation that he can read minds;
- He had told the congregation that he knew the future.

Mr Jones then played to Mr Kalia a video of him preaching at the annual pilgrimage to India in 2014 and asked if it was correct that he was telling the congregation that he had met Meera 5,000 years ago. He answered: “I just gave them an example that I wish I was there at that time.” When Mr Jones put that he had in fact said that he was there, Mr Kalia asked where the first part of the video was. Mr Jones put the question again, whereupon Mr Kalia responded “Sometimes just to entertain the public, to make them happy, you have to say certain things” at which point I said “I will take that as a yes then” to which Mr Kalia responded: “Yes. Just for entertainment.” There was then this exchange:

“MR JONES: You entertain. Did you tell the people there that you trained Meera to be crazy about Lord Krishna?

A. Yes. You will come to know when you will see the first part of the movie. Where is the first part of the movie?

Q. Again, Mr Kalia, I am asking you about the clip that we have seen?

A. Yes, I am saying that but where is the previous one to this?

Thus, again, after much dissembling, Mr Kalia answered the question.

123. Mr Jones asked whether, when Mr Kalia told his (or Baba Balak Nath’s) followers that he had been miraculously healed by Baba Balak Nath, he was being a preacher or an entertainer, and he replied “both”. He insisted that it did happen. After asking further questions about Mr Kalia’s teaching, including his belief that he has a direct line to God, Mr Jones put to him that he saw himself as a guru, which he denied. Mr Jones also asked whether Mr Kalia purported to perform miracles and showed a video from the Temple of him magically making blood appear from a lemon, and Mr Kalia responded: “Yes, it’s also an entertainment.” Mr Jones suggested that he was attempting to persuade people that he had special power, but he did not respond to that suggestion. Mr Jones showed another video where Mr Kalia appears to set fire to water and he agreed that it was a trick, that it was entertainment for the public. However, he then suggested that he had in fact set fire to water and squeezed blood out of a lemon. Again, Mr Jones asked whether this was because he claimed to have special powers, but, despite being asked four times, he did not answer. Mr Jones played another video, this time of Mr Kalia purporting to pour water into folded paper and make smoke come out of it and asked how it happened to which Mr Kalia replied:



“Does any magician tell about his capability or ability?” Thus, he accepted that these demonstrations were tricks. In relation to another video, where Mr Kalia appears to squeeze blood from a roti (a piece of bread), Mr Jones suggested that Mr Kalia was mimicking a picture or depiction of Guru Nanak where he is portrayed as squeezing blood from a roti. Mr Jones put to Mr Kalia that, in all this, he was trying to persuade people that he had special powers, which he denied, stating: “I have told you before I was entertaining.”

124. At this stage, I would wish to make this observation. It is a dangerous game, in my view, when a person of religion, a person who leads a congregation of many hundreds of people who have a devout belief in a deity such as Baba Balak Nath, mixes his preaching, his teachings about the deity, with cheap tricks: there is at least a risk that less sophisticated members of the congregation (or, indeed, children) will truly believe that these are miracles, that the priest has a direct line to the deity who is conferring on him the power to perform miracles, or at least be the medium through which miracles are performed by the deity and that the priest is therefore someone special, holy, who is in direct communication with the deity and therefore someone who is to be revered and obeyed. This links to the evidence of the Claimants that they felt they had no choice but to obey the Defendant because of the exalted position in which he was regarded.
125. Mr Jones next questioned the Defendant about Naam and he showed a video of the third and fourth Claimants, Harprit and Mandeep Dilbeher, receiving Naam on 19 November 1995 and also a picture of the Defendant receiving a cake on another occasion with words iced on it: “Happy Naam anniversary, with all our love, Guru Ji, from your children”, referred to in paragraph 7 above. Mr Jones put to the Defendant that this shows that the people to whom he has given Naam refer to him as “Guru Ji” and the relationship fostered between Mr Kalia and those to whom he has given Naam. Mr Kalia replied that it was up to them and that he did not require them to call him Guru Ji or to give gifts or to celebrate the anniversaries of their Naam ceremonies. He agreed that some of the people to whom he had given Naam might consider themselves to be in a guru/shish relationship with him. Mr Jones also played to the Defendant a series of video clips showing him having his feet washed, or having a kind of crown put on his head by Ms Samrai, the First Claimant, and the video referred to in paragraph 10 above of Mr Kalia and his wife arriving at the Temple in Goraya to illustrate the exalted position in which he is regarded in the Temple. This included a banner in which Mr Kalia is referred to as “Guru Maharaj Ji”, a term of the highest respect. Mr Kalia again responded that this is because it is what they wish to do, it is not because he has required them to do it.
126. Mr Jones also questioned the Defendant about seva, and he again responded by saying that this was “their free will, how they want to spend their time. I have nothing to do with it.” He denied requiring seva or demanding money for poojas. Again, I found the Defendant’s abrogation of responsibility for this unconvincing and disingenuous, given his position as priest of the Temple and control over what was done there. Furthermore, his answers to questions started to become belligerent, often answering questions with questions. The following exchange is an example:

“Q. From your knowledge of what goes on in the Coventry Mandir, people can spend lots and lots of time making garlands for festivals, can't they?

A. Well, it is their free will, how they want to spend their time. I have got nothing to do with it.

Q. Again, you have no responsibility for any of that, you say?

A. And when they are making the garlands, am I there?

Q. People spend, sometimes, hours cooking for the community, don't they?

A. That's not for me; it's for them. So shall I go and cook for them?”

127. Mr Jones then put to the Defendant the case for each of the Claimants and also the allegations which Mr Garcha had made, and he denied them totally. He said that Mr Garcha's evidence was given in revenge for Mr Kalia having taken Mr Garcha's father to court over an unpaid debt. When questioned about Ms Sahota's allegations, which he denied, Mr Kalia raised whether she therefore knew the size of his penis. Generally, in relation to the accounts of the Claimants, he said that their evidence was lies.
128. Mr Jones also asked questions about the Defendant's businesses. He agreed that they are his trading names, but that he describes them on their notepaper as the “Kalia Group of Companies” and that this includes a business called “Kalia Empire Property Developers”. Mr Kalia claimed not to know whether the Fifth, Sixth and Seventh Claimants had all entered into financial arrangements with his businesses. He denied that he sold his financial services to a substantial number of people at the Temple. He also denied that the source of payments into the Building Society Account held jointly with his wife was what members of the Temple had paid for langars, poojas, healing and other donations: Mr Jones put that this formed a substantial proportion of the millions of pounds that had “washed” through his accounts over the years. He denied that he had required members of the congregation to undertake buildings works. Initially he denied telling them to do so, but when I asked whether they did building work without him asking them to do so, he agreed they did, later clarifying what he meant, namely that they took food.
129. In the course of his cross-examination, Mr Jones put to the Defendant a letter, purporting to be written on the headed paper of the Coventry Temple, giving the address as “Profit Avenue” by someone signing himself as “Prem” undated, addressed to “TO WHOME IT MAY CONCERN” and asserting, among other things, that the Guru of the Coventry Temple is genuine, that he has paranormal powers and he has healed many people from ailments over the years and has performed miracles with a 100% success rate.” The letter also made reference to a Temple website, giving the “URL”. Mr Jones stated that the letter had been produced by the First Claimant, Ms Samrai, although she had not referred to it in her evidence. Ms Crowther objected to the letter being put without evidence of its origin, her case being that it was a forgery. I allowed Mr Jones to put the letter to Mr Kalia who confirmed that there was a

gentleman named Prem who was a member of the Temple committee at some stage. Mr Kalia denied knowledge of the letter and denied that he had ever made the assertions as to his powers contained within the letter. In re-examination, Ms Crowther took Mr Kalia to another letter dated 18 February 2009 written by Mr Kalia's son, Pavan, on the genuine headed paper of the Temple giving its correct address as "9 Proffitt Avenue" and giving its charity and VAT registration numbers at the bottom. I have no doubt that this latter document is genuine. However, in relation to the letter put to Mr Kalia, it is highly unlikely that a member of the Temple committee would have used headed paper which misstated the address of the Temple. Also, the Temple used the heading "Sidh Bawa Balak Nath Society" whilst the other letter used the heading "BABA BALAKNATH MANDIR" which Mr Kalia said was fake. I consider that the letter put to Mr Kalia by Mr Jones is, on the balance of probabilities a forgery and, given that Mr Jones stated that the letter had come to him through Ms Samrai, she or someone on her behalf was responsible for producing the forgery. The production of this letter and putting it to Mr Kalia had thus back-fired from the First Claimant's point of view. Mr Jones also put to Mr Kalia a page purporting to be from the Temple's website, but Mr Kalia denied that the Temple ever had a website. Again, I accept Mr Kalia's evidence about this and, in my judgment, the webpage is equally a forgery.

130. Mr Jones asked Mr Kalia about the payments amounting to £85,000 made by Ms Samrai and he explained that she had asked him to put the money into his account because she could not put it into her own account and saying that she would ask for it back when she needed it. Mr Kalia said that Pavan Kalia advised him to return the money because she was defrauding the social services, and he did so. Finally, Mr Jones asked Mr Kalia about the letter which Ruby Gill said she had left on his chair (see paragraph 146 below) in July 2017 and he said he had not given it to the police but had put it aside and only produced it in these proceedings. I found this very surprising given the relevance that the letter would have had to the police investigation against Mr Kalia. My findings in relation to this letter are to found at paragraph 297 below.

### **Other Witnesses Called on behalf of the Defendant**

Ms Sharanjit Sidhu

131. Ms Sidhu's evidence-in-chief was led through her witness statement dated 31 October 2023. She is aged 39 and had been attending the Temple in Coventry for around 30 years. She started attending the Temple as a child, going with her family. She has four sisters and one brother: Serena Kaur, Ruby Gill, Parveen Gill, Kiranjit Gill and Gurdip Gill. Kashmir Sahota, the Second Claimant, is her cousin. She describes the Defendant as the figurehead who is referred to as "Guru Ji" out of respect. She describes the times of services at the Temple and also the fact that Mr Kalia would give services at the family home, although not since the early 2000s. She says that Mr Kalia has always been very kind to her and has never acted inappropriately towards her.
132. Referring to Mr Kalia's teachings, she says that he has never claimed to be divine or connected to God, nor has he claimed to be able to perform miracles or to have healing

powers. She has never witnessed him charge money for attending, or for him to perform miracles. She describes the Temple as a peaceful place where everyone is welcome and Mr Kalia as someone who teaches members of the congregation to treat people equally, with kindness and respect. She describes the services in the Temple as very positive, focusing on helping the mind, resting the mind, meditation, improving yourself, everyday life skills, and exercise with Mr Kalia telling stories which she finds very helpful. She describes Mr Kalia as very calm, soft natured and kind who would never shout at or humiliate members of the congregation. She disputes the suggestion that Mr Kalia would have forced someone to do drumming until their hands bled, saying that Mr Kalia does not involve himself with who takes part in performances.

133. Ms Sidhu says that seva is completely voluntary and never done for financial reward, but as an act of charity: this was the case with her cousin, Kashmir Sahota and Ms Sahota's parents. Seva does not extend to building works and she has never observed or heard of Temple members undertaking construction works on Mr Kalia's behalf.
134. Ms Sidhu also describes the geography of the Temple, and in particular the priest room which, she says, you can see directly into so that you can see both Mr Kalia and to whom he is talking.
135. Ms Sidhu states that she and her family have been going to India almost annually for the last 30 years, often at the same time as Mr Kalia, but she has never been invited to his family home in India or heard of anyone else being invited there.
136. Ms Sidhu also gave evidence in relation to her cousin, Kashmir Sahota, the Second Defendant, whom she looked up to as a child. She says she was aware that Ms Sahota used to date both men and women and had a long-term relationship with a man called Parminder Panesar: she exhibits to her statement an email from Ms Sahota from 31 December 2007 in which she refers to Mr Panesar as the love of her life. She says that, at one point, Ms Sahota was in a relationship with Mr Kalia's nephew. She says that Ms Sahota visited India many times and always appeared to enjoy herself, socialising and being happy. Ms Sahota always stayed at one of the two houses which her family owned in India. She describes a trip to Paris in August 2016 which a number of her family went on, including Ms Sahota, to celebrate Ms Sahota's 40<sup>th</sup> birthday when nothing was said of the allegations which Ms Sahota then made against Mr Kalia to the police in January 2017. Ms Sidhu also describes the fall-out from the emergence of the allegations against Mr Kalia in 2017 and the various conversations that took place within the family, many of which appear to be matters which she was told by other members of her family and which are unsubstantiated. She denies that Mr Kalia ever tried to get her or her sisters to threaten Ms Sahota with acid attacks or subject her to verbal abuse.
137. In answer to a supplemental question from Ms Crowther, Ms Sidhu was referred to the expert report of Dr Blyth where she reported being told by Ms Sahota that Ms Sidhu had left "written evidence on Mr Kalia's chair in the Temple stating that she has been in a relationship with Harprit and two others and they have been trying to extort money out of Mr Kalia and that she is feeling bad about it. She decided to let him know." Ms Sidhu denied that she had written the letter in question (in fact, it was written by her sister, Ruby Gill – see paragraph 146 below) and said that Ms Sahota

had herself told Ms Sidhu that she had been in a relationship with Harprit Dilbeher and had been trying to extort money out of Mr Kalia.

138. In cross-examination, Mr Jones challenged Ms Sidhu's evidence that Mr Kalia did not portray himself as a divine figure, by reference to the pictures showing him in a divine light, but Ms Sidhu denied having seen those pictures. In particular, she denied ever seeing at the Temple a picture of Mr Kalia in the role of Baba Balak Nath feeding the cows. She also denied that the person in the picture looked like Mr Kalia. Mr Jones also put to Ms Sidhu some of Mr Kalia's teachings included him referring to things that had happened to him 10,000 years ago or to him raising a dead boy to life and to having special supernatural powers, but she denied this was any part of his teaching, nor that he could see the future or that he had a direct line to God. Mr Jones played to Ms Sidhu a video recording of a ceremony in the Temple at Goraya in which she is seen chanting and singing a mantra "My God has appeared as true guru. Let me see him. Let me bow to him twice. My God has appeared as true guru. He has descended from the skies and settled in Goraya, settled in Goraya." She denied that these were words of praise directed at Mr Kalia, however, but at Baba Balak Nath.
139. Mr Jones also challenged that Ms Sahota would have discussed her personal relationships with Ms Sidhu, pointing out that Ms Sahota is 8 years older than Ms Sidhu and that some of the events and conversations of which Ms Sidhu gave evidence would have been when Ms Sidhu was quite young, but Ms Sidhu insisted that they did happen. He challenged that Ms Sahota had been in a relationship with Mr Kalia's nephew: Ms Sidhu again insisted that she had, but acknowledged she had never seen them together, saying it was something well known in the congregation and Ms Sahota had admitted it to her one time when she was drunk.
140. In relation to visits to India, Mr Jones put to Ms Sidhu that she had only seen Ms Sahota in India once, namely on the occasions of the wedding of Mr Kalia's son, Pavan, this being because the general pilgrimage to India led by Mr Kalia used to be in March when Ms Sahota couldn't go because she was a teacher and it was term-time. Although Ms Sidhu denied that was the only time she had seen Ms Sahota in India, she agreed that Ms Sahota tended to go in the Easter holidays, by which time she and Mr Kalia would have returned to England. Mr Jones also challenged a passage in Ms Sidhu's witness statement where she had described Ms Sahota coming to stay with Ms Sidhu's family for 4 months after having a row with her mother.
141. In relation to what had happened since the allegations against Mr Kalia emerged in 2017, Ms Sidhu asserted that Ms Sahota had tried to get her to lie to the police, but Mr Jones pointed out that Ms Sidhu had not said this in her witness statements. She denied that she had been part of a campaign of harassment and abuse by those at the Temple against the Claimants in this case, saying that to do that would go against the teachings of Guru-Ji, Mr Kalia.
142. In answer to questions from the court, Ms Sidhu agreed that, although Mr Kalia did not claim to be able to heal people's ailments, there were some members of the congregation who believed that their ailments, such as eczema, had in fact been healed as a result of Mr Kalia praying for them to get better.

Ms Ruby Gill

143. Ruby Gill told the court, through her witness statement which stood as her evidence-in-chief, that she is 36 years of age and has been attending the Coventry Temple for nearly 30 years. She is the sister of the previous witness, Ms Sidhu. In common with her sister, Ms Gill describes the services at the Temple as very positive and meditative. She echoed what Ms Sidhu said about Mr Kalia's teachings, about seva and about the trips to India.
144. Ms Gill described being part of a friendship group until early 2017 which included Ms Samrai, Ms Sahota and Harprit and Mandeep Dilbeher as well as PT and Rajani Tak. Ms Gill said that this group took advantage of her trust and used secrets about her personal life, which had been told in confidence, to blackmail her to do as they wanted, threatening to tell her parents, friends, people at work and people at the Temple about her private life. Ms Gill said that she has been in relationships with Harprit Dilbeher, Rajani Tak and also another friend called Asha. She said that the group used to meet up at each other's houses, or in pubs and hotels in Birmingham and Coventry and talk about how they wanted more money to buy new houses, go on holiday and buy nice things. At one of those meetings, Mandeep Dilbeher told the group that she had looked into Mr Kalia's bank accounts and discovered that there was a lot of money and the group started to come up with ways of ripping off Mr Kalia because of his wealth. She says:

"The group discussed how, instead of working, they could just make up stories about the Temple and Mr Kalia, contact the Council and get the Temple closed down, and then Mr Kalia and his family would pay us money to stop the lies and the rumours."

In furtherance of this plan, she said that the group made up lies about Mr Kalia including that he stole people's money, touched women and children and forced people to work on the roof and floor of the Temple. She said it was Kashmir Sahota and Harprit Dilbeher's idea to say the people had been forced to do building work. She said that the plan was to change people's thoughts about Mr Kalia and that the group approached many people at the Temple. She said that, on the back of threats to expose her relationships, and the fact that she smoked (which is disapproved of), to the community and her family, the group made her call the police and other government departments and The Sun newspaper to repeat the lies that the group had made up about Mr Kalia. She also said that the group created fake email accounts and used false identities. Ms Gill said that she herself sent an email to the Indian Immigration Authority pretending to tip them off about Mr Kalia laundering money and transporting drugs.

145. In her statement, Ms Gill gives detailed evidence of events in February 2017 when some of the allegations against Mr Kalia were beginning to emerge. She stated that the telling of lies about Mr Kalia was supposed to end after the group went to the police because it was assumed that Mr Kalia would offer to pay them all money for everything to stop but instead it went on. She says that the allegations about Mr Kalia were started by the group and had emerged from discussions which the group had been having from 2016. However Ms Gill says that she felt guilty that she had helped to spread the lies, that she wanted to tell the truth and clear her mind of guilt. She had tried to tell her sister, Sharan Sidhu who advised her that the best thing she could do

would be to write a letter. She wrote a letter on 17 July 2017 and left it in an envelope addressed to Mr Kalia on a chair at the Temple. This letter featured quite prominently in the evidence and reads as follows:

“Dear Guru Ji,

I am writing this letter after thinking long and hard about the impact my actions have been having on not just myself but the people around me and I am no longer able to keep playing along with what has turned into a very dangerous game. I have to clear my mind of some of the guilt I am holding. This was supposed to end a couple of weeks after the girls went to the police with you offering to pay us to keep quiet. Instead it is still going on and my family have found out from what was going on.

At Mandir my cousin Kash Sahota, Rashpal Samrai, PT, the two sisters Mandeep and Harprit Dilbeher, Rajani and myself all used to hang out. I got to know the last two because I was in a relationship with them. Over time our meetings and conversations became a lot more about things we wanted and needed. Kash and Rashpal said they wanted new houses, Harprit and PT and the rest of us all had money struggles and we just wanted a quick get-out.

Mandeep told us one day that she had been at work and looked into your bank accounts and said that there was a lot of money inside those accounts and the conversation quickly turned to ways of ripping you off. Every person in the group was saying negative things about you and your family which was strange because they all came to Temple.

I was in a relationship with Asha for a period of nearly 2 years and the rest of the girls used secrets about my personal life to blackmail me to do what they said. I was having issues with my family at the time because I was in a relationship with Asha and had also had sexual relations with Harprit and Rajani. I didn't think that my so-called friends would take advantage of my trust and threaten to blackmail me by telling my parents about my private life – something I was not happy with.

The group used constant threats to the point I felt I had no other option than to do what they said. I basically became their Joey turning people against you. I am so sorry I joined in with the lies that the group made up that you stole people's money and touched women and kids. This was just to make you scared and pay us some of the money in your accounts which Mandeep had seen. Some of the girls set up new businesses and said they had the money out of you soon enough to make things work.

I can tell you it was me that made calls about you to the Council, to Tax Department, Financial Services so that they could do over

your business. Because we knew you always go to India in March we wrote a fake email tip-off to the Indian Immigration people to say you were laundering money and transporting drugs.

In my own needs and money struggle I went with what was happening but in the end my family found out everything. So I feel like I have nothing to lose by telling the truth and hoping I can sort this mess out. I'm so sorry about all this. I can't begin to say how sorry I am but if there is anything I can do please tell me. I feel so ashamed of myself that I let all this get on top of me and in doing so got caught up with all those people. If you need me to call the Council or police or anyone I am happy to do so. I can't have this all on my head anymore. All these secrets and leading a double life has done my head in so I am coming clean about everything to my family and you and to anyone else I may have hurt.

I hope you can find a way to forgive me.

Yours truly

Ruby Gill."

In her evidence, Ms Gill confirmed writing the letter of 17 July 2017 and leaving it for Mr Kalia on his chair at the Temple.

146. Ms Crowther also asked Ms Gill to comment on a statement in the expert report of Dr Blyth where she reported being told the following by Kashmir Sahota:

"She told me again about the reason her parents stopped going to the Temple in 2019. I understand this was because, as they explained to her paternal aunt, her cousins Serena and Ruby were being sexually abused by the Guru."

Ms Gill said that this statement was false and that she had not been abused by Mr Kalia at all. She denied ever saying that she had been abused by the Guru. Ms Crowther also asked about a further passage in Dr Blyth's report where Ms Sahota told Dr Blyth that Mr Kalia had told Serena and Ruby to go to the police and inform the police it was their own father who was abusing them and again Ms Gill said that this was not true.

147. In cross-examination, Mr Jones put to Ms Gill the pictures that he had put to Ms Gill's sister, Ms Sidhu but, like her sister, she was equally recalcitrant in agreeing with Mr Jones as to what the pictures portrayed. She also denied that Mr Kalia had taught members of his congregation that he had the power to bring back people from the dead, that he knew the future, that he had a direct line to God, that one will be cursed for not obeying the Guru's orders and that when you adopt a Guru you offer donation or sacrifice your mind or your body. Ms Gill said that he had taught none of those things. Mr Jones put to Ms Gill excerpts from recordings of Mr Kalia's sermons to suggest otherwise.



148. Mr Jones then asked about the friendship group Ms Gill had referred to in her statement. She agreed that Rashpal Samrai and PT are each about 20 years older than her and Kashmir Sahota is about 11 years older than her and Mr Jones suggested that they would not have had mutual interests with Ms Gill, given the age differences. Mr Jones put to Ms Gill that it was wholly untrue that she had been in a relationship with Harprit Dilbeher. He asked when it began and she said she couldn't remember. He asked when it ended and she said when she wrote the letter to Mr Kalia. She said she couldn't remember how long it had lasted. Mr Jones asked what Harprit Dilbeher's birthday is and she said: I can't remember. She said she didn't know what Harprit's favourite food was. He asked other questions which a person might be expected to have known the answers to if they were or had been in a relationship with that other person. Mr Jones also put that there was no other evidence in the form of texts or emails to support that Ms Gill had been in a relationship with Harprit Dilbeher. Mr Jones also suggested that if, as Ms Gill maintained, relationships with the other 3 women was common knowledge, it could have formed no basis for Ms Gill to be blackmailed, nor could the fact that she smoked. Mr Jones suggested that the majority of Ms Gill's evidence was a lie that she had been put up to, including saying that Mandeep Dilbeher had been looking at Mr Kalia's bank accounts: He suggested that Ms Gill had never been in a friendship group with the other women she had named. He put that there had been no discussions about Mr Kalia by any such group. Mr Jones asked Ms Gill when she had made the calls she claimed to have made to the police, the Council, the Tax Department, the Financial Service and The Sun newspaper and she said that she couldn't remember. He asked whom she had called at the police and she said: "I can't remember because they never followed it up with me." Nor could she remember when she called the police. She said that Kashmir Sahota had written her a script of what to tell the police but she didn't have a copy of the script and she agreed she had never put that in her witness statement. Nor did she remember which department of the Council she had called or spoken to and again she said that Kashmir Sahota had written her a script of what to say, but she had not said that in her statement. Nor did she know which Financial Services department she had called or which bank she had called. She then remembered it was HSBC which Mandeep had worked for but she said she couldn't remember what she had told the person at HSBC. Nor could she remember to whom she had spoken at The Sun. She said she had emailed the Indian Immigration Department about Mr Kalia but didn't have a copy of that email. Mr Jones asked how making a series of allegations to various third parties was meant to extract money from Mr Kalia and Ms Gill replied that they wanted to threaten Mr Kalia so that Mr Kalia would pay them off and make them be quiet. But she agreed that they had never approached Mr Kalia and threatened to make the allegations if he didn't pay them some money.
149. In her evidence, Ms Gill said that she had based her statement upon what she had written in a diary she had kept in 2017. Mr Jones asked whether she could say more precisely when she made her notes and she said that it was about April time in 2017. Mr Jones then took Ms Gill through some of the entries in the diary and then Ms Gill said that she had in fact written the confession letter of 17 July first and then the diary second, thus contradicting herself as to when the diary had been written. She agreed that there was no mention of Rashpal Samrai or PT in the diary, saying that this was because she had put it in the letter to Mr Kalia of 17 July. She agreed that the names Rashpal, PT and Mandeep Dilbeher did not feature in the diary/notebook. She said

this was because she had written her confession. She also agreed that nowhere in the notebook did it reveal an agreement between her and the other members of the ‘Group’ to tell lies about Mr Kalia for money. Mr Jones asked if Ms Gill agreed there was nothing in the notebook about people making up false allegations of a sexual nature against Mr Kalia and she replied:

“They did. Yes. They made sexual allegations saying Guru Ghee is a kid fiddler, they brainwash people and they touch women and kids.”

It was pointed out that this was not an answer to the question Mr Jones had asked and Ms Gill said:

“I wrote a letter of confession. I didn’t have to put it all in my book.”

Thus, Ms Gill used the letter she had written to Mr Kalia as the reason for having failed to put much of what she had said in her evidence in the notebook although she had said that her statement was based on the notebook and that the notebook had been written in April 2017, three months before the letter written to Mr Kalia. In answer to questions from me, Ms Gill agreed that she believed that false statements had been made to the police about Mr Kalia and I asked:

“Did you not think you should contact them and make a statement?”

to which she answered:

“No because they used to tell me to – they contacted like for me financial services – it was a lot. It was a huge amount. Then The Sun newspaper they wanted to put Guru Ji’s reputation down. It was one after another and my head was just bursting. It was just like everywhere, like shocked, over-whelmed, scared, feared, wanted to cry, how do I take it out. It’s all stuck.”

This was, of course, not responsive to the question I asked and gave no explanation as to why, if Ms Gill thought that lies had been told to the police, she did not contact the police to make a statement contradicting those lies.

150. Mr Jones also challenged much of Ms Gill’s other evidence contained in her statement about the events in February 2017. He then asked questions about the ‘Confession Letter’. Ms Gill agreed that Mr Kalia had never come and spoken to her about it, nor had anyone from Mr Kalia’s solicitors at the time, nor anyone from the police or the Crown Prosecution Service. Mr Jones put to Ms Gill that she was admitting to an agreement to tell some very serious lies to which she replied:

“It’s not a lie. I put everything in a confession. It’s not easy to put everything in a confession, not for anyone and certainly wasn’t for me. I was actually scared and feared.”

I pointed out to her that she was not listening to the question she was being asked. Mr Jones suggested that the fact that nobody contacted her about the letter when it had

been written, as she said, against a background of a serious criminal investigation, led to the conclusion that the letter had not been written in July 2017 at all, but Ms Gill insisted it had been. Mr Jones asked about where she had said in the letter “If you need me to call the Council or police or anyone I am happy to do so” and she agreed that no one had asked her to call the Council or the police or anyone. He also asked about where she said “I’m coming clean about everything to my family” and asked to whom in her family she had come clean and she said that it was her sister, Sharan but she couldn’t remember if she had told anyone else. Mr Jones put that what she had stated in the letter and her evidence was a pack of lies as was the whole story about the group, which she denied.

151. I found the evidence of Ruby Gill to be lacking credibility to the point of being completely unreliable, indeed untruthful. It seemed to me that the cross-examination of Mr Jones was effective in demonstrating this. Aspects of her evidence were wholly unsatisfactory: her ignorance of matters she would have been expected to know if it were true that she had been in a relationship with Harprit Dilbeher; the lack of supporting evidence that you would have expected to see if they had been in a relationship (text messages and the like); the unlikelihood that she would have been in a friendship group with women 20 years older than her; her inability to remember when she had made calls to the police, the Council, the Tax Department, the Financial Service and The Sun newspaper, and the identity of those to whom she had spoken. The most damning aspect was her evidence in relation to the diary and the letter of 17 July 2017. Ms Gill contradicted herself as to which had been written first. Initially she said the diary had been written in April 2017 and that her witness statement had been based upon it, but when it was pointed out that there were matters stated in her witness statement which were not in the diary, she then said that this was because they had been in the letter, and that had been written first. My findings in relation to the letter of 17 July 2017 are to be found at paragraph 297 below.

#### Ms Serena Kaur

152. Serena Kaur is the elder sister of Sharanjit Sidhu and Ruby Gill. She is 49 years old and has been attending the Coventry Temple since around 1988. She stated in her witness statement, which stood as her evidence-in-chief, that she started attending the Temple at age 14 and used to go with her cousin, Kashmir Sahota, who is 2 years older than her and a friend. As with her sisters, Ms Kaur described the Temple as a peaceful place and an escape from everyday life. She referred to Mr Kalia’s services as being positive, about life, about how to manage, how to be a good person, how to deal with obstacles in your life. She said she had never heard Mr Kalia refer to himself as being divine or having a connection to God or having healing powers or being able to perform miracles. She also described the priest room at the Temple as being completely open and visible and the procedure for those who wish to speak to Mr Kalia privately. Her evidence about the Temple, Mr Kalia’s teachings, seva and the family’s trips to India was the same as that of her sisters. Ms Kaur also described using Mr Kalia’s firm, BJ Finance, to get a loan in order to buy a house in about 1999/2000.
153. Ms Kaur gave evidence about her cousin, Kashmir Sahota, whom she described as a bully, as a controlling, jealous, competitive, and intimidating character. Ms Kaur had

the impression that Ms Sahota had enjoyed a good student life at university and seemed to be doing well. She said that after Ms Sahota left university, she told Ms Kaur that she had drunk alcohol and taken drugs whilst at university and used to sleep around. She said that Ms Sahota enjoyed dating and was sexually active.

154. Ms Kaur said that she first heard about the allegations against Mr Kalia when Mr Kalia's son, Pavan, made an announcement at the Temple in early 2017. She said that in early 2017 Ms Sahota called her, told her she intended to make a statement to the police about Mr Kalia and that if she, Ms Kaur, also made a statement she would get a 'massive payout'. Ms Kaur described being put under pressure to make a statement by not only Ms Sahota but also her brother, Amandeep and their mother, Tarsem Singh.
155. Finally, in her evidence-in-chief, Ms Crowther took her to the passage in Dr Blyth's report where Dr Blyth recorded what she had been told by Ms Sahota, namely that Ms Kaur was also a victim of sexual assault by Mr Kalia. Ms Kaur denied that was true but accepted that she had been sexually assaulted by her own father from the age of 13.
156. In cross-examination, Ms Kaur accepted that there had been a typing error in her statement and that Ms Sahota is in fact 2 years younger than her, not 2 years older. Ms Kaur confirmed to Mr Jones that she had entered into an arranged marriage which had been arranged through the Indian community in Coventry, not specifically the Temple. Somewhat strangely, she was unable to say whether her husband also attended the Coventry Temple. When her marriage broke down, she said she used to go to the Temple to find peace. She partly blamed Kashmir Sahota for the breakdown of her marriage because she suggested that Ms Sahota had pursued her husband to have an affair. She agreed that she had not mentioned that in her witness statement. She said that despite Ms Sahota's role in the breakdown of her marriage, they still spoke to each other because Ms Sahota was part of her family. Mr Jones put to Ms Kaur that her evidence about Ms Sahota and her husband was a fabrication, designed further to besmirch Ms Sahota's character in addition to the character assassination in which she had engaged in her witness statement.
157. As with Ms Kaur's sisters, Mr Jones put to her the pictures to which reference has been made in order to demonstrate that Mr Kalia portrayed himself as divine or having a close connection to Baba Balak Nath but Ms Kaur disagreed that the pictures were seeking to convey that Mr Kalia was channelling the aura, the holiness and the behaviour of the Deity. Ms Kaur would not be drawn into saying what the pictures were intended to portray. Mr Jones asked similar questions as he had asked of Ms Kaur's sisters about Mr Kalia's teachings. She denied that, having received Naam, she was obliged to obey his teachings. In relation to the loan for the purchase of her house, Ms Kaur said that she had been pointed in the direction of BJ Finance by her family.
158. As far as trips to India are concerned, she agreed that at least part of the reason for going in March each year was that there tend to be a series of religious services honouring Baba Balak Nath at the Temple in Goraya and services at the Gufa in Himachal Pradesh. She said there was one occasion when Ms Sahota went at the same time, as it depended on when the Easter holidays fell. Mr Jones challenged Ms Kaur

on her evidence about her discussions with Ms Sahota concerning her educational achievements and suggested that, for several years after Ms Kaur's marriage in the late 1990s, they had not kept in touch at all, with which Ms Kaur disagreed. She denied that her evidence about Ms Sahota's sex life was a 'hatchet job' designed to portray Ms Sahota as sexually promiscuous and was a pack of lies invented by her to seek to besmirch her character. Ms Kaur denied this saying that it was the truth. She also denied that she had wrongly described Ms Sahota as an avaricious, grasping person. She denied it was a concoction designed to provide some sort of explanation as to why she might provide false allegations in these proceedings.

159. Finally, Mr Jones challenged Ms Kaur's evidence that she had been prevailed upon by Ms Sahota to make a false statement to the police in the hope of financial gain, putting that Ms Kaur never in fact spoke to Ms Sahota about the investigation at all. Ms Kaur insisted that Ms Sahota had mentioned a payout to her. She also denied that there was a campaign of making threats and harassment by herself and her sisters against the Claimants saying: "We didn't harass anybody. They harassed us." She denied she had threatened Ms Sahota in consequence of the allegations which Ms Sahota had made against Mr Kalia.

Ms Amandeep Dutta

160. Ms Dutta said in her statement, which stood as her evidence-in-chief, that she is a consultant solicitor practising in residential conveyancing, having qualified in July 2017. She is now 36 and has been attending the Coventry Temple for over 30 years, from about the age of 5 when she started going with her parents and siblings. She now visits the Temple independently.
161. She stated she became aware of the allegations made by the Claimants because Mr Kalia's son, Pavan, made an announcement in the Temple towards the end of February 2017. She also received a call from the police asking if she had any concerns: this was in common with lots of other people at the Temple who also received calls from the police.
162. Ms Dutta says she received naam when she was around 8 or 9 years old, being an occasion when you are given a set of prayers and welcomed to the Temple and into the congregation. As with other witnesses, she described the geography of the Temple, with the priest room under an archway. She said she finds the allegations by the Claimants about what happened in the priest room to be strange because the space is open and visible and she is unable to picture where anything of a sexual nature could have taken place. She described how, when she was at university, if she was nervous about an exam, for example, she would speak to Mr Kalia alone and he had never behaved inappropriately towards her. She described the services at the Temple as being on how to concentrate on the positive aspects of life and become a better person. She said that Mr Kalia does not preach about having a divine connection to God or undertaking miracles or having healing powers but encourages the congregation to find their own connection to God in whichever way they prefer, whether through prayer or meditation. She had never heard Mr Kalia demand donations from the congregation and he had never asked her to give him all the Temple money in the name of God. Although there is a donation box she said it is wholly up to members of

the congregation whether to donate or not. Nor had she been forced to take part in services, which is voluntary. She had never been asked or required to assist with construction works at the Temple: although her father had, this was because he was a qualified plasterer.

163. In relation to trips to India, she and her family had also been on many trips since 2004 which she would regard as family holidays to India during which they would try to fit in religious events. They also visit family in India. Their family home is a few doors away from that of Mandeep and Harprit Dilbeher and the family home of Kashmir Sahota is opposite. This meant that they would often see each other whilst in India at the same time.
164. Ms Dutta describes in her statement her knowledge of the Claimants. Ms Samrai is somewhat older than Ms Dutta and so they had no reason to speak to each other. She has known Harprit Dilbeher for 25-30 years from going to the Temple. She thought that Harprit and Rajani Tak were in a relationship with each other in and around 2011/12. She remembers Harprit and Rajani being reprimanded by Mr Kalia in July 2015 because they were being disruptive in a service, sitting and giggling amongst themselves and showing things to each other on their phones. She also says that in the summer of 2016 she was told by other attendees at the Temple that Harprit and Rajani had showed videos with sexual content on their phones to 2 young girls at the Temple.
165. Ms Dutta described Mandeep Dilbeher as confident and feisty: Mandeep was someone she started speaking to from 2014 when Ms Dutta got married. She exhibits her WhatsApp conversations with Mandeep between May 2016 and January 2017. In about 2015 Mandeep told her about someone called Rakesh whom she had dated in Birmingham. She said that in around November 2016 Mandeep told her that she was upset because she had been left out of a musical performance at the Temple and from then she noticed a shift in Mandeep's attitude and felt Mandeep was distancing herself from both Ms Dutta and the Temple. It was her view that none of Mandeep's behaviour or conversations with her over the years suggested that she had been the victim of sexual abuse or that she had been raped by Mr Kalia, but rather that she was told by Mandeep about having normal sexual relations with men over the years.
166. Ms Dutta describes Kashmir Sahota as a confident, prominent, bossy person. Kashmir had attended the wedding of Ms Dutta's sister, Parminder, in July 2015.
167. Ms Dutta then described the criminal investigation into the allegations against Mr Kalia in 2017. She said she had received a phone call from West Midlands Police towards the end of February asking whether she attended the Temple, how long she had been going for and whether she was concerned about anything or had witnessed anything concerning taking place. She told the police she didn't have any concerns. She was asked if she had noticed anything different or if there had been some people who hadn't been to the Temple for a while and Ms Dutta mentioned that Mandeep Dilbeher had not visited the Temple for a while. Ms Dutta also describes a telephone conversation between her brother, Deepak, and Aman, Kashmir Sahota's brother, at the end of March 2017. She also described receiving a number of missed calls from withheld numbers in May 2017. Ms Dutta, in her evidence, also identified Mandeep

and Harprit Dilbeher in pictures taken at her pre-wedding party and also at a wedding in India.

168. In cross-examination, Mr Jones asked Ms Dutta, as he had asked other witnesses, about Mr Kalia's teachings, but Ms Dutta was unable to assist, saying either that she could not remember the teachings that were being put to her or, if she was there, that she felt the quotations put to her by Mr Jones were being taken out of context. She denied that Mr Kalia preached that he could read minds or that he had a direct line to God. Mr Jones asked about whether Ms Dutta had received Naam when aged 8 or 9 (there was some prevarication by Ms Dutta about what Naam meant even though she had referred to it herself in her statement); she said that, to her, Naam meant that she had a set of prayers, that it was an act of meditation which could help her with her mind-set. She disagreed that she had a duty to obey her Guru after receiving Naam saying that, to her, the Guru was there to give her teachings, not orders, and that while she tries to adopt the teachings to the best of her ability, she has her own mind and free will to live her life the way that she chooses to. She denied being a follower of the Guru asserting that they were followers of Baba Balak Nath and that she would adopt teachings from the Guru.

169. Mr Jones also took Ms Dutta to the same pictures to which he had taken the other witnesses and suggested that they were pictorial assertions of affinity between Mr Kalia and the Deity. Ms Dutta disagreed saying:

“Because they are feeding cows, where is there any affinity in that? I've just said that a lot of people in India feed cows. You know, they are sacred animals. I don't understand or even agree that there is any link or affinity or divinity there.”

This was despite the halo of light around his head. However she conceded, in questions from the court, that the picture of Mr Kalia feeding the cows had been copied and pasted from the picture of the Deity, Baba Balak Nath, feeding the cows, pointing out that the cows were drawn in exactly the same way.

170. Mr Jones then asked about the family property in India and Ms Dutta agreed that there was a group of families that lived close to each other in a sort of enclave. Their family house had been bought by Ms Dutta's parents and she wasn't aware of anyone in the Kalia family owning the land on which it had been built and selling the land to her parents.

171. Mr Jones then asked about the correspondence and documents relating to Ms Samrai's loan of £85,000 from BJ Finance Company and pointed out that it was Ms Dutta's name on the correspondence, but she denied being personally involved in the transaction saying that she was only the case handler and that it would have been the legal team who did the work. This was despite one of the letters saying:

“I refer to your telephone call.”

Ms Dutta was unable to explain why they would have been writing to her personally referring to her telephone call. Mr Jones also took Ms Dutta to correspondence where she was identified as the conveyancer and suggested that her involvement with the transaction was more than she was indicating to the Court. He suggested that this was

a proposed loan secured by a charge of £85,000 to a woman who was dependent on benefits and Ms Dutta disagreed with that and insisted that she had not undertaken any of the work on the file.

172. Addressing what Ms Dutta had said in her statement about Harprit and Mandeep Dilbeher, Mr Jones challenged the suggestion that Harprit Dilbeher had been showing girls as young as 11 videos of sexual conduct in the Temple and suggested that the fact that Harprit continued to come to the Temple was inconsistent with that suggestion. In relation to Mandeep Dilbeher to whom Ms Dutta agreed she was closer than she was to her sister, Mr Jones challenged some of the things that Ms Dutta had said about Mandeep Dilbeher's dating history. Mr Jones also took Ms Dutta through some of the WhatsApp exchanges involving Mandeep Dilbeher.

#### Ms Mandeep Bisla

173. Mandeep Bisla is 35 years old and has been attending the Coventry Temple since she was 13 or 14: her family lived in Bedford, about an hour away, but Ms Bisla attended more frequently after moving to Coventry to attend the university there. She says that she attends for personal time and for a moment of peace, and no-one is ever forced to do, or take part in, anything at the Temple. In common with the other witnesses called for the Defendant, she says she has never heard Mr Kalia preach about having a connection with the divine or being God or preach about being able to carry out miracles or having healing powers. Some people at the Temple touch Mr Kalia's feet, out of respect: the touching of feet is very common in Punjabi/Indian culture. Making donations is purely voluntary. She has gone on many trips to India over the years.
174. Ms Bisla, who doesn't know the Claimants well, tells of two incidents in 2017. First, when Ms Samrai and Ms Sahota, together with PT, went to her flat and asked her to make a statement about what had been going on at the Temple involving Mr Kalia. She says she told them she didn't know what they were talking about and felt intimidated. Secondly, a few days later, when the same three ladies shouted towards her as she was walking home from the Temple, telling her to make something up and she would get loads of money, saying she would get £20,000 or £25,000 if she made a statement: again, she didn't understand what they meant. They were also saying they knew that Ms Bisla had been going to hotels with Mr Kalia, although this was untrue. After that, she started to receive calls from withheld numbers, which consisted of recorded messages that if she attended the Temple, bad things would happen.
175. Ms Bisla was also interviewed by the police in 2017 and she told them that she had not had any sexual relations with Mr Kalia and that there was no secret or hidden room at the Temple. Then, in mid-June 2017, Ms Bisla's husband received an anonymous "poison pen" letter accusing Ms Bisla of having an affair with Mr Kalia, going to hotels with him and other things. Ms Bisla said that this made her husband furious. This prompted Ms Bisla to contact the police and make a statement. She believed the letter had come from Ms Samrai, Ms Sahota and PT.
176. In cross-examination by Mr Jones, Ms Bisla said that she had never heard Mr Kalia teaching that he can read minds or can bring back people from the dead or knows the moment of a person's death. She identified herself in a short video, which she said



was from many years ago, dancing at a ceremony at the Temple where Mr Kalia is shown wearing a gold crown: she denied that Mr Kalia took an active role in choreographing and directing the rehearsals for the dance. Mr Jones asked about seva, and Ms Bisla explained that seva is not just related to the Temple, but is a widely known concept in Indian Punjabi culture, saying: “You can do seva for example for your parents or family members or friends et cetera. So it is more like volunteering and working and helping someone. It's not just strictly about this Temple.” She denied being involved in construction work at the Temple as part of her seva.

177. Mr Jones then asked about the incident at Ms Bisla’s flat, and put to her that it was untrue that Ms Samrai and Ms Sahota were there, but she insisted they were saying: “They were there. And they were the ones doing most of the talking.” Mr Jones also put to Ms Bisla that the incident as she was walking home from the Temple didn’t happen, and again she insisted that it did. Mr Jones suggested that, by the time Ms Bisla received the calls from a withheld number, she must have known of the allegations against Mr Kalia, which prompted her to say this:

“I didn't know if the allegations had actually gone to the police. I received a phone call from the police because my name had been given and she had asked me if any of the alleged stuff had happened to me and I said to her this is the first I am hearing. I was actually quite offended, you know, that my name had even been brought into it because I had nothing to do with these girls and I didn't want to make a statement at the time because it's just my personality, I would rather stay out of confrontation and I don't want to sort of get involved in anything. But then they sent a letter to my house addressed to my husband and basically alleged that I had an affair and they detailed all of these horrible things so at that point it was only fair for me to go to the police to say, look, they are actually dragging my name into it and it has nothing to do with me. And its evil what they are doing making false claims and trying to tear families and marriages apart. So that's why I decided to go to the police.”

Mr Jones disputed that the anonymous letter had come from Ms Samrai or Ms Sahota and Ms Bisla said that she believed it had because it contained the exact same thing that they had been saying face to face to her outside her flat. She said she didn’t bring the letter to Mr Kalia’s attention because she was embarrassed by it.

178. Ms Bisla denied that she had been told by people at the Temple to come to court and give this evidence and to make a statement intended to show Rashpal Samrai and Kashmir Sahota in a bad light by saying untrue things.
179. I was impressed by Ms Bisla as a witness and by the evidence that she gave. I felt that it was likely to be true that she had not initially wanted to be involved, but had been goaded into getting involved by the receipt of the anonymous phone calls and then, in particular, by the letter sent to her husband, which infuriated them both. I do not believe that she made up her evidence at the instigation of those at the Temple: had

that been the case, I would have expected her to have been much stronger in what she was saying. I accept that she was approached by some of the Claimants' group, including Ms Samrai and Ms Sahota and that she felt intimidated by what they were saying. Generally, I accept her evidence as true.

Mr Sunil Dadra

180. In his witness statement, which stood as his evidence-in-chief, Mr Sunil Dadra told the court that he is 43 years of age and has been attending the Coventry Temple since around 1988. He is, in particular, part of the "dhol" or drumming community at the Temple and outside the Temple he is a Professional drummer, playing the drums in his own band and alongside others as back up drummers for famous bands. He knows the Claimants Harprit Dilbeher and Mandeep Dilbeher because they were also part of the dhol community at the Temple. Another member of the group is Rajani Tak.
181. Mr Dadra said he was in a sexual relationship with Mandeep Dilbeher for about a year from late 2015. He claimed to be aware of some of her sexual history, referring to 5 different partners she had that he was aware of including being in a bad relationship with a boyfriend who was into drugs at the time that Mr Dadra started his relationship with her.
182. From his knowledge of her, Mr Dadra disputed that Mandeep Dilbeher was brainwashed into donating all her money to Mr Kalia or the Temple. He described her living a lavish lifestyle including buying a BMW for £25,000 in 2015/2016. She was also into going out and partying on a frequent basis.
183. Mr Dadra said that although Mandeep was very open and explicit with him, telling him all about her previous boyfriends and sexual history, she never said anything about Mr Kalia and she told him that she had lost her virginity to someone in the Dhol Blasters called Manni when she was 15 or 16. He said that Mandeep was not naïve but very sexually curious. Mr Dadra said that both he and Mandeep told Mr Kalia that they were having a relationship but they did not tell their own families. Their relationship ended towards the end of 2016. After that Mandeep sent a message on WhatsApp complaining that she had not been included as a drummer in one of the performances that takes place at the Temple each year and that this was the cause of her disillusionment with the Temple.
184. Mr Dadra stated that in August 2015 he and his ex-girlfriend (this is "Charn" referred to in paragraph 92 above) sold the house which they had shared together for 2 years and that, at his request, Mandeep looked at the HSBC bank account of his ex-girlfriend as he was worried that she was spending his share of the proceeds of sale from the house. He exhibited to his statement the trail of WhatsApp messages confirming that Mandeep Dilbeher was checking on his ex-girlfriend's bank account.
185. Mr Dadra also stated that in 2014 Mandeep Dilbeher made a false claim for personal injury after being involved in a minor car collision on 14 March 2014 in Birmingham. Mandeep Dilbeher was introduced by Mr Dadra to a Mr Waseem Mohammed who had his own accident management business in Birmingham and who took on Mandeep's claim on a no-win, no-fee basis. Mr Dadra said that Mandeep, through

Waseem, made a false claim for personal injury, claiming to have suffered whiplash when in fact she was fine and she received £1,970 in total.

186. Mr Dadra also gave evidence about Harprit Dilbeher who, he says, he has known for a lot longer than Mandeep, since around 2006. She was also part of the dhol community at the Temple. He describes Harprit Dilbeher as ‘controlling’ when it came to the drums, always playing the drums louder than everybody else and wanting to lead the drumming. Mr Dadra believed that Harprit was jealous of him because he was a Professional dhol drummer and better than her. Because Harprit didn’t like him. Mr Dadra said that he and Mandeep had to keep their relationship secret. Mr Dadra described Harprit Dilbeher and Kashmir Sahota as being very close, friendly and flirtatious with each other. Mr Dadra disputed that Mr Kalia would or could have forced Harprit Dilbeher to play the drums for so long that her hands were bleeding, as she alleged. He said that Mr Kalia doesn’t dictate who plays the drums or for how long. He suggested that Harprit did not maintain her drum properly and the metal bolt hooks would often be sitting proud of the drum which could have caused her hands to bleed.
187. In relation to the Temple, Mr Dadra, as with the other defence witnesses, disputed that Mr Kalia has claimed to have healing powers or can perform miracles but he accepted that Mr Kalia prayed for him when he had a bad knee and offered him holy water. He said he has never heard Mr Kalia request or demand that people make donations and the making of donations is voluntary.
188. In his statement, Mr Dadra refers to an email sent to the High Commissioner in India purporting to come from him from a fake email address: he was made aware of this in May 2020 and he contacted the police to explain that his identity had been stolen and malicious communications were being sent from a fake email address in his name which contained negative remarks about Mr Kalia. Mr Dadra says that he believes that Mandeep and Harprit Dilbeher were behind the setting up of the email address in his name and that Mandeep, in particular, had done this in revenge because she believed he had caused her to lose her job from HSBC because he had revealed that she had been looking at customers’ accounts.
189. In cross-examination, Mr Jones put to Mr Dadra that Mr Kalia had on occasions taught his congregation that he could see the future and read minds and bring the dead back to life and can heal, all of which Mr Dadra denied. He agreed, though, that Mr Kalia had provided him with holy water to help with the healing process of his knee ailment.
190. In relation to Mr Dadra’s evidence concerning Mandeep Dilbeher’s sexual history, Mr Jones put to Mr Dadra that what he had said were exaggerations and fabrications designed to display her falsely as promiscuous, in other words to blacken her character in the face of the Court. Mr Dadra denied he had fabricated his account and referred to having years of text messages from Mandeep about her previous partners. He had not exhibited them to his statement because he had not realised that Mandeep was going to deny these matters, having been so open about her sexual history with Mr Dadra when they were friends and in a relationship. Mr Dadra agreed that at one stage Mandeep Dilbeher had lent him £2,000. Mr Jones put that it was to help him purchase a motor car but he said it was more because of his general financial difficulties arising

from the break up of his relationship with his previous girlfriend. His father was in hospital and he was trying to cover the bills for two properties.

191. Mr Jones put to Mr Dadra that Mr Kalia had directed Mandeep Dilbeher to stay away from Mr Dadra and this prompted her to say she didn't want a relationship with him. Mr Dadra disagreed. He said that they made a joint decision to speak to Mr Kalia about their relationship when it got serious and were even thinking of marriage. Their relationship was secret and he said that Mr Kalia advised them to take it as it comes and that they didn't need to start preparing to get married. They were both relieved that Mr Kalia had not said 'No' to their relationship and Mandeep in particular was very happy about that because she was very much in love with him. Mr Dadra said that they had gone to speak to Mr Kalia about it because Mandeep was scared of her sister. They thought it was the only way they could get some sort of help in getting their relationship out in the open.
192. In relation to the allegedly false personal injury claim, Mr Jones suggested to Mr Dadra that he was putting forward his own views on the matter forward in order to make her look bad deliberately but Mr Dadra denied this, pointing to a text message to him from Mandeep where she said she went to the doctor to fabricate a story about how ill she was and how she had to walk with a limp. He said that Mandeep even went on holiday to India during the period that she was claiming whiplash injury and being unable to work or walk.
193. Turning to the issue of Mandeep's job with HSBC, Mr Jones suggested to Mr Dadra that it was untrue she had told him she couldn't check customers' bank accounts but Mr Dadra disputed that, saying that Mandeep regularly openly discussed people's accounts and 'it was like she was fascinated about it'. Mr Jones took Mr Dadra through the WhatsApp exchange between him and Mandeep Dilbeher which showed Mandeep saying:

"You didn't ask me to look into her account"

which was the basis for Mr Jones's suggestion that Mr Dadra was anticipating Mandeep might have already looked at his ex-girlfriend's account but he had not actually asked her to do so. This prompted a long and somewhat rambling response from Mr Dadra but he did not accept that he had not asked her to look at his ex-girlfriend's account, despite the clear message from Mandeep that he had not asked her. Following through with the text messages Mr Jones put that Mandeep Dilbeher provided information to him about his ex-girlfriend's account and he was happy to receive it, with which he agreed.

194. Mr Jones also cross-examined Mr Dadra about his evidence in relation to Harprit Dilbeher and he repeated much of what he had said in his statement. He said that the wounds to Harprit Dilbeher's hands were because she had been playing badly.
195. Mr Jones then asked about the events in early 2017. Mr Dadra accepted he became aware that serious allegations had been made against Mr Kalia by the Claimants and others and he said he spoke to another Temple-goer called Georgie as a conduit to Mr Kalia and his son Pavan. He said he told Georgie that he and Mandeep had been in a

relationship and he forwarded to her the text messages between him and Mandeep in order for her to make Mr Kalia and Pavan aware of them. In particular, Mr Dadra said that he did not want to get involved directly because he thought there would be some court proceedings with the police involved and he didn't want to get involved like that. He felt that he had done his bit by letting Mr Kalia and Pavan know through Georgie. He had also discussed it with his cousins who were also Temple attendees and they advised him not to get involved directly but to get in contact with Georgie. Mr Jones asked why Mr Dadra had not got in touch with Mandeep herself, to which there was no satisfactory answer.

196. Mr Jones put to Mr Dadra that when everything blew up in early 2017, he had firmly picked Mr Kalia's side and that was why he had handed over the text messages to Georgie, and he agreed. He said he had taken the view that what Mandeep was saying about Mr Kalia was untrue saying:

"I said this is a lie, this is a fake. I knew straightaway. I knew Mandeep and I know her sister."

He denied that he handed over the messages because the word had gone round the Temple that Mr Kalia 'needed the dirt on those who had made allegations against him'. He said when he heard of the allegations he immediately knew they were untrue and was offering his help through Georgie. He denied that he had carried out any revenge actions on Mr Kalia's behalf such as vandalising the vehicles of Harprit and Mandeep Dilbeher. Mr Jones asked Mr Dadra about his evidence that Mandeep Dilbeher had looked through Mr Kalia's bank accounts as well as those of others and he said that this was an assumption he had made when the allegations against Mr Kalia became public but he accepted that Mandeep Dilbeher had never told him that she had looked in Mr Kalia's account when they were in their relationship. Mr Jones placed important reliance on this in his final submissions.

Ms Meena Salhan

197. Meena Salhan is 33 and has been attending the Coventry Temple together with other members of her family since around 2010. In early 2017, she was put in touch with PT who, she was told, was moving house and wanted to place some surplus pictures. It was not PT who turned up with the picture, though, but her sister whose name is Gogi. Three or four weeks later, Gogi turned up again with another picture and was invited in for tea. Gogi asked Ms Salhan and her sister, who was there, whether they had seen anything strange happening to the girls at the Temple and also whether they knew her nieces, Harprit and Mandeep Dilbeher, who hadn't attended the Temple for a while. Then Gogi said to Ms Salhan and her sister that they might soon get a call from the police and that her nieces and her sister, PT, had been 'sexually abused' and 'raped' at the Temple by Mr Kalia. This came as a complete shock. Then Gogi went on to say that if Ms Salhan and her sister would 'support' their story, there would be 'a lot of money' in it for them. Ms Salhan and her sister both said that nothing had happened to them. Gogi then said that it didn't matter that nothing had happened to them, and that all they had to say to the police was that they had also been sexually abused and raped by the priest, and she would tell them what to do and say next. Ms Salhan says: "She was asking us to lie." She says they told Gogi that they wouldn't lie as nothing had happened to them and Mr Kalia had not sexually abused either of

them. Ms Salhan says that she was repulsed and disgusted by what Gogi was asking them to do and say, and she asked Gogi to leave the house and never to come back. As Gogi was leaving, she said there would be a lot of money in it for Ms Salhan. A few weeks later, Ms Salhan was contacted by West Midlands Police and she told the officer that she did not have any concerns in respect of the Temple.

198. Once the fact that Mr Kalia was under investigation by the police became public knowledge, following an announcement in the Temple, Ms Salhan says she decided to contact the police and tell them what had happened, including being asked to lie by Gogi. She exhibits to her statement a copy of an email she sent to DC Rebecca Jones at West Midlands Police on 19 May 2017 setting out her account of what had happened.

199. Ms Salhan then relates an incident that took place in September 2018 when she was out shopping with her mother and was approached by Harprit Dilbeher, who was with her sister Mandeep and two other girls. Ms Salhan says:

“[Harprit] became very abusive. She was shouting and swearing at me that I ‘didn’t lie’ and asking why I didn’t lie for them. It was incredibly upsetting. She came up really close to me and my mum. It was alarming. I looked for a security

guard but couldn’t see one. We left the shop to get away from her. Me and my mum were both physically shaking after the incident. The women, including Mandeep, who were watching us from a distance were laughing throughout the whole incident, whilst Harprit was being abusive. Me and my mum felt harassed and distressed from the event.”

This caused Ms Salhan to file a harassment complaint with the police on 16 September 2018 which is exhibited to Ms Salhan’s statement. Unfortunately, it is redacted in parts, but the unredacted part says:

“BMT IP and [redacted] were shopping in location. When they were near to the exit offender approached and shouted “Why didn’t you fucking lie for me you fucking bitch” and was waving [redacted] arms around. This continued for approx. 1 minute and IP and [redacted] left the store.”

Ms Salhan says that she was later contacted by a PC Dickinson who said that he had contacted Harprit and Mandeep, asked them not to contact Ms Salhan or her family again, and told them to stay away from her home.

200. In addition to relating the above incidents, Ms Salhan also gave general evidence about the Temple and the Defendant, Mr Kalia. In common with the other witnesses called for the defence, she described the Coventry Temple as a place to find peace and a sense of hope. She says: “The Temple gives me hope and positivity; it is about being the best I can be and giving back to the community; it celebrates the little things in life, and enjoying the gift of life.” She describes Mr Kalia as being “absolutely lovely. He is very respectful and very kind. He is reassuring and positive. I always feel reassured after speaking to him. He is uplifting and his services are all about believing

in yourself.” His behaviour towards her has always been wholly appropriate. She confirms that the priest room at the Temple is visible from the main part of the Temple. She describes the touching of feet as a gesture of respect which is common in Indian culture. She says that the buying of garlands or the making of donations is purely voluntary, as is seva. She says that she and her family have been on 4 pilgrimages to India, where they have stayed in the family home near Goraya. Apart from attending the two main religious events of Chet Mala and the Goraya Mandir anniversary, it is as much a holiday as a pilgrimage, with the time spent visiting family, going shopping and sightseeing.

201. In cross-examination, Mr Jones put to Ms Salhan the pictures and images that he had put to other witnesses, but she said she had not seen them before. Ms Salhan confirmed that she doesn't know the other people who attend the Temple very well so that, in the case of the Claimants, she has seen them in the Temple but doesn't know them on a personal level. Ms Salhan repeated her account of what happened when she and her sister were visited by Gogi to deliver the pictures. She repeated that Gogi had asked her and her sister to lie that they had been raped and sexually abused by Mr Kalia, when they had not. Ms Salhan denied that she had been pressurised by people at the Temple to contact the police in May 2017. She expressed her belief that the Claimants or someone associated with them such as Gogi had been behind the phone calls with the withheld number. Mr Jones challenged that, and he also challenged that the incident in September 2018 when Ms Salhan and her mother were out shopping had occurred. He suggested that this evidence had been concocted to show the Claimants in a bad light and to assist Mr Kalia. He put that Harprit Dilbeher and Mandeep Dilbeher were not in the shopping centre that day at all. Ms Salhan replied:

“That's not correct. The incident happened. It was the truth and I filed the complaint to the police. There is no reason why I would lie about such an incident. My mum was incredibly upset and it really affected her. She was shaken. She is an elderly woman. I am incredibly protective of my mum and I can't see her getting upset.”

202. I found Ms Salhan to be an entirely credible witness. In particular, given the supporting contemporaneous documentation, I have no doubt that the incidents in May 2017 and in September 2018 did take place as she described. It did not help the credibility of Harprit Dilbeher or Mandeep Dilbeher that they denied being at the shopping centre at all and denied that the incident took place when, as I have found, it did.

Ms Anita Jassal

203. Ms Anita Jassal, who is an auditor by Profession, is 44 years old and has been attending the Coventry Temple with her family (her parents and 5 sisters) since she was about 12, for over 30 years. She lives in Kent, so it is almost a 3-hour journey, but she tries to go at least once a month. She says that Mr Kalia has never acted inappropriately in any way towards her. As with the other witnesses called by the defence, she describes the Temple as a place to which she goes to find peace. She says: “The services emphasise calmness and how to practice Hinduism on a day-to-

day basis. It is all about doing good.” She describes Mr Kalia as very down to earth and normal, one of the humblest people she has ever met. He does not claim to be divine but says that his role is to put people on the right path, where possible. He has never claimed to have healing powers. He does not demand donations, which are completely voluntary, as is seva. She describes the priest room at the Temple as being under an arch where everyone can see into it and see him. It is a very open, and busy, area. Ms Jassal says that she has spoken to Mr Kalia many times over the years in the priest room.

204. As with the other witnesses, Ms Jassal’s family own a house in India where they stay when visiting or going on a pilgrimage. Once a year, they hold a tea party and Mr Kalia would attend with his family.
205. Ms Jassal states that she and Harprit Dilbeher used to be close friends, and that she would confide in Harprit about her personal life, including her previous relationship. Harprit Dilbeher had also stayed with Ms Jassal’s family whilst in India. Ms Jassal says that she first heard rumours about the allegations against Mr Kalia from something she read on Facebook and Instagram in early January 2017. She exhibits to her statement WhatsApp messages she exchanged with Harprit in January 2017 and, in particular, in March 2017 when Harprit told her that she and her family had left the Temple and that the “truth” would come out in a few months. It was and is Ms Jassal’s opinion that Harprit Dilbeher was motivated by her need for money. Ms Jassal believes that if Harprit had been treated by Mr Kalia as she now alleges, she would have told Ms Jassal given how close they used to be and how they confided in each other.
206. As with other witnesses, Ms Jassal also received strange phone calls from a withheld number in about May 2017. She says: “It was a male voice which sounded like a pre-recording. It was difficult to work out what the person was saying as the line was crackly, but the message said something like: ‘go to the police with your allegations, go to the police’. I could hear women laughing in the background.”
207. In cross-examination, Mr Jones put to Ms Jassal, as he had put to other witnesses, that Mr Kalia taught that he could read minds, see the future, had healing powers and so on, all of which Ms Jassal denied. Taking up Ms Jassal’s evidence about Mr Kalia’s humility, Mr Jones pointed out that the court had been shown pictures of Mr Kalia arriving at the Temple in India in a horse-drawn carriage, having flowers strewn in front of him, garlands placed around his neck and a gold crown placed on his head, with dancers celebrating his arrival. Ms Jassal said that her parents would arrange all this to give their guru a special welcome, and that this would be normal way to welcome a guru in India.
208. Mr Jones asked about Harprit Dilbeher and Ms Jassal confirmed that they had been close and kept in touch, talking about the Temple and personal things: she described Harprit as very positive. Mr Jones challenged her description of Harprit in her witness statement as greedy and lazy, and she insisted that the description was accurate. Ms Jassal had also said that Harprit had told her that her sister, Mandeep Dilbeher, would check people’s bank accounts if asked and Mr Jones suggested that it was untrue that she had been told this by Harprit, and that Ms Jassal had manufactured this after the



event because she now knew that there was evidence that Mandeep had checked one account. Ms Jassal repeated that it was what she had been told by Harprit.

209. Mr Jones asked about WhatsApp messages exchanged in January 2017 with Harprit Dilbeher, and Ms Jassal confirmed that Harprit had been telling her that her family had given Mr Kalia a large sum of money for some healing that hadn't worked. Ms Jassal said that she was going through a difficult time then because a friend of hers had been diagnosed with a recurrent brain tumour, and so she wasn't in the right frame of mind to question what Harprit was saying. Mr Jones then asked questions about the exchange of messages in March 2017 when, it was clear, Ms Jassal and Harprit Dilbeher had finally fallen out over what was being alleged against Mr Kalia.
210. I found Ms Jassal to be another straightforward and honest witness who came to court to tell the truth. In particular, I accept that Harprit Dilbeher had told her that Mandeep Dilbeher would check people's bank accounts if asked and that, in Ms Jassal's view, Harprit Dilbeher was motivated by her wish for money.

Mr Surinder Kalia

211. Mr Surinder Kalia is the Defendant, Rajinder Kalia's, brother. He gave his evidence through an interpreter and his original witness statements were in Punjabi. He was called to refute some of the allegations made by the First and Second Claimants, and also some things that Harprit Dilbeher is said to have told Dr Blyth, the Claimants' psychology expert. By way of background, Surinder Kalia told the court that he is a local politician in India. He lives in Goraya and he has looked after and maintained the Goraya Temple since it opened in 2003. His brother, Rajinder, undertakes an annual pilgrimage to India in March and stays in the family home. Surinder Kalia says that people only ever visited the family home before 2003, and then it was only the guest area on the ground floor or the garden that people were permitted to enter, never upstairs. After 2003, if people had nowhere to stay, they would stay at the Temple.
212. Referring to the evidence of Ms Samrai, Surinder Kalia says that he cannot recall ever seeing her at the family home in India, let alone staying over. He says that he has never met Ms Samrai's son. It is untrue that women and girls from the Temple in Coventry would stay at the family home in India, and wait downstairs to be called upstairs by Mr Kalia. He disputes Ms Samrai's account of an occasion when he knocked on his brother's bedroom door asking where Ms Samrai was because her son was looking for her. He disputes the whole of Ms Samrai's account of events in India.
213. In relation to Ms Sahota's evidence, Surinder Kalia refers to the allegation that Ms Sahota's parents left her behind in 2000 or 2003 to stay with Rajinder Kalia and she was "raped and sexually abused every day" for five days and he says that this did not happen and could not have happened, given that visitors were not permitted to go upstairs.
214. In Dr Blyth's report, it is stated that Harprit Dilbeher told Dr Blyth that she and her sister are too scared to return to India because they might be murdered by Surinder Kalia because he carries a gun and has enormous power. Surinder Kalia refuted this.

215. Finally, Surinder Kalia referred in his statement to the police in India having received every year since 2018 emails making complaints against him, originating from the UK, including false accusations that he is involved in drug trafficking and money laundering.
216. In cross-examination, Mr Jones put to Surinder Kalia, as he did to the other witnesses, that Rajinder Kalia had said in his teaching that he could read minds, see the future, heal illnesses and bring the dead back to life, all of which Surinder Kalia denied.
217. Mr Jones then asked about the arrangements at the family home in India, and it transpired that there had been a misunderstanding and in fact, according to Surinder Kalia, visitors had never been allowed to stay (i.e. stay the night) there. They had been allowed to visit the guest area, meaning a drawing room and garden. Mr Jones put to Surinder Kalia that this was untrue and that Ms Samrai had stayed at the house together with her son for several weeks in 1994, which he denied. He also denied that she had stayed there on two occasions in 1999 and 2000. He also denied that Ms Sahota had stayed in the house in the late 1990s or early 2000s. He did not recognise photos he was shown as having been taken upstairs in the house. However, he confirmed that his witness statement had been accurately translated to say that before 2003 people may have stayed occasionally at the family home, especially if they were travelling far.

Ms Parmjit Kaur

218. Parmjit Kaur said in her witness statement, which stood as her evidence-in-chief, that she had been attending the Coventry Temple since 1998, together with her mother.
219. She has known Rashpal Samrai since around 2009 and stated that Ms Samrai rented one of Mr Kalia's properties at 314 Foleshill Road, Coventry, until 2016: Ms Kaur used to help at the beauty salon in the same building. The offices of BJ Finance, Mr Kalia's company, were next door. She says that, over time, she and Ms Samrai became good friends.
220. Ms Kaur stated that, for as long as she has known Ms Samrai, Ms Samrai has claimed benefits even though she was working as a cleaner.
221. Ms Kaur refers to Ms Samrai's medical records which she has learned, through the Defendant's solicitors, refer to Ms Samrai having a carer called Parmjit Dhillon. This is in fact a reference to Ms Kaur, although Dhillon is not her name but her sister's name. Ms Kaur also referred to other entries in Ms Samrai's medical records as follows:

(a) In June 2012, Ms Samrai told medical practitioners that she stopped socialising about 5 years ago and she becomes anxious when considering visiting crowded places, and there is a note stating: "Her carer apparently controls access to this flat, which made it difficult to see her initially";

(b) In July 2012, Ms Samrai told medical practitioners that, since January 2012, she has not gone out and is dependent on her carer;

(c) In October 2012, Ms Samrai told medical practitioners that she lived alone and “does not go out of the house on her own”;

(d) In May 2013, Ms Samrai told medical practitioners that she becomes anxious when she goes out, and that she is only able to go out with her carer;

(e) In August 2014, there is a note stating that Ms Samrai’s friend/informal carer,

“had taken Ms Samrai to Leicester at times of appointments”, the suggestion

being that Ms Kaur was the reason that Ms Samrai was not attending appointments.

Ms Kaur said that none of this was true. Ms Samrai’s son, Sanjay, lived with her. Ms Samrai was fully capable of leaving the flat, and did so regularly, Ms Kaur did not control access to the flat. She said in her statement that she has never taken Ms Samrai to Leicester, but later in her statement, she also describes taking Ms Samrai to the Next staff shop in Leicester where clothes could be bought at a discount, in 2012, thus contradicting herself.

222. Ms Kaur said that she and Ms Samrai finally fell out in 2015 after Ms Samrai accused her of fraud. In December 2016, she was prevailed upon to meet Ms Samrai, who told her that she had been in a relationship with Mr Kalia for 22 years, saying she would meet him in hotel rooms and describing other sexual practices. Ms Samrai claimed she had been groomed by Mr Kalia, which Ms Kaur doubted because she is such a determined, strong-minded character. The purpose of the conversation was apparently to persuade Ms Kaur also to make accusations against Mr Kalia although he had never done anything to her. Ms Kaur said that Ms Samrai told her about the abortions. She told Ms Samrai that she should “get help and support, move on with her life and stop going to the Temple if that is how she felt” to which Mr Samrai replied that she needed to get ‘compensation’ as she wanted to emigrate to Australia. After this meeting, Ms Samrai called her frequently, trying to persuade her to go to the police, until eventually Ms Kaur’s husband told Ms Samrai not to bother her again.
223. In her statement, Ms Kaur also refers to, and comments on, things that Ms Samrai said to the police in interview about Ms Kaur’s sisters, but those things have not featured in the evidence in this case.
224. Ms Kaur says that Ms Samrai was obsessed with Mr Kalia as though she were a teenager obsessed with a popstar. She suggests that the allegations now being made by Ms Samrai are resonant of the sort of things which she used to watch on YouTube which Ms Samrai used to watch all the time, every day. She describes Ms Samrai as sexually active, liking to go out and have “one-night stands” which used to cause issues with Sanjay, her son. Being sexually liberal caused her to be slightly withdrawn from her traditionally conservative Asian community. Ms Kaur also suggests that Ms

Samrai had stolen a bag-full of clothes when they had visited the Next staff shop in Leicester.

225. Ms Kaur refers in her statement to going to India, and says that Ms Samrai never claimed that she had been sexually abused in India, something which she is sure Ms Samrai would have told her about a lot sooner than she did, given all the other things in her life that she shared with Ms Kaur. Nor had Ms Samrai mentioned visiting Mr Kalia's home whilst in India.
226. In cross-examination, Ms Kaur was asked if she had faith in Mr Kalia and she said that she had faith in his teachings as a guide to the deity, and in the power of prayer. She denied that her husband was a close friend of Pavan Kalia. Her husband was also a member of the Temple congregation and played the drums there.
227. Mr Jones then asked about Ms Samrai, and Ms Kaur described the geography of 314 Foleshill Road where there was situated the family beauty salon, the offices of BJ Finance and Ms Samrai's flat, the building being owned by Mr Kalia. Ms Kaur said that Ms Samrai had free access to the salon, the key to the lock of the door from the salon to the hallway having gone missing. Mr Jones asked about Ms Samrai's obsession with Mr Kalia, and Ms Kaur said that Ms Sarai's had a fanatical personality, saying: "her personality was very extreme so she would always go to the extremities of anything that she did. Anything she wanted to do it was to the extreme."
228. Mr Jones took Ms Kaur through some of Ms Samrai's medical records where Ms Kaur was referred to as being her carer and as having spoken to the doctor on Ms Samrai's behalf. In relation to some of the entries, Ms Kaur denied that it was in fact her speaking to the doctor, but she could not give a rational explanation for why either Ms Samrai or someone else would have pretended to be her. When asked why, she replied: "Because she made herself so unfit to work -- I mean to say that she was capable of doing anything. She knew to make herself ill to the point where she said I am sick but not to the point where she would be sectioned. So she would always say I am not suicidal but I am that severe I can't pick up the phone, I can't do anything, I am totally incapable. But I couldn't possibly have made that phone call." This did not seem to me to make much sense. Ms Kaur insisted that the numerous references in the medical notes to the carer, PT, was either a reference to another PT, such as PT or to someone who was masquerading as herself. Mr Jones put to Ms Kaur that not only was it her on each occasion, but that the entries showed that she believed Ms Samrai to be genuinely extremely unwell. Ms Kaur replied that Ms Samrai wasn't unwell at all but was absolutely fine and was claiming benefits fraudulently, exaggerating her health condition to do so, and that she was working at this time as well as going out socialising and meeting people. Ms Jones put to Ms Kaur that she was now seeking to portray Mr Samrai as a promiscuous benefit fraudster and this was a fabrication, designed to besmirch her character against the background of these proceedings, which Mr Kaur denied. Mr Jones challenged the account of Ms Samrai showing Ms Kaur a bag of clothes she had stolen.

Mr Pavan Kalia

229. Mr Pavan Kalia is the son of the Defendant, Rajinder Kalia, and his evidence-in-chief was adduced through 3 witness statements made in these proceedings. The principal statement was the first dated 10 November 2023 and is some 122 paragraphs long. With the exhibit, it runs to over 100 pages. His second statement was provided in order to provide further information for the parties' financial experts but, in the event, no financial experts were called to give evidence. Pavan Kalia's third witness statement was made in response to a witness statement of a Mr Phillip Hopley who was not, in the event, called to give evidence. It also contained a response to Ms Sahota's claim for travel costs.
230. In his first witness statement, Pavan Kalia said that, in common with his father, he follows the teachings and principles of Baba Balak Nath, the Hindu deity that is revered in the states of Himachal Pradesh and Punjab. He describes his father as a humble man and a servant of God and denies that his father has ever claimed any divinity or to be able to perform miracles or heal diseases. He describes the Coventry Temple as a place of worship that is open to all and which has a strong sense of community and belonging. He says it is a sociable, friendly place. He describes the geography of the Temple and that the priest room is open plan, accessible through an arch and is visible from multiple vantage points in the Temple. The layout was different between 1988 and 1994 when there was a curtain.
231. Pavan Kalia describes the services given by his father at the Temple and states that he himself also gives services and leads the prayers when his father is absent. He describes the five big events that take place at the Temple each year including the birthday of Baba Balak Nath on 9 November which, he says, just so happens also to be his father's birthday. Pavan Kalia denies that there is such a thing as a 'Naam Anniversary' and he refutes the Claimants' claim to have paid £1,000 each year for a Naam Anniversary. He also refutes the claim for annual payments of £1,700 in respect of 'ad hoc Poojas'. Pavan Kalia confirms that his father, in addition to giving services and leading prayers, meets people privately after services in his room. People ask to see his father for many reasons concerning their lives. Children and young adults are only seen if accompanied by a parent or adult guardian. In addition, 2 or 3 volunteers stand outside the priest room and will often ask the congregation to lower their voices because it is a place of worship with the result that it is often so quiet in the Temple that it is possible to hear what is said inside the priest room.
232. In relation to pilgrimages to India, Pavan Kalia replicates the evidence of his father and uncle, Surinder Kalia, concerning the fact that no-one from the congregation stays over in the Kalia family home in India (with one irrelevant exception) and visitors are not permitted to go upstairs.
233. In relation to BJ Finance Company and JBN Finance Company, the trading names of the Defendant, Pavan Kalia confirms that both firms have been regulated by the Financial Conduct Authority since 2016 and, before that, by the Office of Fair Trading. Pavan Kalia confirms that he had been responsible for the day to day running of the firms since 2000 and any transactions with the Claimants were normal business transactions pursuant to legally binding agreements entered into by the Claimants of their own volition.

234. In relation to the first Claimant, Ms Samrai, Pavan Kalia states that, in 1993, she and another male attendee of the Temple, Jaswant Singh, claimed to be re-incarnations of deities and started to preach and claim to be able to perform miracles and predict the future. This does not appear to have lasted long and Ms Samrai started visiting the Temple again, according to Pavan Kalia, claiming she had been indoctrinated by Jaswant Singh. In 1994 another attendee of the Temple, PT, alleged that Jaswant Singh had raped her during the period of time he was claiming to be a reincarnation of a deity. Pavan Kalia asserts that there are striking similarities between PT's claims in 1994 and the First Claimant's claims in the present case.
235. Pavan Kalia deals with the loan of £85,000 by BJ Finance to Ms Samrai. He states that after Ms Samrai entered into a credit agreement with BJ Finance on 5 February 2016 with a loan facility of £85,000, they discovered that Ms Samrai had received a substantial amount in social security benefits and had not been accurate about this in her loan application. In the circumstances, Pavan Kalia decided not to lend the money to Ms Samrai and the £85,000 was repaid to Ms Samrai in early March 2016.
236. From paragraph 65 of his statement, Pavan Kalia purports to deal with Ms Samrai's allegations against his father but I consider that these parts of his statement are either pure argument or a repetition of what others have said and Pavan Kalia's statement does not add anything of evidential significance. The same applies to the rest of Mr Kalia's statement in relation to Ms Samrai.
237. From paragraph 74, Pavan Kalia deals with the second Claimant, Ms Sahota. He refers to Ms Sahota having dated his cousin, Ajay Sharma, on and off for around 8 years and states:
- “It makes no sense whatsoever that Ms Sahota would want to marry a member of my father's family if she was being abused by my father as alleged.”
- I quote this as a further example of Pavan Kalia's statement containing argument rather than evidence. Pavan Kalia is, however, able to give direct evidence in relation to Ms Sahota's loans from his father's businesses for the purchase of vehicles as this was at a time when Pavan Kalia was running the businesses. He states that BJ Finance provided a loan to Ms Sahota for her to buy a car and she entered into legally binding agreements of her own free will. He challenges the claims made for loan repayments set out in Schedule 2b to the Amended Particulars of Claim.
238. In relation to Mandeep Dilbeher, Pavan Kalia states that he listened in to a call from a bank manager at HSBC in 2014 to his father alerting him to the fact that an employee of HSBC had been looking at his bank accounts. However, there appears to be no evidence that this was Mandeep Dilbeher who remained at HSBC for a number of years thereafter and who is therefore unlikely to have been the person involved.
239. Dealing with Sukhdev Kaur, the seventh Claimant, Pavan Kalia states that it is untrue that she entered into a series of loan agreements with BJ Finance secured upon her home as alleged in the Amended Particulars of Claim. He explains that Mrs Kaur completed the incorrect part of the loan application form dated 29 March 2010 and that the firm only secures mortgages against properties, not finance for cars. In any event, the Defendant Rajinder Kalia, was not involved at that time. Pavan Kalia

refutes, in his statement, the claims made by Mrs Kaur in relation to various vehicles. In relation to the claim for unpaid work by Mrs Kaur, Pavan Kalia's statement again is pure argument rather than factual evidence. His assertion in paragraph 114 of his statement that Mrs Kaur has been dishonest is wholly inappropriate, that being a matter for the Court.

240. Finally, in his statement, Pavan Kalia deals with allegations made by the Claimants against him personally included within the disclosure documents. However, as these matters have not been pleaded and did not form part of the Claimants' case, they need not be dealt with. At paragraph 22 of his statement, Pavan Kalia says:

"I believe the Claimants have made these allegations against my father solely in an attempt to extort money from him".

Pavan Kalia's belief is not evidence and, in my judgment, it does not further his father's cause for him to make what are clearly inadmissible statements.

241. Mr Jones, in cross-examination, took Pavan Kalia through the various pictures and other representations of his father and suggested that they were all intended to portray Rajinder Kalia as channelling the aura or the holiness of Baba Balak Nath, to assert a particular affinity between Rajinder Kalia and the Divine. Pavan Kalia responded that they were representations of his father's affinity with the Divinity. Mr Jones suggested that the purpose of the pictures was to convey Rajinder Kalia's association with the Divinity to people who were viewing them but Pavan Kalia demurred, saying that that would be a question for the people who had commissioned the pictures. He was not prepared to accept that the purpose of having such pictures displayed in the Temple was to convey the association between Rajinder Kalia and the Divinity to those attending the Temple. He denied that the pictures had been commissioned by his father but rather by the Temple committee and trustees. Mr Jones put to Pavan Kalia that the occasions when his father apparently pretended he could squeeze blood out of a lemon or blood from a chapati or set fire to water were tricks designed to encourage belief in Rajinder Kalia's powers on the part of those observing these tricks. Pavan Kalia rejected this, asserting that what his father was trying to do was get away from traditional sombre modes of worship but attract younger worshippers or those with language issues by including in the services a 'performative' element to supplement the religious element. Pavan Kalia denied that his father was thereby trying to encourage belief in his powers saying that this would be an insult to the Deity if his father was trying to usurp the position, whether implicitly or otherwise, of the Deity.
242. Mr Jones took Pavan Kalia through the transcript made from the recording by Mr Neil Johnston when he visited the Temple with Ms Katie Gibbons on 23 July 2019. Pavan Kalia agreed that he spoke to the journalists although there was an issue with the accuracy of the transcript in parts. This covered various themes. Pavan Kalia confirmed he had said that they don't do any scripture at the Temple and he confirmed that the scripture (Vedism) dated back to 3,500 BC but Hinduism dated back to 7,000 BC, 3,500 years before that. In relation to the date of Baba Balak Nath's birth, Pavan Kalia said that there were 3 traditional dates and they had adopted the one from the Gufa but the fact that it was Rajinder Kalia's birthday as well was purely coincidental. As Pavan Kalia said, they would not know Rajinder Kalia at the Gufa, nor his date of birth and 9 November was the date which they had adopted.

243. In the conversation with Mr Johnston, Pavan Kalia had referred to couples who had been unable to have children coming to the Temple and finding that they could conceive and Mr Jones asked if he was there attributing to the power of the Deity, realised through the priest, the Mandir or both, the ability to help infertile couples to conceive. Pavan Kalia confirmed that he was attributing the ability to help couples conceive to the power of the Deity. Pavan did not accept that the power of the Deity was realised through the priest or the Mandir. Generally, the position in relation to illnesses was, Pavan Kalia said, that the medical Profession would do what they could and thereafter the ‘coup de grace’ is provided by the Deity. Pavan Kalia also agreed that sometimes, when people came to see his father and talked to him privately, they would ask his father to pray for them. He said the “Mandali” at the Temple - these being the people who sing back-up vocals to Rajinder Kalia - were substantially people who had had significant alcohol issues. Pavan Kalia agreed that some vulnerable people would come to the Mandir but the majority of those attending the Temple would not be vulnerable.
244. Mr Jones asked about the position of the Guru by reference to Pavan Kalia telling Mr Johnston that having a Guru was like having a legal representative in court to represent your case to the judge - or in this case the Deity. Pavan Kalia said that whether the Guru is there to instruct and to intercede in the afterlife depends upon the particular strand of Hinduism being followed. He said:
- “Technically the Guru is about teaching but there has in recent times, in recent traditions, been this element of intercession, which is at the moment up in the air so to speak. There is no definitive answer unfortunately.”
- Pavan Kalia denied that his father had taught that he could see the future, that he had the power to heal, that he could read minds or that he could resurrect the dead, rejecting each suggestion emphatically. Asked about Naam, Pavan Kalia said that it was not really a special occasion but there were some people who would celebrate the anniversary of being given Naam by Rajinder Kalia.
245. Pavan Kalia said that he went on the pilgrimages to India in March once he had left school and started at university, the university terms being short enough to allow him to do that. Mr Jones also asked about the claim by the Claimants that they were required by Rajinder Kalia to undertake unpaid work both at the Mandir and on other property developments and Pavan Kalia said he was not aware of any of that. He denied that his father, through BJ Finance, was in the habit of foisting upon people cars that they neither asked for, nor wanted, nor needed. Mr Jones took Pavan Kalia through the documents relating to Ms Samrai’s abortive loan of £85,000 and put that it was a bizarre arrangement for Rajinder Kalia to hold £85,000 for someone whilst at the same time advancing them a loan of £85,000. Pavan Kalia said that it was not necessarily bizarre because some people have money they want to invest and some people have money they want to hold on to. He denied that the transaction represented irresponsible lending behaviour. He denied that the transaction fell through because members of Ms Samrai’s family got wind of it, including her brother and her son, and came down and demanded reimbursement of her money from Rajinder Kalia. Pavan Kalia said that this was false. Pavan Kalia said that it fell through because Ms Samrai had not been straightforward in declaring what she had been earning and for that reason he terminated the arrangement. He denied that the problem was that Rajinder



Kalia was holding on to £85,000 of her money at the same time as she was proposing to enter into a loan agreement of £85,000. Mr Kalia said that there was nothing sinister in the fact that the money had been repaid by cheques drawn on the account of BJ Finance rather than Kalia Empire Property Developers.

246. Next, Mr Jones put to Pavan Kalia that a large number of people who attend the Temple have entered into financial agreements of one sort or another with BJ Finance, putting to him the identity of various such members of the Temple congregation. Mr Jones put to Pavan Kalia that the Temple gives his father and his various financial businesses effectively a 'captive market' of potential customers to whom to sell those services. Pavan Kalia rejected this suggestion of a captive market. He pointed out that although there are people who come to the Temple who use the services of BJ Finance, the custom base is much wider than that of the Temple congregation including within the Pakistani community with which his family have a long-standing connection, his grandparents having come from Lahore originally before partition.
247. Mr Jones asked Pavan Kalia to confirm that his father was finally interviewed by the police about the allegations against him made by Ms Sahota on 5 May 2017. Although Mr Kalia was not sure about the date he agreed that, as of June 2017, no decision had yet been made whether his father would be charged. On 16 June 2017 Rajinder Kalia's solicitors, Olliers, made a number of representations for consideration and passing on to the Crown Prosecution Service prior to the making of any charging decision. Pavan Kalia conceded that, at the time of the purported date of Ruby Gill's letter of 17 July 2017, the CPS was still pondering their decision. The decision not to authorise charges to be laid was communicated on 2 August. Mr Jones asked if the letter of 17 July had been forwarded to Olliers and Pavan Kalia said that he spoke to a Richard Holliday of Olliers who advised they would have to interview the writer (Ruby Gill) and ascertain the veracity of the letter, its nature and context. However Rajinder Kalia was due to attend the police station on 2 August and they decided to take the letter with them and ask the police to forward it. However, when they attended on 2 August they were given the letter which said that there was to be no further action in any event and therefore Ruby Gill's letter didn't need to be used. Pavan Kalia said that the letter was genuinely dated 17 July 2017 and he read it to his father 3 days later on 20 July 2017. Mr Jones suggested to Pavan Kalia that if the letter had been in existence in July 2017, he and Olliers would have taken every step to ensure it was placed before the prosecuting authorities for the allegations made in it to be properly investigated. Mr Kalia said that they decided to take a different approach rather than do what Mr Jones was suggesting.

## **The Expert Evidence**

248. Expert psychological/psychiatric evidence was called on behalf of the parties: Dr Jacqueline Blyth (consultant psychologist) on behalf of the Claimants and Professor Andrew Maden (consultant psychiatrist) on behalf of the Defendant.

The Evidence of Dr Blyth

249. Dr Blyth produced four reports: a report dated 29 April 2022 in respect of the First, Second, Third and Fourth Claimants; a further report dated 13 July 2022; a third report dated 1 March 2024 and a fourth report dated 3 March 2024. In addition, she participated in an agreed joint report with Professor Maden, dated 26 April 2024. Regrettably, the reports and evidence of Dr Blyth fell well below the standard to be expected of a competent expert witness, both as to form and as to substance.
250. When first called to give evidence, Dr Blyth identified her reports in the trial bundles and her signatures on each of the reports and, in each case, she confirmed that the contents were true to the best of her knowledge and belief. When initially cross-examined by Ms Crowther KC on behalf of the Defendant, Dr Blyth confirmed not only that she had previously provided reports in civil cases pursuant to CPR Part 35 but that she was familiar with Part 35, with the Practice Direction to Part 35 and with the “Guidance for Experts in Civil Claims” issued in 2014 and also appended to Part 35. Ms Crowther reminded Dr Blyth of paragraph 3.2 of the Practice Direction to Part 35 that requires all expert reports to contain a specific statement in which the expert indicates that they are aware of their duties under Part 35 and have complied with them. She was then asked:

“So why do none of your reports contain that statement?”

Her answer was:

“I’m not sure. I normally put that in.”

The sad fact is that Dr Blyth’s reports were not compliant with Part 35 and the Practice Direction in that regard. They only included a Statement of Truth.

251. Part 35.10 CPR was also pointed out. This provides:

“At the end of an expert’s report there must be a statement that the expert understands and has complied with their duty to the court.”

Dr Blyth also accepted that she had not included any such statement at the end of any of her reports. When I asked Dr Blyth why her reports did not include such a statement she replied:

“It is an error. I left it out. I made an error.”

She was then taken to the Practice Direction, 35PD.3 which provides at paragraph 9:

“A report must contain a statement that the expert understands their duty to the court and has complied with that duty and is aware of the requirements of Part 35, this practice direction and the guidance for the instruction of experts in civil claims 2014.”

Asked whether either of those statements, which are obligatory in expert reports, were contained in any of her reports, she accepted that they were not. She had no explanation simply stating:

“It’s just an error.”

252. Next, Ms Crowther took Dr Blyth to paragraph 55 of the Guidance which refers to a mandatory statement in an expert report of the substance of all material and instructions providing:

“It should not be incomplete or otherwise tend to mislead, the imperative is transparency. The term “instructions” includes all materials that solicitors send to experts, these should be listed with dates in the report or an appendix.”

Ms Crowther pointed out that there was no list of documents in Dr Blyth’s report of April 2022, nor was there an appendix. Asked why she had not complied with that obligation, she responded:

“I don’t know. I normally do that as well.”

She stated that she was aware of the obligation, that she normally lists the documents, that she normally has an appendix with the documents but she was unaware why the report did not include such a list. Ms Crowther then referred Dr Blyth to paragraph 62 of the Guidance which provides that “A summary of conclusions is mandatory”: again, there was no such summary.

253. Unfortunately, when it came to the substance of the report, matters got worse for Dr Blyth. She accepted that there were factual issues and she was aware that there was a dispute as to whether the Defendant could have sexually abused the Claimants in the room at the back of the Temple when, on the Defendant’s case, the room was visible from the Temple and there was no privacy. In relation to that, Dr Blyth said in her report:

“All four Claimants described how a member of RK’s staff would stand guard outside the room at the back of the Temple when he was abusing them. Although RK says that no such room exists, it is of course not difficult to imagine that as soon as he had been arrested RK arranged for the room to be disassembled, just as it appears that there is no longer any YouTube evidence of his talks in the Temple in the UK or in India.”

Dr Blyth conceded that this passage was not based on any clinical evaluation or on any evidence but was purely something that she had supposed. I asked the question:

“Why did you put that into your report? Because on one view it could be thought that you were arguing the case for the Claimants by saying that.”

Dr Blyth answered:

“That’s true My Lord. I think after ... I shouldn’t have put that in. I think after hearing what these women had said and maybe it had been suggested to me that that’s what had happened, I put that in. I should not have put that in, My Lord.”

Thus, Dr Blyth was accepting that, in relation to that passage at least, she had been partisan and lost sight of her role as an expert and her duty to the court. She agreed

that had she been instructed by Mr Kalia, the Defendant, in this matter, she would not have included that passage in her report.

254. Dr Blyth was then taken to paragraph 13 of the Guidance which provides:

“Experts should take into account all material facts before them. The report should set out those facts and any literature or material on which they have relied informing their opinions. They should indicate if an opinion is provisional or qualified or whether they consider further information is required or any other reason they are not satisfied that opinion can be expressed finally without qualification.”

Dr Blyth confirmed that she believed she had cited all the literature that she relied on in support of her report. However she was then taken to a passage in her first report where she stated:

“I spent over 16 hours with these clients. This was preceded and followed by in-depth research into the subject of mind control, psychological trauma and helplessness, rape trauma syndrome, complex post-traumatic stress disorder, scepticism concerning the voracity of women’s claims of sexual abuse and the tendency to categorise them as unreliable witnesses and the current discourse of belief that pertains in society today, especially in terms of the possibility of abuse occurring in religious organisations.”

She was asked whether her research included looking at an article by Dr Amanda Lucia of the Department of Religious Studies, University of California-Riverside to which she replied:

“I don’t recall.”

It was pointed out that this article was not included in her literature list and she replied:

“Well it would only be included in my literature list if I had referred to it in my report.”

She confirmed that it is not referred to in her report and that is why it is not in the list. Dr Blyth was then taken to the passage of her report where she said this:

“5.2.3 According to the literature, the consolidated religious power of the guru can be relatively easily transferred into political, juridical or commerce power. For example, there is several examples of gurus demonstrating a significant impact on the contemporary social sphere, such as Baba, Ram, Dev, a guru and capitalist mogul of Ayurvedic products and Yogi Adityanath, the Peethadhishwar of the Gorakhnath Math and the chief minister of Uttar Pradesh, India’s most populous state. The guru’s ability to produce domaining effect through charismatic leadership in multiple fields is inextricably connected to the public’s belief in his (or her) innate spiritual power.

Devotees who elevate the guru do so because they believe that the guru is energetically powerful and is a conduit for divine power. There is also a sense that the guru transmits energy that can reach out to other living things and that attracts people to him or her to a special kind of relation or magnetism.

To gain access to the guru (and his or her wisdom, knowledge, insight and power), devotees manoeuvre to be close to him. One consensus among devotees in guru communities is that it is good, that it is to say spiritually beneficial, a blessing, and even a mark of divine favour to be invited to be close to the guru.

This is expressed through social and institutional structures; the personal behaviours, habits and desires of devotees and the communally sanctified social pressures to conform to this communally shared conviction. The acceptance of these behaviours depend on the idea that the guru's presence and in particular the guru's touch is powerful and even magical or miraculous.

The guru is believed to have the power to insight spiritual evolution, whether through the slow process of sculpting (achieved through continual exposure) or an instantaneous transformation (achieved through immediate physical contact). In general, private audiences, special attention and increased proximity to the guru are viewed within the community to mark the devotee who is granted such opportunities as special."

255. As Ms Crowther pointed out to Dr Blyth, all these paragraphs of her report are plagiarised from the article by Dr Lucia, lifted straight out of that article and passed off in Dr Blyth's report as if they represent her opinion to the court. This is done without any acknowledgement of the source of these passages and without Dr Lucia's article being referred to in the list of materials relied on. When Ms Crowther asked:

"Did that research include going online to look at an article written by Dr Amanda Lucia?"

Dr Blyth replied:

"I don't recall."

In my judgment, this answer must have been untruthful, given the way in which extensive passages had simply been copied by Dr Blyth from Dr Lucia's article and passed off by Dr Blyth in her report as her own. Questioned about this by Ms Crowther, and in particular why she was presenting Dr Lucia's work as if it were her own, she said:

"I have done that but I am presenting them as if they were my own because I am of the same opinion as her."

However she accepted that she had not changed the words although, in places, she had added her own words to make it look as if the section represented her own opinion when in fact the majority of the section was simply lifted from the article of Dr Lucia. It is difficult to imagine a more blatant breach not just of the provisions of Part 35, the Practice Direction and the Guidance but, more fundamentally, an expert's obligation to the court because these passages were, in effect, a deception practised on the court by Dr Blyth in pretending that these passages were her own words, representing her own opinions, rather than the repetition - regurgitation if you like - of the views and opinions of Dr Lucia. Indeed, at one point, Ms Crowther demonstrated that Dr Blyth could not even pretend that she was quoting Dr Lucia's words because they represented her own views. Thus, at paragraph 5.2.11, Dr Blyth wrote:

“Deliberate rejections of proximity are unthinkable within such communities, for example: leaving a position near the guru for one more distant without reason; discarding any of the guru's possessions received as gifts; or rejecting the guru's prasad.”  
(Emphasis added)

Ms Crowther asked Dr Blyth:

“What is prasad, Dr Blyth?”

There was a long pause and then she replied:

“I don't recall what that means. I was told lots of things during these interviews which I wrote down.”

This was a further attempt to deceive the court. Those words were copied straight out of Dr Lucia's article, they were not something that Dr Blyth was told by the Claimants which she wrote down. When I asked the question:

“Is it your evidence that where you wrote ‘rejecting the guru's prasad’ that was based upon what you were told by one of the Claimants?”

Dr Blyth replied:

“I can't recall, My Lord.”

In my judgment, Dr Blyth knew perfectly well that she wrote those words because she lifted them from Dr Lucia's article, not because they were spoken to her by any of the Claimants.

256. In her joint statement with Professor Maden, the following was recorded:

“In the course of our discussions it emerged that in this and the three related cases Dr Blyth took a full life history from each of the Claimants. She did not include it in her reports and has not commented on any inconsistencies between the life history and other sources of information.”

In answer to questions from Ms Crowther, Dr Blyth accepted that she had taken a full history from each of the four Claimants upon whom she was reporting but had not

included it or any part of it because “I didn’t think that was of any relevance whatsoever”. However, when discussing the case of the Third Claimant, Dr Blyth referred to responses she had received from an “SCL-R-90” questionnaire supporting somatoform symptoms, obsessive rumination, anxiety, hostility, hyper-vigilance plus paranoia and psychosis and then said:

“In the course of our discussions, it emerged that Dr Blyth also took a full life history from all four Claimants, and she did not include it in her reports but believes it supports her findings using the SCL-R-90.” (Emphasis added)

Clearly if part of the life history which Dr Blyth took supported her findings using the SCL-R-90 questionnaire, she could not have considered, as she said in her evidence, that she didn’t think the life history was of any relevance whatsoever.

257. Further, in cross-examination, Ms Crowther referred to part of Dr Blyth’s report where she referred to a condition which she called “Religious Trauma Syndrome” (also known as Spiritual Abuse) which is not included in DSM5, ICD 11 or any other classification of diseases. Ms Crowther asked whether Dr Blyth was giving the opinion that the Claimants were suffering from Religious Trauma Syndrome to which she replied:

“No it’s just me stating that’s what some Professionals believe.  
I went on to talk about Complex Trauma.”

However, I then pointed out to Dr Blyth that, at paragraph 5.1.55 of her report, she had said:

“The damage that [Religious Trauma Syndrome] or spiritual abuse has caused these Claimants has been vast and even debilitating.”

She then acknowledged that her previous reply to Ms Crowther’s question had been wrong and she was saying that the Claimants had been damaged by Religious Trauma Syndrome or spiritual abuse. When asked why she had previously denied that she said:

“Sorry, I can’t remember this report.”

I asked whether she had read the report before she came to give evidence to which she replied:

“I’m sorry I’ve had problems with my computer this last week and problems with my printer.”

I asked:

“So the answer is no?”

She answered:

“No.”

I then asked:

“So you have come to court and attested to the truth of these reports which you rely on without having reminded yourself of their contents?”

To which she replied:

“That’s correct”.

She acknowledged that this was not acceptable as an expert.

258. Then, in answer to questions from Ms Crowther KC, Dr Blyth accepted that the origin of “Religious Trauma Syndrome” (“RTS”) was an article by a Dr Marlene Winell headed “Religious Trauma Syndrome: It’s time to recognise it”. Although, on this occasion, Dr Blyth did reference the article, she referenced a 2014 article when it seems clear that the article was in fact dated May 2011 but I accept that Dr Blyth may simply have stated the date, 2014, in error. Again, there was extensive quotation from Dr Winell’s article. She had identified key dysfunctions in RTS as being cognitive, affective, functional and social/cultural and Dr Blyth said in her report that in the case of each of these four Claimants, religious trauma had affected all levels of being including cognitive impairment, affective/emotional impairment, functional impairment and social/cultural impairment. What Dr Blyth did not acknowledge in her report was that Dr Winell has a business running weekend retreats and an ongoing recovery group online called “Release and Reclaim” for people recovering from RTS, therefore having a vested interest in identifying RTS as a bona fide symptom (even though not recognised in any of the standard classifications) and capable of treatment. She agreed she is not aware of any other academic writer who recognises RTS.

259. In her article, Dr Winell stated that the symptoms of Religious Trauma Syndrome:

“compares most easily with PTSD, which results from experiencing or being confronted with death or serious injury and causing feelings of terror, helplessness or horror. This can be a single event or chronic abuse of some kind. ...

Like PTSD, the impact is long-lasting, with intrusive thoughts, negative emotional states, impaired social functioning and other problems.”

However, in her report, Dr Blyth stated that RTS had been compared to Complex PTSD which is, of course, different to PTSD. Again, that was untrue: RTS had been compared by Dr Winell to PTSD but not to Complex PTSD.

260. Unfortunately, there were other instances of inaccuracy or at worst, misleading passages in Dr Blyth’s report. For example, she had said, in relation to the First Claimant,

“Mr Kalia would complain if she gained weight. Ms Samrai told me she would often starve herself which led to serious medical problems. There is evidence of this in her medical records as she was repeatedly referred to dieticians by her GP for sudden and severe weight loss.”



In fact, there is no evidence in Ms Samrai's medical records that she was repeatedly referred to dieticians by her GP for sudden and severe weight loss. Dr Blyth asserted that she had reviewed Ms Samrai's medical records and that it was in the medical records but when asked to look through those records and point out where there was repeated referral to dieticians by the GP for sudden and severe weight loss, she accepted that it was not there. I consider that this statement in Dr Blyth's report was a pseudo-endorsement of Ms Samrai's account by reference to medical records which did not exist.

261. In consequence of the above, in my judgement no reliance whatever can be placed on the reports and opinions of Dr Blyth. She demonstrated herself to be an expert who had little or no regard to the provisions of Part 35, the Practice Direction and the Guidance in preparing her reports and who was prepared materially to mislead the court by passing off the views of another person as her own by lifting large passages from that person's article and setting them out in her report as if they represented her own views without acknowledgement or reference to the originating source. In the circumstances, I consider that I have no choice but to reject Dr Blyth's evidence in its entirety.

The evidence of Professor Maden

262. By contrast, I considered Professor Maden to be a careful, considered and truthful witness and in every respect I prefer his views to those of Dr Blyth where they differ and accept his opinions as expressed in his reports and evidence without hesitation. He produced reports on each of the first four Claimants as well as contributing to the joint reports with Dr Blyth. His findings were as follows:

*(i) C1: Rashpal Samrai*

- a) She has a personality disorder or maladaptive personality traits including emotionally unstable, histrionic and dependent traits; recurrent mild depression currently in remission; post-traumatic symptoms falling short of a diagnosis of PTSD (but this depends on the court's findings - if Ms Samrai was raped on multiple occasions, a past diagnosis of PTSD would become likely); and factitious disorder or malingering, which complicates precise diagnosis of all the other conditions. In interview, Ms Samrai was denying responsibility for many of her own actions and choices whilst showing no evidence of impairment of mental capacity, for which there is no psychiatric explanation, and which was never noted by any treating clinician. There were multiple incongruities in her presentation. Her capacity for work is currently unimpaired and she has no need for assistance with activities of daily living. She does not suffer from psychiatric delusions.
- b) There is reason to doubt the truth of psychiatric symptoms reported in the medical and DWP records because of the actions and opinions of treating clinicians; inconsistency of symptoms over time; inconsistency between different sources of information; and Ms Samrai's failure to attend for treatment after reporting severe symptoms.

- c) In relation to causation, her maladaptive personality traits and depressive illness predated the material allegations. She was very vulnerable when she was introduced to the Temple and to the Defendant and she was already suffering from a depressive illness precipitated by the breakdown of her marriage. If there is a past or current psychiatric disorder, the medical records and other evidence do not establish a causative link between that psychiatric disorder and the allegations now made by the Claimant in her evidence.
- d) In interview, Ms Samrai told Prof Maden that her relationship with the Defendant started again after her depressive illness in December 2002 and it never really finished. The Defendant would say it was over, she would be upset, and then it would start again. She said that the Defendant often threatened to end the relationship but that it continued to 2016 when she found out that he had a sexual relationship with another woman. This account is very different from what Ms Samrai says in her witness evidence and from what the Defendant says in his witness evidence.
- e) On the basis that the court accepts her account, it is likely that an on-off relationship between Ms Samrai and the Defendant exacerbated her mental health problems over the years but she already had and would have continued to have mental health problems of a similar nature in any event. A further important factor exacerbating her mental health problems, to which Professor Maden would give at least equal importance, was Ms Samrai's lack of cooperation with treatment. There is evidence in the medical records over a long period of time of inconsistency in presentation and reporting of symptoms to treating clinicians, but the determination of motivation is ultimately a matter for the Court.
- f) Ms Samrai's unemployment between leaving her job as an optical sales assistant and working as an HCA was not because she was unfit for psychiatric reasons.
- g) In relation to the prognosis, once the litigation settles, it is unlikely that Ms Samrai will require any ongoing psychiatric treatment.
- h) In relation to limitation, Ms Samrai has never lacked the mental capacity to complain or to instruct her legal representatives, even when her mental illness was apparently at its worst. She made a dramatic improvement in March 2017 and there is no suggestion then or since that she has lacked the capacity to complain. Neither has she ever been psychiatrically or psychologically disabled from making a complaint. The delay has complicated the work of the expert because of a deterioration in the cogency of the evidence with the passage of time. The expert is required to consider claims about complex matters such as the Claimant's mental health and causation in relation to events that took place decades ago. There are important missing records and the surviving records are sometimes brief and unhelpful. The complexity of the case is increased because of Ms Samrai's inconsistency as she presented very differently to

different clinicians. It would have been much easier to assess this case had it been brought within the time limits.

*(ii) C2: Kashmir Sahota*

- a) Professor Maden found Ms Sahota to be highly unusual as an adult who denied responsibility for so many of her own actions and choices: he could find no psychiatric explanation for this behaviour in the absence of an impairment of the mind within the meaning of the Mental Capacity Act 2005 and where it had not been discerned by any treating clinician, save for in 2006 when Ms Sahota suffered a brief and probably drug-induced psychotic episode. That episode led to a high level of scrutiny of her mental state after her recovery and it confirmed that she had truly recovered and that her mental capacity was unimpaired.
- b) In Professor Maden's experience, coercion of adults into sexual activity usually becomes an issue in situations where there is a high degree of control and restriction of freedom – as the ICD11 definition of Complex PTSD implies – and is most often encountered in institutional settings. It is not something that arises from someone simply being asked or told to do something while living and working at liberty.
- c) At interview, he found her to be guarded in some of her answers and he was unable to establish a satisfactory rapport with her. He felt that she was not speaking frankly to him but rather was concerned to project a particular impression. This was reinforced by major inconsistencies between Ms Sahota's account and the medical records. Thus, Ms Sahota told Professor Maden that she had had only one brief intimate relationship, but this was contradicted by the medical records which also show that she has recently sought IVF treatment with a long-term, same sex partner. She denied cannabis misuse in 2006, but the records showed she admitted such misuse at the time and that was confirmed by urine testing. She has also said in the past that her father is dead while she told Professor Maden he was alive, and she attributed her 2006 mental health problems partly to the stress of parental divorce, this being several years after she had asked her GP to write a letter in connection with his demise. Of course, when he wrote this, Professor Maden had not heard Ms Sahota's explanation that she had in fact been referring to her grandfather, not her father, and that the GP had made an error. Professor Maden considered that these gross inconsistencies concerning aspects of her life which are so fundamental to a psychiatric assessment suggested to him that he could not rely on her account to him as the basis for any diagnosis. Unfortunately, he found himself unable to turn to what Ms Sahota had told Dr Blyth as an alternative source because he was unable to determine from Dr Blyth's reports whether she had even asked Ms Sahota about aspects of her history that he considered essential in any comprehensive psychiatric assessment. It seems that Professor Maden's discussion of the case with Dr Blyth only enhanced the difficulty. Thus, in relation to the fertility clinic entries, Dr Blyth related that Ms Sahota had told her that she had no partner but had been advised that to say she had a same-sex partner would increase her chances of being offered fertility treatment, so she made up this story.

However Professor Maden noted that on 28.08.19 a letter from the Fertility Clinic had said that Ms Sahota's 31-year-old partner would be the donor of the eggs.

- d) In the absence of a satisfactory source of information from either Ms Sahota or Dr Blyth, Professor Maden confined his comments on diagnosis mainly to what Ms Sahota had said in her witness statements and to the medical records. He considered that if the Court were to find that Ms Sahota was raped by the Defendant as she claims, any reasonable expert would say that such stress probably made a contribution to causation of the 2006 episode. Unfortunately, however, the records contain no evidence to support that view. It is relevant also that there has been no recurrence of this condition and there is no evidence to suggest that Ms Sahota has used cannabis again. Her claim now that the abuse caused this psychotic episode is thus inconsistent with her having remained well since, when she says the abuse continued. The contemporaneous medical records confirm that cannabis was the likely cause of the brief psychotic episode. Professor Maden was of the opinion that there is insufficient evidence in the records to confirm a diagnosis of PTSD, and that remains the case if the Court were to find that Ms Sahota was abused as she claims. The required symptoms for that diagnosis are simply not present and her educational and employment history is essentially normal and inconsistent with the presence of any long-term mental illness.
- e) In the joint statement with Dr Blyth, the experts referred to Ms Sahota's long-standing, varied and deteriorating musculoskeletal pain which had been reported since at least 2001, and they agreed that whilst they were matters for experts in the relevant fields, these problems appeared to have had a severe impact on her ability to carry out activities of daily living and her capacity to work and that she presented at interview as significantly physically disabled.
- f) In relation to limitation, Professor Maden is of the opinion that Ms Sahota has never lacked the mental capacity to complain or to instruct her legal representatives. She has never been psychiatrically or psychologically disabled from initiating a civil action, whether before, at the time of or after her complaint to the police in 2017. She appears from the medical records to have initiated legal claims following at least one and possibly two accidents. The delay in instituting proceedings has complicated the work of the expert because of a deterioration in the cogency of the evidence as a result of the passage of time. Thus, the expert is required to consider claims about complex matters such as the Second Claimant's mental health and causation in relation to events that took place decades ago. There are few surviving medical records and they contain little or no information about her childhood or her early adult life. The educational records are limited. The complexity of the case is increased because of Ms Sahota's inconsistency. It would have been much easier to assess this case had it been brought within the time limits.

(iii) *C3: Harprit Dilbeher*

- a) As with the other three Claimants upon whom he was asked to report, Professor Maden found Harprit Dilbeher to be highly unusual in relation to her denial of responsibility for her own actions and choices for which there was no psychiatric explanation in the absence of impairment of the mind within the meaning of the Mental Capacity Act 2005. The only non-psychotic psychiatric diagnosis in which denial of responsibility for one's actions is a major feature is dissocial or antisocial personality disorder, which he does not diagnose. Again, as with the others, coercion of adults into sexual activity is not something usually encountered in people who are living and working at liberty. This is to be compared to institutional settings or other situations where there is a high degree of control and restriction of freedom.
- b) As with Ms Sahota (and Mandeep Dilbeher – see below), Prof Maden found Harprit Dilbeher to be rather guarded in her answers to his questions and he found it difficult to establish a rapport with her. In his opinion, she has never lacked the mental capacity to consent to a sexual relationship or to complain or litigate.
- c) Professor Maden did not consider Harprit Dilbeher to be suffering from any recognised psychiatric disorder at the present time. He considered that she may have done in the past because her GP noted in November 2013 that she was suffering from stress and panic symptoms when a lot of things were going on in her personal and family life and when she was waiting for a heart operation. Professor Maden saw these as understandable stress-related symptoms but acknowledged that it would fall within the range of reasonable expert opinion to diagnose an adjustment disorder. The same applied to a GP note of anxiety and low mood in July 2017, in the context of the ongoing police investigation. Professor Maden supported his position by reference to Harprit Dilbeher's excellent work record and the way she has coped with the adversity of severe physical medical problems, these being strong evidence against the presence of any severe or lasting mental health problem such as complex PTSD. In his joint statement with Dr Blyth, Professor Maden, responding to Dr Blyth's suggestion that complex PTSD had been present since 2017 and possibly before, stated his opinion that "it is implausible that complex PTSD arose in 2017, when HD was 31 years old, since the diagnosis requires damage to the personality that would have been evident well before that date, the disclosure itself was not so stressful as to be a potential cause of PTSD or complex PTSD, HD did not complain to her GP of symptoms of either condition and she has shown no significant impairment of occupational functioning." As I have stated, I accept Professor Maden's opinion and reject that of Dr Blyth.
- d) Professor Maden felt that Harprit Dilbeher was guarded when answering his questions, although he acknowledged there is a wide range of possible explanations for that. He then stated: "The claim that RK in adult life was able to make HD act against her will is inconsistent with any psychiatric explanation. HD told me she felt unable to say no when RD raped her repeatedly, and she said she just went along with it because of the power

and influence he had over her. In the absence of any material influence or coercion, I have never heard an adult speak about a rape or sexual assault in this way, and I have reported on a great many such assaults. It is ultimately a matter for the Court but the possibility of fabrication cannot be excluded.”

- e) In relation to limitation, Professor Maden expressed similar views to those expressed in relation to the other Claimants upon whom he reported.

*(iv) C4: Mandeep Dilbeher*

- a) As with the other three Claimants upon whom he was asked to report, Professor Maden found Mandeep Dilbeher to be highly unusual in relation to her denial of responsibility for her own actions and choices for which there was no psychiatric explanation in the absence of impairment of the mind within the meaning of the Mental Capacity Act 2005. The only non-psychotic psychiatric diagnosis in which denial of responsibility for one’s actions is a major feature is dissocial or antisocial personality disorder, which he does not diagnose. Again, as with the others, coercion of adults into sexual activity is not something usually encountered in people who are living and working at liberty. This is to be compared to institutional settings or other situations where there is a high degree of control and restriction of freedom.
- b) As with Ms Sahota and Harprit Dilbeher, Professor Maden found Mandeep Dilbeher to be rather guarded in her answers to his questions and he found it difficult to establish a rapport with her. In his opinion, she has never lacked the mental capacity to consent to a sexual relationship or to complain or litigate.
- c) From a psychiatric point of view, Professor Maden was concerned by the extent of the inconsistencies between what Mandeep Dilbeher told him and what is contained in her medical records. In particular, she told him that, for psychological reasons related to the alleged abuse, she had never had an intimate relationship. However, the records show that on 27.03.18 she saw a gynaecologist for postcoital bleeding, there was reference to terminations of pregnancy in August 2017 and in January 2018, and she was in a stable relationship. If this is correct, it undermined much of what she told him and what she has said in her witness statements about the impact of the abuse. Acknowledging that the full implications of this were for the Court to consider, Professor Maden said that, at a minimum, Mandeep Dilbeher’s unreliability in reporting to him, on aspects so fundamental to any psychiatric assessment of the impact of sexual abuse demonstrated that he cannot rely on her uncorroborated account as the basis for any diagnosis.
- d) Professor Maden stated: “As [Mandeep Dilbeher] has chosen not to give me an accurate account, I will confine my comments on diagnosis to mainly to the evidence of her witness statements and the medical records.” I took this to mean that he was assuming that the court would find that she

had so chosen, which I do find given that I consider the medical records to be a more reliable basis for establishing the facts than either Ms Dilbeher's witness statements or what she said to Professor Maden in interview. Professor Maden goes on to state: "The latter [ie the medical records] describe minor anxiety and low mood of a type commonly seen in general practice. There is nothing to suggest any more serious or more enduring mental disorder."

- e) Referring, then, to Mandeep Dilbeher's witness statements, Professor Maden states: "[They] describe fairly severe post-traumatic symptoms beginning in childhood. If the Court finds she was abused as she claims, repeated rapes would be likely to cause post-traumatic symptoms or PTSD and even possibly complex PTSD (cPTSD). However, this is far from straightforward for several reasons. First, I have drawn attention above to the lack of any avoidance, even though MD has said that for a time she chose not to attend the Temple so she was clearly able to take that decision. Secondly, PTSD is usually accompanied by symptoms of anxiety and low mood that commonly feature in the GP records even if the patient keeps the cause of the symptoms a secret. There are no such complaints at all in MD's records until after the approach to the police. Her work history does not suggest any longstanding mental health problems or indeed any such problems at all. Thirdly, complex PTSD requires repeated traumatic events from which escape is difficult or impossible and that was not the case for MD. The examples given in ICD11 are torture, slavery, genocide campaigns, prolonged domestic violence, or repeated childhood abuse and I would say on that basis that this diagnosis was not designed to apply to an adult living an essentially normal life between the alleged traumas."
- f) In relation to limitation, Professor Maden expressed similar views to those expressed in relation to the other Claimants upon whom he reported.

### **Witness Intimidation and the conduct of the trial**

263. There is a further aspect to this case which I wish to mention as it affected the conduct of the trial and may have had an impact on the evidence which was given. Each day, the parties came to court with supporters in quite large numbers. It was necessary to arrange an "overflow" court from where the proceedings could be observed through a video link. It was reported to me that there was some unpleasantness between these two groups of supporters, both in the court building (though not in court itself) and outside in The Strand. This culminated with an incident on 10 July after I adjourned mid-afternoon to give the transcribers a break. When I returned to court, Ms Crowther KC reported to me that there had been what she described as "ugly scenes" in court during the break. She reported witnessing a particularly intimidating atmosphere outside court the previous day generated, she said, by supporters of the Claimants behaving in an abusive and intimidating fashion to both supporters and the legal team for the Defendant. She also reported incidents in the overflow court and in the common parts of the Royal Courts of Justice. She said: "We have tolerated it for as long as we can and no longer. It is clear to me personally but also to those whom I represent, that it is becoming increasingly difficult for us to represent him and I would

submit also for Mr Kalia fairly to give his evidence.” She indicated that Mr Kalia had been caused agitation and distress. She applied for the court, including the overflow court, to be emptied. Without hearing from Mr Jones, and without purporting to decide on the rights and wrongs, this led me to say this:

“Alright. I am going to say something to the public, which is this: I understand, because of the nature of the allegations that have been made in this case, that feelings are running high on both sides. But it is essential, if the course of justice is to run smoothly, that everybody behaves themselves in an appropriate way in court and outside court, and that includes, difficult as it may be, treating everybody, whether they are for your side or the other side, with respect and dignity. Everybody deserves respect and dignity. It is too easy for that to be forgotten as the temperature rises, with the evidence that is being given and with, in particular, cross-examination. We are coming to a sensitive part of the evidence in relation to sexual allegations and that can only increase the temperature. If I have a single further report of unacceptable behaviour, then I will do as Ms Crowther has suggested and simply clear the court of everybody, and that goes for the overflow court too, and there will be no public observation of these proceedings whatever. I am sure that that is not what anybody wants in this court. Those supporting Mr Kalia want to be in court to support him; those supporting the Claimants want to be in court to support them, and I understand that. We have a tradition of justice being done in public but not at the expense of due order and appropriate behaviour. Not only will I clear the court but, if necessary, I will take the powers which I am given and have to imprison those who I consider to behave in contempt of court. I have powers immediately to imprison somebody. We have security officers and the Tipstaff at this court, who, if I summon them, will come to court and will immediately take somebody away to prison if they don't behave properly. So what you must realise, everybody, is that there is a jeopardy here as the potential penalty for inappropriate behaviour. I don't mean just in court but I mean outside court and in the environs of the court. My powers are widespread and extensive and I will not hesitate to exercise them if there is any further improper behaviour.

Now, that is sometimes known as “reading the riot act”. Please be assured that these are not just words but I will take action. As I rose 15 or 20 minutes ago, I was immediately aware of a hubbub behind me. I don't know what it was. I didn't stay to find out. But clearly words were being said, things were being said and it is just not appropriate. When I rise from this court, that doesn't release everybody, suddenly, to start behaving in a different way. You should, all of you, behave appropriately at all times with due respect for the due process of law and these court buildings. I hope that I don't have to say anything like this again



but as I have said, if anything more does arise, then I will take the appropriate action.”

Thankfully, this appeared to have the desired effect and it did not become necessary for me either to clear the court or to imprison anyone for contempt of court. In the end, I was satisfied that the evidence of the witnesses was not unduly affected by any intimidation and that the legal representatives of both sides were able to represent their clients to the best of their ability.

## **The Parties’ Submissions**

### **Submissions on behalf of the Defendant**

264. On behalf of the Defendant, Ms Crowther KC divided her submissions into six parts, dealing with:
- (i) Limitation
  - (ii) Credibility
  - (iii) Harassment
  - (iv) Fundamental dishonesty
  - (v) Undue Influence
  - (vi) Laches.

### **Limitation**

265. In relation to limitation, Ms Crowther submitted that the inclusion of personal injury claims meant that the whole claim was subject to the 3-year limitation period imposed by S.11 of the Limitation Act 1980, relying on *Azaz v Denton* [2009] EWHC 1759 (QB). This was not in dispute, and it applied to the First to Fourth Claimants. She then reiterated the correct approach derived from *KR v Bryn Alyn Community Ltd* and *JL v Bowen*: see paragraphs 22-24 above in this judgment.
266. Ms Crowther then turned to the exercise of discretion under s.33 of the Limitation Act 1980 and the principles as set out and explained in *Carroll v Chief Constable of Greater Manchester Police* [2017] EWCA Civ 1992 [2018] 4 WLR 42 *per* Sir Terence Etherton MR (see paragraph 305 below in this judgment). As stated by Griffiths J in *DSN v Blackpool Football Club Ltd* [2020] EWHC 595 (QB), in considering the effect of the delay on the cogency of the evidence, the court should look at the whole period of delay including, where relevant, delay after the issue of the claim form. Ms Crowther also drew attention to the judgment of Lord Brown in *A v Hoare* [2008] 1 AC 844 where he drew a distinction between allegations which have been investigated at the time and those which have come “out of the blue”. She further drew attention to the fact that, in the absence of documentary records, there is greater reliance on oral testimony which is always better the closer it is to the events in question. This applies to all the issues in the case, including causation and quantum: see, for example, *Murray v Devenish* [2018] EWHC 1895. Ms Crowther referred to the fact that, even when all the issues are being tried together, the court must still take into account the

question of proportionality in weighing the balance when making the s.33 decision. She submitted that the exercise of that discretion is an equitable one and where the court is being asked to disapply the limitation period, it should be very astute to ensure that it is appropriate to do so in the light of how a particular Claimant has approached the action and how it has been conducted.

267. In relation to the period of delay, Ms Crowther rightly observed that this depended on my findings of fact as to the period of the sexual assaults for each Claimant. She relied on the periods which had been set out in the opening skeleton argument, namely:

(1) First Claimant – the allegations span 1994 to 2016. Primary limitation for last alleged incident expired in October 2019 and, for incidents before that, 3 years after the incident.

(2) Second Claimant – the allegations span 1989/90 to 2015/16. She turned 18 in 1994. Primary limitation for any allegations pre-1994 expired in 1997. Primary limitation for last alleged incident expired in 2018/9 and, for incidents before that, 3 years after the incident.

(3) Third Claimant – the allegations span 1993 to 2016. She turned 18 in 2004. Primary limitation for any allegations pre-2004 expired in 2007. Primary limitation for last alleged incident expired in 2019 and, for incidents before that, 3 years after the incident.

(4) Fourth Claimant – the allegations span 1992 to 2015. She turned 18 in 2006. Primary limitation for any allegations pre-2006 expired in 2009. Primary limitation for last alleged incident expired in 2018 and, for incidents before that, 3 years after the incident.

268. In relation to lost or destroyed evidence, Ms Crowther relied on the following categories: mobile phones, passports, bank statements, internet information, medical records, hotel information and unavailable witnesses.

269. Mobile Phones

- (i) First Claimant: lack of mobile phones, particularly her current mobile phone which on 16 November 2023 was ordered to be delivered up by the end of November but was lost, Ms Samrai claimed, in a cinema shortly before the deadline, which Ms Crowther submitted was wholly implausible. Ms Crowther submitted that I should find that Ms Samrai's evidence about this was untrue, and that the inference to be drawn is that the Claimants had been in contact with one another and liaising about their stories and their evidence. Ms Crowther also relied on lost or deleted WhatsApp messages which would also have been revealed by preservation and examination of Ms Samrai's phone.
- (ii) Second Claimant: she claimed not to have had a smartphone. Ms Crowther expressed reservations as to how she had managed to produce a completely clean phone.

- (iii) Third Claimant: her Samsung phone was examined by Epiq and was found to have had its WhatsApp messages deleted at 10:08 hours on 23 November 2023. In evidence, Harprit Dilbeher admitted that she had deleted the folder in the face of the court's disclosure order and in full knowledge of it. Ms Crowther submitted that this was "just another example of deliberate and cynical withholding of evidence."
- (iv) Fourth Claimant: Ms Crowther referred to the court's Order that Mandeep Dilbeher disclose "Communications between each and any of the Claimants for the period 1987 to date in respect of, or relating to the Defendant, the Defendant's family or the allegations made in these proceedings, including but not limited to, emails, call logs, SMS text messages" and her response "I am not on social media therefore those searches are not relevant. I have also not emailed or sent text messages." Ms Crowther put that Mandeep Dilbeher had failed to answer the question about WhatsApp messages and had lied when she said she was not on social media when there are other messages from her in the bundle which refer to Facebook and YouTube as well as WhatsApp.

Ms Crowther described the above as a dispiriting picture of Claimants who are "working hard to withhold from the court the relevant information that they've been ordered to provide, and it's a very unpromising position from which to be seeking any kind of extension of time."

270. Passports

Ms Crowther submitted that loss of passports by the Claimants was highly suspicious but even if they have been genuinely lost, the fact is that they would have been of assistance in helping to ascertain whether the Claimant were in India at the times they said they were and whether the dates matched up.

271. Bank Statements

This relates to the Second Claimant in particular, who said she had redacted her original bank statements, and the redacted parts could not be retrieved from HSBC because their records only go back six years. The Third Claimant also made unsupervised redactions, on the basis of the wrong legal test, namely privacy (rather than relevance).

272. Internet Information

Ms Crowther referred to YouTube videos which the Claimants alleged existed, but have since been removed from the internet: she submitted that these could have still been available had the claims been brought earlier.

273. Medical Records

Ms Crowther submitted that these are critical to questions of causation and the assessment of damages, and also to the question whether there is any good reason why the claims could not have been brought sooner. Ms Crowther refers to the joint statement of the medical experts where they agree that Ms Sahota's medical records

appear not to be complete (page 4 of their joint statement) and that Mandeep Dilbeher's medical records are incomplete. So far as Ms Samrai is concerned, she had not disclosed her medical records since January 2018 although they have been called for, and Ms Crowther invites the court to infer that this is because they contain material which is unhelpful to her contentions in this case. Records from BPAS in respect of Ms Samrai's terminations of pregnancy are also no longer available. Ms Crowther was also critical of the state of the medical records which, at points, have been written over and she submits that this is "very deeply unsatisfactory" where the court is being asked to extend time.

274. Hotel Information

Ms Crowther submitted that, had the claim been brought sooner, it might have been possible to obtain information from the hotels where the Claimants say they met Mr Kalia such as booking and payment information. Ms Samrai said in evidence, for the first time, that she had been given a phone by Mr Kalia in order to call him: the call logs could have been interrogated and might have assisted the court in determining whether it was Mr Kalia who attended the hotels on those dates. In this regard, Ms Crowther relied on the following dictum from the judgment of Nicol J in *Murray v Devenish* [2018] EWHC 1895 at [110]:

"The Defendant is not therefore able to say with certainty, or even that it is more likely than not, that it would have had the assistance of documentary records about Riddle's time at Mirfield if the claim had been brought within the primary limitation period. ... the Defendant is entitled to say that the absence of personnel records puts even greater emphasis on oral testimony and the difficulty of recollecting without the assistance of that contemporary documentation becomes the more acute with the passage of time."

Thus, Ms Crowther submits that the court can and should take into account that the absence of such records puts greater emphasis on oral testimony, and in particular Mr Kalia's difficulty in dealing with events so long ago when he cannot be expected to remember, now, exactly where he was or what he was doing.

275. Unavailable witnesses

A particular witness who, Ms Crowther submitted, could have assisted on a number of topics that were in dispute was a Mr Amolik Kundi, who died in August 2019. Those topics included:

- The desire of the Second, Fifth and Sixth Claimants to go on the Temple committee and become trustees;
- The claims in relation to unpaid work, seva and donations;
- The position and accessibility of the priest room at the Temple and whether anything untoward would have shown up on CCTV of which he had oversight;
- The facts surrounding the suggestion that indecent images had been shown to children at the Temple.

276. Mr Crowther then turned to question whether the Claimants had established a good reason for the delay in bringing the claim. This depends on the Claimants being able

to establish that the Defendant's influence persisted in such a way as to have had the effect of preventing them from bringing the claim. Ms Crowther submitted that the evidence in respect of the state of mind of the Claimants was contradictory and obscure. Thus, in Ms Samrai's case, she told Professor Maden that whether she still believed that Mr Kalia was God was 50/50, as if one can dip in and out of such a belief. There was a strong suggestion that the reason Ms Samrai brought these accusations was because of jealousy of PT rather than, as Ms Samrai would have it, the scales suddenly falling from her eyes. More generically, Ms Crowther submitted that there is no real evidence that any of the Claimants were in thrall to Mr Kalia, and she relied on Professor Maden's evidence that there is no psychiatric reason for delay in bringing the proceedings. Once the complaints had been made to the police in 2017, Ms Crowther submitted that it is difficult to understand the Claimants' case as to why there would have been any persisting reason precluding them from bringing the action. The actions of the Claimants in 2017 such as going to the police, contacting the BBC Panorama programme, contacting their MP and contacting Neil Johnston is all inconsistent with them remaining under Mr Kalia's influence so as to inhibit them from bringing an action. If time started to run in early 2017, then the claim form is still out of time having been issued on 23 March 2021, the relevant date therefore being 23 March 2018, three years before. Ms Crowther submitted that, on the basis that solicitors were instructed in January 2019 (as pleaded in the Amended Reply), there is a dearth of evidence as to what was happening between January 2019 and March 2021 when the proceedings were issued. Given the lack of evidence, the Claimants cannot suggest that there was a good reason for the further delay during that period.

277. Conduct

Whilst there is no conduct on the part of the Defendant relied upon by the Claimants as being relevant to limitation, the converse is not the case. Ms Crowther submitted that there have been disclosure failures in the face of court orders and further efforts on the part of the Claimants to distort the evidence. Thus, she referred to Ms Samrai's admission that translations of Mr Kalia's teachings have been doctored in what Ms Crowther described as a "concerted effort to present [them] selectively and in a light that suits the Claimants". Throughout the proceedings, the Claimants have, she submitted, added tendentious commentary and headings to various documents which adds up to a complete failure to acknowledge the fairness of the legal process and the need to present evidence on a proper footing. In respect of the Second Claimant, Ms Sahota, Ms Crowther points to the way she has run the litigation on behalf of her parents with the consequence that their claims were struck out: see the interim judgment appended to this judgment. She further relies on the application at the pre-trial review to rely on a statement from a Mr Hopley, introducing additional material in respect of building disputes and allegations of dishonesty in separate court proceedings, leading to significant work on the defence side, only to be told that Mr Hopley was not available and had never been available. Had the court been told at the PTR that Mr Hopley was unavailable, as it should have been, a different decision would probably have been reached and significant costs would have been avoided. Ms Crowther also relied on the conduct of the Claimants in relation to Professor Maden. Ms Crowther further relied on the way that the schedules of loss had been pleaded, with no monetary value attached to the work claims or the travel claims, and making claims that are impossible. The cash claims are, it is said, clearly exaggerated

and compiled using a methodology which is, on its face, obviously illegitimate. Furthermore, in the case of the Second Claimant, the claim in respect of cheque payments was for payments which were largely never made. The claim in respect of car loans is clearly hopeless, with no evidence as to how there was any element of compulsion in relation to entering into the loan agreements. Ms Crowther summarised her submission as follows:

“My submission is these schedules have been put together recklessly as to the truth of their contents or not. They are not an honest assessment of the Claimant's claims. And several of the Claimants expressly disavowed them when challenged in evidence. In my submission, that's simply not good enough. You can't raise very substantial claims for damages in this way and then simply drop them, especially when they inherently include allegations of fraud, as they do with respect to the payments claims. And in a fact or fraud claim -- in my submission, it shouldn't be tolerated. For those reasons I say that the Claimants' conduct in this case is such that the discretion under section 33 ought not to be exercised.”

278. Finally, in relation to limitation, Ms Crowther submitted that, in the final analysis, the claims are disproportionate to the costs. If, as she submitted, the financial, work and travel claims fall away, that only leaves general damages for personal injury. There is no real evidence on causation or impact on day-to-day activities. There is no medical evidence of any ongoing symptoms. All that there will be, if the claims succeed, are modest awards for general damages, to be compared to the costs budget for the Defendant to defend the case of £1.5m. This alone is a sufficient reason not to extend the limitation period as a matter of discretion.

### **Credibility**

279. Ms Crowther made detailed submissions in relation to the credibility of each of the Claimants, by reference to the evidence and she submitted that the court should conclude that they were not capable of belief and that their evidence should be rejected. These submissions are considered in more detail in the section of this judgment where I make my Preliminary Conclusions on the evidence from paragraph 311 and following.

### **Harassment**

280. Ms Crowther referred to the authorities on harassment and the elements that need to be established, by reference to *Bruce Dowson and others v The Chief Constable of Northumbria Police* [2010] EWHC 2612 (QB) at paragraph 142, namely a course of conduct which amounts to harassment and which the perpetrator knows or ought to know amounts to harassment of the other. Knowledge, in the sense of ‘ought to know’

is if a reasonable person in possession of the same information would think the course of conduct would amount to harassment of the other.

281. Ms Crowther submitted that, in reality, there is no evidence to link the Defendant to any of the conduct of which complaint is made, and, in respect of some matters, it is not clear that the events took place at all. She pointed out that the First and Second Claimants do not address harassment in their evidence and Harprit Dilbeher's suggestion that Mr Kalia was behind negative reviews of her cleaning business was on the basis that he was the only one who knew she was setting up the business which is incorrect from the evidence of Anita Jassal. Furthermore, the business was set up in 2016, and although it did not trade, it did have a website and marketing from which others could have been aware of the business.
282. Generally, Ms Crowther portrayed the allegations of harassment as a further example of the Claimants' willingness to assert serious allegations against the Defendant on the back of nothing more than innuendo and supposition, but without supportive evidence.

### **Fundamental Dishonesty**

283. Ms Crowther referred to Section 57 of the Criminal Justice and Courts Act 2015 which obliges a court to dismiss a claim where a Claimant has been fundamentally dishonest in relation to the primary claim or a related claim. The duty includes dismissal of any element of the claim where the Claimant has not been dishonest (section 57(3)). A related claim is a claim for damages in respect of personal injury which is made in connection with the same incident or series of incidents in connection with which the primary claim is made and by a person other than the person who made the primary claim. The test for dishonesty is that which applies in the criminal law: see *Ivey v Genting Casinos UK Ltd* [2018] AC 391 in which it was held that the fact-finding tribunal must ascertain the subjective state of the individual's knowledge or belief as to the facts. The reasonableness of the alleged belief is relevant to that exercise, but not determinative. Once the state of mind is ascertained, the question whether the conduct was honest or dishonest is determined by applying the objective standards of ordinary decent people. Dishonesty is fundamental if so important in the overall claim as to go to the root of it: see per Jay J in *Roberts v Kesson* [2020] EWHC 521 (QB).
284. In relation to each of the First to Fourth Claimants, Ms Crowther submitted that they had been fundamentally dishonest by reference to the matters set out in a witness statement of Francesca Parker, a solicitor in the firm of Kingsley Napley, the Defendant's solicitors, dated 1 February 2024, at paragraphs 17-37. These matters are considered more fully in paragraphs 327 to 328 of this judgment.

### **Undue Influence**

285. Ms Crowther, having considered the authorities on undue influence and in particular *Allcard v Skinner* (1887) 36 Ch.D. 145, *BCCI v Aboody* [1990] 1 QB 923 and *Barclays Bank v O'Brien* [1993] QB 109, referred to Mr Kalia's teachings and Ms Samrai's evidence of the effect of those teachings on her. She submitted that even if the court finds that Mr Kalia, as the guru of the Temple, was in a position of influence, that

should not lead to a finding of undue influence. The court needs to find both that the influence was undue and that it had been exercised in relation to the relevant transactions which the Claimant seeks to impugn. Ms Crowther submitted that the totality of the evidence falls considerably short of what is needed in order to establish either causation or that any influence was undue. She submitted that there would be two potential paths to a finding of undue influence: first, if the court found that there was actual undue influence, for example because the Defendant had actually coerced or forced or pressurised in a way which amounted to victimisation and was improper. Secondly, undue influence could be presumed if the relationship is one where the Defendant has influence over the Claimant's actions and the Claimant has entered into a transaction that is manifestly to her disadvantage: that would shift the burden of proof to the Defendant to show that the transaction in question was not in fact influenced by the undue influence, for example if the Claimant has had external or legal advice. She accepted that the relationship of devotee and spiritual adviser could be such a relationship. Ms Crowther submitted that, in considering whether any exercise of influence had been undue, it is not sufficient to say that there is a relationship of influence: it needs to have been exercised in a way which is undue, and she conceded that this could potentially include sexual abuse. She further submitted that the Claimants had failed to establish that the transactions were manifestly to their disadvantage: the overwhelming majority are everyday transactions, well within what would be regarded as normal within the Hindu tradition (referring to the evidence of Professor Flood in this regard). There was no disadvantage in relation to the car loans – the cars were obtained and driven around; Ms Samrai was repaid the £85,000 she had paid over to Mr Kalia before the loan transaction ever went through. Ms Crowther asked the court to accept Mr Kalia's evidence that this was not more than an attempt, albeit misguided, to assist Ms Samrai in managing her money. The holding of money by Mr Kalia was, he said in his evidence, something that is part of the Indian community or culture.

## **Laches**

286. Finally, Ms Crowther referred to the doctrine of Laches, which is relevant to the claim of the Seventh Claimant, Sukhdev Kaur. She submitted that the analysis is, to all intents and purposes, the same as that under s.33 of the Limitation Act 1980. The equitable principle of laches requires that a Claimant seeking an equitable remedy must come to court quickly once he or she knows that his or her rights are being infringed. She referred to the dictum of Lord Selborne LC in *Lindsay Petroleum Co v Hurd* (1974) LR 5 PC 221, 239-244:

“Now the doctrine of laches in courts of equity is not an arbitrary or a technical doctrine. Where it would be practicably unjust to give a remedy, either because the party has by his conduct done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases lapse of time and delay are most material, but in every case if an argument against relief which otherwise would be just is founded upon mere delay, that delay, of course, not amounting to a bar by any statutory limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances always important in



such cases are: the length of the delay and the nature of the acts done during the interval which might affect either party and cause a balance of justice or injustice in taking the one course or the other so far as relates to the remedy.”

Ms Crowther in particular emphasised the final sentence. She submitted that the inquiry should require a broad approach, directed to ascertaining whether it would in all the circumstances be unconscionable for a party to be permitted to assert her beneficial right. The question for the court in each case is simply, having regard to the delay, its extent, the reasons for it and its consequences, whether it would be inequitable to grant the Claimant the relief she seeks. Ms Crowther submitted that all the submissions which she has made about conduct and coming to the court with ‘clean hands’ applies equally to laches, indeed, if anything, they sound even more loudly in laches than they would under section 33. She described the discretion of the court as very wide, even wider than that under section 33. In his submissions, Mr Jones agreed with Ms Crowther, stating that in terms of the principles to be applied, there is no discernible difference between laches and the principles of limitation.

#### Submissions on behalf of the Claimants

287. Mr Jones started his submissions by reminding the court of what Lindley LJ said in *Allcard v Skinner* (1887) 36 Ch D. 145:

“the influence of one mind over another is very subtle, and of all influences religious influence is the most dangerous and the most powerful, and to counteract it Courts of Equity have gone very far.”

In his submission, that is what this case is all about.

288. In assessing the evidence of the Claimants, Mr Jones asked the court to bear in mind that, on their case, they are victims of traumatic events which elapsed over a protracted period, whose religious beliefs have been shattered and who have brought these claims to achieve accountability in the face of the most difficult personal and economic circumstances. At the other extreme is the Defendant’s case that the Claimants are dishonest conspirators who have concocted an appalling tissue of lies in order to extort money from him. He asked the court to be tolerant of, for example, minor contradictions between what is pleaded and the witness statements, such differences being understandable when set against the background of the allegations made, the trauma alleged and the practical difficulties in identifying every individual place, time and manner in which the assaults are alleged to have taken place. Mr Jones emphasised that the Claimants’ evidence as to the Defendant’s ‘modus operandi’ is mutually corroborative – the use of his private room at the Temple and the making of hotel bookings. He submitted that it would be remarkable if this case is an invention that each of the First to Fourth Claimants could identify payments for hotels, sometimes from many years ago, where they say the meetings with the Defendant took place. Thus, people do not routinely repeatedly book hotels in the vicinity of their homes, and if this was a conspiracy put together at a relatively late stage, as the Defendant alleges, it is astonishing that they are all able to identify records of such hotel bookings from their bank records.

289. Mr Jones also submitted that if this is a claim manufactured as a result of Mandeep Dilbeher looking at Mr Kalia's HSBC bank account and ascertaining that he is rich, such a theory is unsupported by any direct evidence: HSBC undertook an investigation in 2017 which did not reveal any such transgressions.
290. In relation to the handwritten letter of 17 July 2017 purporting to come from Ruby Gill, Mr Jones submitted that this is a demonstrably crude attempt at a deception, probably created long after the event and having no basis in fact.
291. Mr Jones proceeded to make submissions in relation to Mr Kalia's standing in the Temple and the way he portrayed himself, whether through his teachings or his "performances" when preaching or through the iconography on display. He submitted that this added up to a man who portrayed himself as much more than a mere servant of God, but as a guru with such a close relationship with God that, particularly after receiving Naam (which he submitted carried a much greater significance in this Temple than the Defendant was prepared to concede, giving rise to a 'guru-shish' relationship), his followers should subject themselves to the guru's instructions, offer donations and sacrifice themselves, body and soul, adopting a relationship of subservience. He submitted that, on the evidence, Mr Kalia created an environment around himself to suggest an aura of the divine, of being close to the divine with the purpose of encouraging followers to see him as divine or semi-divine, to view his utterances similarly, to follow him, not to question him, and to obey him. In addition to Naam, Mr Jones also referred to the concept of 'seva' which, in this Temple, went much further than people simply helping out for the common good. Against this background, Mr Jones submitted that these Claimants were led, through their faith and their belief in the guru, Mr Kalia, to submit themselves to him sexually (in the case of the First to Fourth Claimants), with grooming of the Second, Third and Fourth Claimants (and worse) starting when they were children in the privacy of the priest room. Mr Jones then reminded the court of the details of what each of the first four Claimants had alleged.
292. Referring to the matter of the transfer of £85,000 to the Defendant by Ms Samrai together with her application for a loan of £85,000, Mr Jones submitted that this episode demonstrates her naivety, her willingness to go along with anything that was suggested to her by Mr Kalia, no matter how objectively bizarre together with a degree of recklessness in relation to the conduct of financial business by BJ Finance. Mr Jones submitted that this episode was redolent of undue influence and the complete faith which Ms Samrai had in Mr Kalia and those around him.
293. Mr Jones referred to the WhatsApp messages exchanged between Ms Samrai and PT in late 2016 and he submitted that they demonstrate that there was no conspiracy to make false allegations against the Defendant but rather a dawning realisation on their part of the situation. He further refers to the fact that Ms Sahota only provided her statement to the police on 20 February 2017, the First, Third and Fourth Claimants having provided theirs on 1/2 January 2017, as suggesting that she had not conspired with the other Claimants with regard to these allegations.
294. On 17 February 2017, the anonymous complaint was made to HSBC regarding Mandeep Dilbeher. Mr Jones submitted that this was clearly reactive to the complaints that had been made to the police about the Defendant. He further submitted that the

subsequent investigation by HSBC did not substantiate that Mandeep Dilbeher had inspected Mr Kalia's bank accounts on a previous occasion. Mr Jones submitted that there was no evidence that Mandeep Dilbeher had looked at Mr Kalia's account at HSBC except from Ruby Gill. In particular, Sunil Dadra said in evidence that Mandeep had never told him that she had looked at Mr Kalia's account, and Mr Jones submitted that this would have been expected, given their relationship, if it were true.

295. Mr Jones turned to the "Ruby Gill" letter of 17 July 2017. He referred to the fact that this was at a time when there was active engagement between the Defendant's then solicitors, Olliers, and the police/CPS. He submitted that it is inexplicable that neither the Defendant, nor Pavan Kalia, spoke to Ms Gill about it, nor did they forward the letter to Olliers or to the police or to the CPS. He further submitted that Pavan Kalia's explanation, namely that he dictated to the solicitor over the phone the letter sent by Olliers to the police dated 16 June 2017, is "deeply unsatisfactory". This led to the submissions that the account of the "Ruby Gill" letter of 17 July 2017 is untrue, as are its contents. It also led to a full-frontal attack on the bona fides of Ms Gill who, he submitted, appeared to know little or nothing about Harprit Dilbeher with whom she claimed to have been in a relationship, whose evidence was unsupported by any text messages or emails and who claimed wholly implausibly to have been part of a friendship group with three ex-partners and two women, 20 years her senior, who were blackmailing her but was unable to provide details of the complaints she said she had been bullied into making. Following this through, Mr Jones submitted that, if the letter was fake, it substantially damaged the credibility of the Defendant and Pavan Kalia and shows that there was a campaign to besmirch the character of the Claimants, which included assertions of promiscuity, avarice, dishonesty and more.

### **Findings: letter of 17 July 2017**

296. It is appropriate, at this stage, to make my findings in relation to the letter of 17 July 2017, given its importance to the issues in this case. By the end of Ruby Gill's evidence, I was inclined to find that the letter was a fake. I found aspects of her evidence in relation to the letter to be somewhat incredible. Why would she have left it on a chair when she could have given it to Mr Kalia? Why was the letter not produced immediately to the police when it would have been so central to the investigation they were conducting into Mr Kalia: it would have been crucial exculpatory evidence. However, the evidence of Pavan Kalia put a different complexion on the matter. I refer to his evidence given in cross-examination as set out at paragraph 248 above:

"Pavan Kalia said that he spoke to a Richard Holiday of Olliers who advised they would have to interview the writer (Ruby Gill) and ascertain the veracity of the letter, its nature and context. However Rajinder Kalia was due to attend the police station on 2 August and they decided to take the letter with them and ask the police to forward it. However, when they attended on 2 August they were given the letter which said that there was to be no further action in any event and therefore Ruby Gill's letter didn't need to be used. Pavan Kalia said that the letter was

genuinely dated 17 July 2017 and he read it to his father 3 days later on 20 July 2017. Mr Jones suggested to Pavan Kalia that if the letter had been in existence in July 2017, he and Olliers would have taken every step to ensure it was placed before the prosecuting authorities for the allegations made in it to be properly investigated. Mr Kalia said that they decided to take a different approach rather than do what Mr Jones was suggesting.”

In this regard, I found his evidence convincing and it was, I find, truthful: if the letter was a forgery, manufactured a long time later to further the Defendant’s cause, Pavan Kalia’s evidence about this as set out above would have been a pack of lies. I do not believe that Pavan Kalia would have lied in this way and I accept his evidence about it. The consequence is that I find that the letter is genuinely dated 17 July 2017. However, given my misgivings about Ruby Gill’s evidence generally, I prefer not to rely on its contents for the purposes of this judgment.

297. Turning to the law, Mr Jones referred first to the law of consent upon the assumption that the court finds in favour of the Claimants that the alleged activity did occur. As he submitted, the Second, Third and Fourth Claimants could not consent to any sexual activity before their 16<sup>th</sup> birthdays. Thereafter, and in relation to the First Claimant, he submitted that the test to be applied should be that used in cases of sexual offences: “...a person consents if (s)he agrees by choice, and has the freedom and capacity to make that choice” (see s.74 of the Sexual Offences Act 2003). Mr Jones submitted that none of the First to Fourth Claimants either had, or understood themselves to have, a choice and/or the right to refuse the Defendant’s demands upon them. Accordingly, they lacked capacity, applying the dictum of Mrs Justice Parker in *London Borough of Southwark v KA and Ors* [2016] EWHC 661 (Fam): “The ability to understand the concept of and the necessity of one’s own consent is fundamental to having capacity: in other words that P knows that she/he has a choice and can refuse.” Mr Jones submitted that the Claimants’ freedom to consent (or to refuse consent) was “impaired by the grooming, manipulation, control, and subservience that they allege. The Defendant, they would say, engineered each Claimant’s dependency upon him, and each Claimant was required to submit sexually to him for that dependency to be satisfied. And if that’s right, any purported or conceptual consent cannot have been genuine.” He submitted that this can be the case, and was the case, even though they did not lack mental capacity within the terms of the Mental Capacity Act 2005. In this context, the religious aspect is, he submitted, critical: “If all these Claimants truly believed that to get closer to God they had to obey every command of the Defendant, and that they were led to believe by him that that was a necessary component of getting closer to God and being pure and being spiritual and all the rest of it, then they did not know that they had a choice, they in effect had no choice, and they did not know that they could refuse, they in effect could not.”
298. Dealing with limitation, Mr Jones agreed that, if the court decides there was wrongdoing, then s.33 of the Limitation Act 1980 is engaged and that the principles to be applied are as set out in *Carroll* (see paragraphs 267 above and 305 below). He also agreed that the relevant periods of delay are as set out in the opening skeleton argument for the Defendant: see paragraph 268 above. Mr Jones did not accept that

the effect of the Defendant's influence on the Claimants ended when they made their complaints to the police, because even if they were able to do that, he submitted there would still remain a lingering effect or limitation on their autonomy in consequence of their deeply held religious beliefs and the deep control that the religious organisation had over them. The first letter of claim was that written on behalf of Ms Sahota and her parents on 11 April 2019 by Messrs Margetts & Ritchie which was for repayment of sums paid between 1989 and 2014 which were said to have been loans, in effect. That letter did not address the matters raised in these proceedings. Ms Samrai had first gone to solicitors, Messrs Peacocks, in January 2019. The letter of claim was sent on 27 June 2020 and the Claim Form was issued on 23 March 2021. There had been no standstill agreement or, indeed, a request for the same. Nor was a protective Claim Form issued. So Mr Jones had to accept that there had been delay, and explained that by reference to the psychological difficulties they had experienced, as referred to in the report of Dr Blyth who applied those symptoms to the autonomy of the Claimants in terms of their ability to bring proceedings. She had referred in her report to the stress with which the Claimants had to cope, with sudden and significant loss of social support. Turning to the cogency of the evidence, Mr Jones submitted that a fair trial remained possible, this being the ultimate test (*Roberts v Commissioner of Police of the Metropolis* [2012] EWCA Civ 799). This was particularly the case where the issue for the court is essentially binary: did or did not the activity of which the Claimants complain take place? Mr Jones then went on to address the issue of the Claimants' disclosure, lost documents and their responses to the Order which the court had made. Mr Jones then proceeded to address the other aspects arising from s.33: conduct, including whether the Claimants acted promptly once they knew whether the acts complained of would give rise to the potential for an action in damages; proportionality: it was submitted that these are allegations of considerable seriousness. Summarising his submissions on limitation, Mr Jones referred to his opening skeleton where he said:

"The principles as to the exercise of the s.33 discretion set out in *Carroll v Chief Constable of Greater Manchester* have in subsequent cases been regarded as an authoritative distillation of s.33(3). The general principles, as appear relevant to the present case, may be summarised as follows:

1. Section 33 is not confined to a residual class of cases: it is unfettered, and requires the Judge to look at the matter broadly.
2. The matters specified in s.33(3) are not intended to place a fetter on the discretion given by s.33(1), as made plain by the opening words "the court shall have regard to all the circumstances of the case", but to focus the attention of the Court on matters which past experience has shown are likely to call for valuation in the exercise of discretion and must be taken into consideration by the judge.
3. The essence of the proper exercise of judicial discretion under s.33 is that the test is a balance of prejudice, and the burden is on Cs to show that their prejudice would outweigh that to D. Refusing to exercise the discretion in favour of a Claimant who brings the claim outside the primary limitation period will

necessarily prejudice the Claimant, who thereby loses the chance of establishing her claim.

4. The burden on the Claimant under s.33 is not necessarily a heavy one. How heavy or easy it is for the Claimant to discharge the burden will depend on the facts.

5. While the ultimate burden is on a Claimant to show that it would be inequitable to disapply the statute, the evidential burden of showing that the evidence adduced or likely to be adduced by the Defendant is, or is likely to be, less cogent because of the delay is on the Defendant.

6. The prospects of a fair trial are important. It is particularly relevant whether, and to what extent the Defendant's ability to defend the claim has been prejudiced by the lapse of time because of the absence of relevant witnesses and documents.

7. The reason for delay is relevant and may affect the balancing exercise. If it has arisen for an excusable reason, it may be fair and just that the action should proceed despite some unfairness to the Defendant due to the delay."

299. Addressing the law of undue influence, Mr Jones referred to *Snell on Equity* at Chapter 8 and the exegesis on the law contained therein. He made two specific points. First, the distinction between actual and presumed undue influence is merely between two different sorts of evidential routes to proving influence that was undue, leading to a transaction that was manifestly to one's disadvantage. Those are the elements. Secondly, in relation to presumed undue influence, at paragraph 8-024 of *Snell*, the authors refer to *Etridge* [2002] 2 A.C.773 in which Lord Nicholls gave a number of examples of relationships within the special class to which the law has adopted a "sternly protective attitude" and that includes "religious, medical and spiritual advisers" arising from the line of cases following from *Allcard v Skinner* (1887) 36 Ch.D. 145. *Snell* makes the point that whereas there had previously been said to be a presumption of influence in a relationship falling within that special class, that presumption is now irrebuttable (citing *Etridge* at paragraph 18) and so has become simply a substantive legal rule. *Snell* gives the example: "If, B claims that undue influence was exerted by B's solicitor, it will follow that a relationship of influence existed and, if B is also able to show that the impugned transaction calls for explanation, the presumption of undue influence arises."
300. In relation to fundamental dishonesty, Mr Jones agreed with Ms Crowther that the issues are entirely factual. He reiterated what he had said in opening, namely that, whilst contending that the Claimants have not been fundamentally dishonest or, indeed, dishonest at all, the dismissal of the claim against any of them would cause substantial injustice within the meaning of s.57 (1) and (2) of the Criminal Justice and Courts Act 2015 which provide that, where the court finds that a Claimant is entitled to damages in respect of a personal injury claim but that the Claimant has been fundamentally dishonest in relation to the primary claim or a related claim, the court

“must dismiss the primary claim, unless it is satisfied that the Claimant would suffer substantial injustice if the claim were dismissed.”

301. In relation to harassment, Mr Jones agreed with Ms Crowther’s exposition of the law arising from the Protection from Harassment Act 1997. He accepted that the case is largely inferential because no Claimant had direct evidence of the Defendant doing anything or directing another to do something. What the Claimants say is: well, this tide of unpleasant activity was unleashed against us in the various matters that are pleaded and complained of and it is a sensible, common sense conclusion for this court to come to that that was at the direction and will of Mr Kalia asking, directing, counselling, procuring his followers to behave in the ways alleged.”
302. Finally, Mr Jones addressed the subject of remedies and the right to equitable compensation where there has been undue influence, relying on *Jennings v Cairns* [2003] EWHC 1115 (Ch), where equitable compensation was awarded for undue influence even though the judge made no express findings that there was a breach of fiduciary duty. The Court of Appeal ([2003] EWCA Civ 1935 at [45]) upheld both the finding of undue influence and the award of equitable compensation. Mr Jones submitted that this is particularly apposite where the Claimant is entitled to rescission, but that is practically impossible and it would be unjust for the Defendant to retain the benefits gained by their undue influence. He invited the court to exercise its discretion to award such sum to each Claimant as in its view properly compensates her for the equitable wrongs done to them by the Defendant. Further support for such an approach is to be found in *Snell on Equity* paragraphs 8-038 and 8-039. As the Court of Appeal as recently stated (*Hart v Burbidge* [2014] EWCA Civ 992 at [43]) the juridical basis of the grant of relief in respect of transactions impugned by undue influence is unjust enrichment. Snell suggests that to view it this way makes it clear that the value of the rights received by undue influences under the impugned transaction sets a limit to the relief that may be granted. Support for a jurisdiction to order an undue influencer to pay compensation further come from *Mahoney v Purnell* [1996] 3 All E.R. 61 per May J where the Defendant no longer held the right transferred in the impugned transaction, nor did the Defendant retain the proceeds of sale or any other traceable proceeds of that right and the judge held that “practical justice in this case requires an award which is akin to damages” and so ordered the Defendant to pay the Claimant a sum to prevent the Claimant suffering a loss as a result of the Defendant’s inability to return the right transferred.

### **Preliminary Conclusions on the evidence and decision on limitation**

303. As stated in paragraph 24 above, the first stage, where limitation is tried together with the factual evidence, is to consider whether, on the basis of the evidence presented, the claims are made out, factually and legally. If they are not, the Defendant will be entitled to judgment and it is unnecessary to consider the exercise of discretion under s.33 of the Limitation Act 1980. However, in the case of these Claimants, the elements relating to credibility and the factors governing the exercise of discretion under s.33 of the Limitation Act 1980 are so bound up with each other and overlapping that I have found it convenient and appropriate to decide these issues together in respect of

each Claimant. In the case of the Seventh Claimant, the issues are credibility and laches.

304. When I consider the exercise of my discretion in relation to s.33 of the Limitation Act 1980, I do so in accordance with the principles explained in *Carroll v Chief Constable of Greater Manchester Police* [2017] EWCA Civ 1992 [2018] 4 WLR 42 *per* Sir Terence Etherton MR at [42]:

“1) Section 33 is not confined to a “residual class of cases”. It is unfettered and requires the judge to look at the matter broadly...

2) The matters specified in section 33(3) are not intended to place a fetter on the discretion given by section 33(1), as is made plain by the opening words “the court shall have regard to all the circumstances of the case”, but to focus the attention of the court on matters which past experience has shown are likely to call for evaluation in the exercise of the discretion and must be taken into a consideration by the judge...

3) The essence of the proper exercise of the judicial discretion under section 33 is that the test is a balance of prejudice and the burden is on the Claimant to show that his or her prejudice would outweigh that to the Defendant... Refusing to exercise the discretion in favour of a Claimant who brings the claim outside the primary limitation period will necessarily prejudice the Claimant, who thereby loses the chance of establishing the claim.

4) The burden on the Claimant under section 33 is not necessarily a heavy one. How heavy or easy it is for the Claimant to discharge the burden will depend on the facts of the particular case...

5) Furthermore, while the ultimate burden is on a Claimant to show that it would be inequitable not to disapply the statute, the evidential burden of showing that the evidence adduced, or likely to be adduced, by the Defendant is, or is likely to be, less cogent because of the delay is on the Defendant... If relevant or potentially relevant documentation has been destroyed or lost by the Defendant irresponsibly, that is a factor which may weigh against the Defendant...

6) The prospects of a fair trial are important... The Limitation Acts are designed to protect Defendants from the injustice of having to fight stale claims, especially when any witnesses the Defendant might have been able to rely on are not available or have no recollection and there are no documents to assist the court in deciding what was done or not done and why... It is, therefore, particularly relevant whether, and to what extent, the Defendant’s ability to defend the claim has been prejudiced by



the lapse of time because of the absence of relevant witnesses and documents...

7) Subject to considerations of proportionality (as outlined in (11) below), the Defendant only deserves to have the obligation to pay due damages removed if the passage of time has significantly diminished the opportunity to defend the claim on liability or amount...

8) It is the period after the expiry of the limitation period which is referred to in sub-subsections 33(3)(a) and (b) and carries particular weight... The court may also, however, have regard to the period of delay from the time at which section 14(2) was satisfied until the claim was first notified... The disappearance of evidence and the loss of cogency of evidence even before the limitation clock starts to tick is also relevant, although to a lesser degree...

9) The reason for delay is relevant and may affect the balancing exercise. If it has arisen for an excusable reason, it may be fair and just that the action should proceed despite some unfairness to the Defendant due to the delay. If, on the other hand, the reasons for the delay or its length are not good ones, that may tip the balance in the other direction... I consider that the latter may be better expressed by saying that, if there are no good reasons for the delay or its length, there is nothing to qualify or temper the prejudice which has been caused to the Defendant by the effect of the delay on the Defendant's ability to Defendant the claim.

10) Delay caused by the conduct of the Claimant's advisers rather than by the Claimant may be excusable in this context...

11) In the context of reasons for delay, it is relevant to consider under sub-section 33(3)(a) whether knowledge or information was reasonably suppressed by the Claimant which, if not suppressed, would have led to the proceedings being issued earlier...

12) Proportionality is material to the exercise of the discretion... In that context, it may be relevant that the claim has only a thin prospect of success..., that the claim is modest in financial terms so as to give rise to disproportionate legal costs..., that the Claimant would have a clear case against his or her solicitors..., and, in a personal injury case, the extent and degree of damage to the Claimant's health, enjoyment of life and employability....

13) An appeal court will only interfere with the exercise of the judge's discretion under section 33, as in other cases of judicial discretion, where the judge has made an error of principle, such as taking into account irrelevant matters or failing to take into

account relevant matters, or has made a decision which is wrong, that is to say the judge has exceeded the generous ambit within which a reasonable disagreement is possible...”

Those principles were further explained and applied in *DSN v Blackpool Football Club Ltd* [2020] EWHC 595 (QB) per Griffiths J at [23]-[68] and, on appeal, [2021] EWCA Civ 1352 per Stuart-Smith LJ at [149]-[188].

305. The principal factual question at the heart of this case is whether the First, Second, Third and Fourth Claimants have satisfied me, on the balance of probabilities, that the Defendant, Rajinder Kalia, had sexual intercourse with each of them and, in the case of the Second, Third and Fourth Claimants, sexually abused them when they were children. If I find that he did not, then that is effectively the end of the case although, in theory, I suppose I could find that the claims for compensation stand up if there was nevertheless undue influence. If I find that he did, as a preliminary finding on the evidence before me, then I need to go on and consider the circumstances and whether in the case of the First Claimant throughout, and in the case of the Second, Third and Fourth Claimants after they turned 16, they consented in legal terms or whether their will was overborne such that their capacity to consent was extinguished. This would then extend to the financial claims – for contributions made, work done etc as reflected in the schedules of loss. As Mr Jones submitted, there are only five people who know for certain the answer to this question and that is the First, Second, Third and Fourth Claimants, together with the Defendant, Mr Kalia. Furthermore, the positions of the parties are polarised: either the Claimants have conspired to concoct these allegations in order to extort money from a person they know to have substantial means, out of greed; or the Defendant, a man who, since the age of about 28, has preached to followers of Baba Balak Nath and held himself out as a man of God, with many hundreds of such followers who revere him and afford him the greatest respect and honour, has exploited that position to sexually abuse young girls in his congregation and conduct extra-marital affairs, including taking their virginity under the pretext of making them pure and showing them the path to enlightenment.
306. Normally, in such a case, the evidence will emerge in such a way that the answer presents itself clearly to the court and it is possible to make a clear, and reasoned decision. However, the assessment of the facts in this case has been bedevilled by the way in which the evidence has been tainted with lack of candour, lies and attempts to conceal the truth. This has been the case for both sides. It reflects the pre-trial campaigns by both sides to intimidate and suborn parties and witnesses, and the unpleasantness during the course of the trial, referred to at paragraph 264 above.
307. Apart from the principal, fundamental question at issue referred to in paragraph 306 above, various subsidiary issues have arisen, the resolution of which will help to inform my decision on the principal issue. These included whether the letter of 17 July 2017 (see paragraph 146 above) was genuinely written on that date and whether its contents are true. I have made my findings in relation to this letter at paragraph 297 above.
308. For all the Claimants, the strongest point made on their behalf by Mr Jones related to the hotel bookings to which they were able to refer. In Ms Samrai’s case, there is also

the entry in the medical records for 21 December 2002. As referred to in paragraph 289 above, he submitted that their evidence is mutually corroborative and bears important similarities, for example in relation to the Defendant's use of the priest room at the Temple to carry out sexual abuse and the use of hotels for meeting the Claimants. In particular, he submitted that, if this case is an invention as the Defendant contends, it is remarkable that the Claimants are able to identify historical payments for hotels representing bookings in the vicinity of their homes. Such bookings imply clandestine meetings and, in effect, represent a "smoking gun" (Mr Jones did not himself put it that way) proving that the evidence of the Claimants is right about this.

309. In my judgment, whilst the evidence of hotel bookings might be important corroborative evidence of what the Claimants are saying, the starting point is, and must be, their evidence and its reliability. Before turning to that, though, I have found it useful to take, as my starting point, the witnesses who, in the course of my review of the evidence set out in this judgment, I have found to be truthful, reliable and wholly straightforward. These were Mandeep Bisla (see from paragraph 174 above), Meena Salhan (see from paragraph 198 above), Anita Jassal (see from paragraph 204 above) and Professor Maden (see from paragraph 263 above).

- (i) From Ms Bisla's evidence, apart from what she says about her experience of the Coventry Temple and hearing the Defendant preach, I accept that she was approached by the First and Second Claimants, Ms Samrai and Ms Sahota who tried to persuade her to make up lies on the pretext that she would get £20,000 or £25,000. I further find that, by inference, the First and Second Claimants were responsible for the "poison pen" letter sent to Ms Bisla's husband on the basis that it contained exactly the same as they had been saying to her face to face outside her flat;
- (ii) From Ms Salhan's evidence, I accept that she was approached by the aunt of the Third and Fourth Claimants, Gogi, who tried to persuade Ms Salhan and her sister to support the Third and Fourth Claimants by lying to the police and saying that they too had been sexually assaulted by the Defendant and that there would be "a lot of money" in it for them if they did. I also accept that Ms Salhan, when out shopping with her mother, was shouted and sworn at by the Third Claimant, Harprit Dilbeher, who was with her sister Mandeep and two other women, asking why she had not lied for them, and that this had prompted Ms Salhan to report the matter to the police. It follows that I reject the evidence of the Third and Fourth Claimants that the incidents did not take place and that they were never at the shopping centre. I also find that, by inference, when Gogi tried to persuade Ms Salhan and her sister to lie about being sexually assaulted, this was with the knowledge of, and at the instigation of, the Third and Fourth Claimants. It also follows that I do not consider there is any substance to the suggestion made to Ms Salhan that she had been pressurised by people at the Temple to contact the police in May 2017.
- (iii) From Ms Jassal's evidence, I accept that the Claimants were behind telephone calls made to her from a 'withheld' number encouraging her to go to the police. I also accept that she was told by Harprit Dilbeher that her sister, Mandeep, would check people's bank accounts if asked and that it is likely that Harprit Dilbeher said that to Ms Jassal because it was true. The fact that it is true is also

supported by the evidence of Sunil Dadra, which I accept, that Mandeep Dilbeher openly discussed with him people's accounts and by his WhatsApp exchange with Mandeep Dilbeher showing that Mandeep Dilbeher was quite prepared to look at the account of Mr Dadra's ex-girlfriend if asked by him. I also accept Ms Jassal's evidence that Harprit Dilbeher was motivated by her need for money.

- (iv) As previously indicated, I accept Professor Maden's evidence in respect of each of the Claimants that he interviewed.

With that background, I shall consider the evidence of each of the Claimants.

The First Claimant, Rashpal Samrai.

310. I found the question whether Ms Samrai had engaged in a sexual affair with the Defendant to be a difficult one to resolve. On the one hand, the entry in the medical records for 21 December 2002 was powerful confirmation that, as Ms Samrai had said in her evidence, she had been meeting the Defendant for sex for about 10 years by that time (see paragraph 29 above). I accept Ms Samrai's evidence that this was a reference to the Defendant, Mr Kalia, and not to another man who also referred to himself as a priest and had a Temple in Bedford, as put to her by Ms Crowther in cross-examination. Although there was a suggestion of someone setting himself up as a rival guru, Ms Samrai was a worshipper at the Coventry Temple for almost all the ten years between 1993 and the end of 2002, and the reference in the GP records to "married man (priest) 10 yrs now" must, I find, have been a reference to Mr Kalia. On this basis, and despite the powerful cross-examination of Ms Samrai by Ms Crowther, my preliminary finding would be that Ms Samrai's account of having been involved in a sexual relationship with the Defendant for most of the period from 1993 until 31 October 2016 is true, and Mr Kalia's denial is untrue. I would also have found that Mr Kalia was the father of the three babies in the pregnancies that Ms Samrai terminated in 2001, 2007 and 2008.
311. However, I am unable to accept that, applying the test for consent in s.74 of the Sexual offences Act 2003 (see paragraph 298 above), Ms Samrai lacked the freedom and capacity to consent. Ms Samrai joined the Temple as an adult in her 20s who had been married and who had a young child. She therefore had some experience of the world and of men, and would have understood that she had a choice whether or not to consent to sexual intercourse. I find that, when Ms Samrai met the Defendant at hotels, as she described, she went voluntarily and knowing that the purpose was for them to have sexual intercourse: she was not an automaton and retained her free will and ability to choose. In this regard, I accept the following comments made by Professor Maden in his report on Ms Samrai:

"From a psychiatric perspective, RS like all the other three Claimants is highly unusual because I have never before encountered adults denying responsibility for so many of their own actions and choices. In the absence of any impairment of the mind or brain required by the Mental Capacity Act 2005 to allow one to overturn the assumption of mental capacity, there is

no psychiatric explanation for this behaviour, which was never apparent to any treating clinician. The only non- psychotic psychiatric diagnosis in which denial of responsibility for one's actions is a major feature is dissocial or antisocial personality disorder.

I have of course encountered cases in which there has been coercion of adults into sexual activity. This would ultimately be a matter for the Court but in my experience it arises only when there is considerable control and restriction of freedom – as the ICD11 definition of cPTSD implies. It is not something that arises from simply asking people to do something while they are living and working at liberty.”

I adopt that final comment by Professor Maden. I do not accept that it is plausible that Ms Samrai was coerced into submitting herself to the Defendant. She may have been persuaded to do so, and to have allowed herself to be influenced by the Defendant's teachings to consent, but that is a very different matter and, in my judgment, does not give rise to an action for damages.

312. Whilst then Ms Samrai's claim for damages arising out of the allegations of sexual abuse fail without the need for me to consider the exercise of my discretion under s.33 of the Limitation Act 1980, I nevertheless do so: this also has the effect of disposing of Ms Samrai's financial claims as reflected in her schedule of loss.
313. Essentially for the reasons submitted to me by Ms Crowther, I consider that this is not a case where it would be appropriate to disapply the limitation period. This would be necessary not just for the personal injury claim to succeed but for all the claims: *Azaz v Denton* [2009] EWHC 1759 (QB). Those reasons include:
- Evidence which would have been relevant has been lost or destroyed: in particular I find that Ms Samrai's evidence that she lost her mobile phone was untrue, but it has been suppressed because it would have revealed contact between the Claimants about their accounts and their evidence;
  - Ms Samrai has not disclosed her medical records since January 2018 and I infer those records would have contained relevant material: in this context, I have regard to Professor Maden's evidence that “There is reason to doubt the truth of psychiatric symptoms reported in the medical and DWP records because of the actions and opinions of treating clinicians; inconsistency of symptoms over time; inconsistency between different sources of information; and Ms Samrai's failure to attend for treatment after reporting severe symptoms”;
  - There has been no opportunity to interrogate call logs for the mobile phone which Ms Sarai said, for the first time in evidence, the Defendant had given her in order for her to call him;

- The delay has meant that a witness who would otherwise have been able to provide relevant evidence, Mr Kundi, has died: see paragraph 276 above;
- I do not accept that Ms Samrai has established that there was a good reason for the delay in bringing the claim: as referred to in paragraph 277 above, there was a strong suggestion that Ms Samrai turned against Mr Kalia because of jealousy of PT rather than a sudden realisation that she had been under Mr Kalia's irresistible influence for 30 years;
- The conduct of Ms Samrai in trying to persuade Ms Bisla to lie (see paragraph 310(i) above) and in sending to Ms Bisla's husband a "poison pen" letter: this attempted interference with the course of justice would alone justify a court refusing to exercise its discretion to disapply the limitation period;
- The problems identified in cross-examination with the schedule of loss and the financial claims being put forward: as Ms Crowther submitted "these schedules have been put together recklessly as to the truth of their contents or not. They are not an honest assessment of the Claimant's claims";
- Professor Maden's evidence that "the delay has complicated the work of the expert because of a deterioration in the cogency of the evidence with the passage of time. The expert is required to consider claims about complex matters such as the Claimant's mental health and causation in relation to events that took place decades ago. There are important missing records and the surviving records are sometimes brief and unhelpful. The complexity of the case is increased because of Ms Samrai's inconsistency as she presented very differently to different clinicians. It would have been much easier to assess this case had it been brought within the time limits."

314. For these reasons, I decline to exercise my discretion to disapply the limitation period and Ms Samrai's claim are rejected in their entirety.

The Second Claimant, Kashmir Sahota.

315. I did not find Ms Sahota to be a credible witness for the following reasons:

- (i) She stated in evidence that the Defendant raped her for the first time during her first year at Leicester University, whilst, in a letter to the CPS dated 28 August 2017, she said: "The first time I was raped was before I was due to start university". This is not a detail I would have expected a woman who had been raped, taking her virginity, to have got wrong.
- (ii) She misrepresented to Dr Blyth what she had been told by Professor Maden and tried to give Dr Blyth the impression, wholly without justification, that Professor

Maden had not done his job properly. Her explanation in her evidence, that it was because “he didn't ask me about anything to do with the devil [ie Mr Kalia]. He didn't ask, he ignored everything. To me that's not a fair assessment” was untrue because, as Ms Sahota accepted, it had been agreed at the start of her interview with Professor Maden that he would not question her about what she alleged Mr Kalia had done and this had been to her relief.

- (iii) There were inconsistencies in Ms Sahota's accounts as to the sexual assaults between the ages of 11 and 13, as suggested to her by Ms Crowther in cross-examination (see paragraph 56 above).
- (iv) There were inconsistencies between Ms Sahota's accounts in the pleadings and in her witness statement, on the one hand, and her evidence in court on the other, in relation to the alleged sexual assaults in India: see paragraph 56 above.
- (v) There was no satisfactory explanation for the absence of WhatsApp messages on her telephone, which she surrendered for examination: Deputy Master Fine had specifically included WhatsApp messages in her Order of November 2023 and saying that she didn't see WhatsApp as a social media platform was not a satisfactory explanation: I find that she had deliberately deleted her WhatsApp messages in the face of Deputy Master Fine's Order and with full knowledge of it.
- (vi) Ms Sahota put forward a schedule of loss which was patently exaggerated and included fictitious claims: see paragraph 58 above.
- (vii) She redacted part of her original bank statements without justification.
- (viii) She submitted a claim for travel but was unable to explain how she had reached the figures claimed.
- (ix) I accept the evidence of Pavan Kalia that Ms Sahota dated his cousin, Ajay Sharma, on and off for around 8 years: Pavan Kalia stated that “It makes no sense whatsoever that Ms Sahota would want to marry a member of my father's family if she was being abused by my father as alleged” and although this was argument rather than evidence, as I have mentioned, I consider that it is a valid point;
- (x) Ms Sahota has attempted to suborn witnesses into telling lies against the Defendant, which destroys her credibility: this arises from my acceptance of the evidence of Ms Bisla and Ms Salhan, and given the similarity between what they were saying and what Serena Kaur was saying, I also accept Serena Kaur's evidence where she states that, in early 2017, Ms Sahota called her, told her she intended to make a statement to the police about Mr Kalia and that if she, Ms Kaur, also made a statement she would get a ‘massive payout’. See paragraph 155 above where Ms Kaur also describes being put under pressure to make a statement by not only Ms Sahota but also her brother, Amandeep and their

mother, Tarsem Singh: I accept this evidence as it fits into the pattern described by Ms Bisla and Ms Salhan.

- (xi) I accept Professor Maden's evidence that, when he interviewed Ms Sahota, she did not speak frankly to him but rather was concerned to project a particular impression. Ms Sahota untruthfully told him that she had had only one brief intimate relationship when this was contradicted by the medical records which also show that she had recently sought IVF treatment with a long-term, same sex partner. She denied cannabis misuse in 2006 when the records showed she admitted such misuse at the time and that was confirmed by urine testing. I accept Professor Maden's view that Ms Sahota's claim that her psychotic episode in 2006 had been caused or contributed to by being raped by the Defendant is not only unsupported by the medical records but is inconsistent with Ms Sahota having remained well since, despite claiming that the abuse had continued.
- (xii) In her final submissions, Ms Crowther submitted that Ms Sahota's evidence lacked credibility and I accept the generality of those submissions, if not every point made. Some of Ms Crowther's points are echoed above. In addition, I accept the following:
- Ms Sahota's use of language (referring to the Defendant throughout as "the devil" for example) throughout her evidence to show the Defendant in the worst possible light was more consistent with a witness who was determined that her case should be accepted than one who had come to tell the truth;
  - Ms Sahota's claim that she had had no intimate relationships at school or at university or in her 20s was untrue: the GP records refer to her having broken up with her partner of 7 years and a long-term partner, ie Raj, and when the police spoke to Raj in 2017, he told them that they had been in a relationship for 9 years: this is all inconsistent with her evidence that she had only been in a relationship with him for a matter of months; this was a relationship which started in her 20s and was a normal sexual relationship, the medical records containing references to her stopping using contraception because she had split up from her boyfriend;
  - In addition to the inconsistencies referred to in paragraph (iii) above, Ms Sahota had told the police in interview that the Defendant had groped her as a child, but this had not formed part of her case in these proceedings, which it surely would have done had it been true, indicating that she was prepared to exaggerate or lie to the police about these matters;
  - Ms Sahota's self-contradictory evidence about her sexual encounters with the Defendant whilst on pilgrimage in India, saying initially she had been made to have oral sex with the Defendant on two occasions, once in the



late 1990s and again in the early 2000s but then saying that she had been assaulted every year;

- Ms Sahota's claim that her present physical condition was caused by the building work and physical duties carried out at the Temple is not reflected in her medical records, even after she had made the disclosures in this case (after which she would have had no reason to conceal the real reason, if that is what she truly believed).

316. For the above reasons, I reject Ms Sahota's evidence and find that she was not sexually assaulted by the Defendant as a child, nor that she was raped and sexually assaulted by the Defendant in her adulthood. In addition, in relation to the period of her adulthood, I decline to exercise my discretion under s.33 of the Limitation Act 1980 to disapply the limitation period in respect of her claims. For these reasons, her claim is rejected in its entirety.

The Third Claimant, Harprit Dilbeher

317. I did not find Harprit Dilbeher to be a credible witness for the following reasons:

- (i) The claims made by Ms Dilbeher as reflected in her schedule of loss were significantly exaggerated and clearly inaccurate, despite having been endorsed with a statement of truth signed by Ms Dilbeher and despite all the Claimants, including Ms Dilbeher, having been given several opportunities to get their schedule right: Ms Dilbeher acknowledged that she had compiled the schedule herself;
- (ii) Ms Dilbeher gave her evidence from a standpoint whereby she said whatever she thought best suited her case rather than from a standpoint of telling the truth and assisting the court. This was apparent early on in her evidence when, responding to a question from Ms Crowther about playing the drums at Amandeep Dutta's pre-wedding event, she replied: "Amandeep Dutta? I don't even know who Amandeep Dutta is". See paragraphs 70 and 71 above and my comments at the end of each of those paragraphs;
- (iii) Ms Dilbeher falsely denied to Professor Maden that she had drunk alcohol to excess, although she admitted this in her evidence, thereby admitting to seriously misleading Professor Maden in relation to what might have been an important part of her history from the psychiatric point of view;
- (iv) There was an inconsistency between Ms Dilbeher telling the police that she spoke to her aunt about the Defendant sexually abusing others on 31 December 2016 and saying that this had been in November/December 2016 in her witness statement, November being consistent with a WhatsApp message between PT and Ms Samrai in November 2016 where they refer to speaking to Ms Dilbeher about whether she wanted to make any allegations or not, thus showing that it was out in the open significantly earlier than she had indicated to the police;

- (v) I reject the allegation that Ms Dilbeher had been forced by the Defendant to do drumming until her hands bled: the evidence from other witnesses was that Mr Kalia was not personally involved in allocating drumming tasks and I accept the evidence of Sunil Dadra in this respect who said that if Ms Dilbeher's hands bled from drumming, this was more likely to be because the metal bolts were sitting proud of the drum: see paragraph 187 above;
- (vi) In her medical records, there are references to Ms Dilbeher complaining of problems with her hands, but at no stage does she attribute this to drumming: if that is what she believed, then she would have misled her GP into carrying out investigations into other potential causes;
- (vii) I find that Mr Dilbeher's claim that she had "forgotten" to include in her schedule of loss the fact that she had given her life savings to the Defendant in order for him to heal a man called "Raju" to be wholly incredible and that the whole account about this to have been untrue: see paragraph 74 above;
- (viii) Irrespective of the date of the Order of Deputy Master Fine, I find that Ms Dilbeher deliberately deleted WhatsApp from her phone in order to conceal evidence important to this case and that her explanation in evidence that she did so because it contained details of her new job and colleagues and she didn't want to get harassed in her department (see paragraph 75 above) was untrue;
- (ix) As I comment at paragraph 77 above, the fact that five of the eight dates given to DC Roberts as occasions when Ms Dilbeher met the Defendant for sex were outside the period when Ms Dilbeher was clear she met the Defendant was a serious inconsistency in Ms Dilbeher's evidence and this related to an issue central to Ms Dilbeher's claim in this case;
- (x) I find that Ms Dilbeher was one of those behind Gogi's attempt to suborn Ms Salhan as a witness (see paragraph 198 above) and accosted Ms Salhan at a shopping centre as Ms Salhan described: I further find that Ms Dilbeher's denial that these incidents took place to have been untruthful (see paragraph 203 above);
- (xi) I find that Ms Dilbeher was one of those behind the anonymous phone calls made to Ms Jassal in about May 2017, and I generally accept Ms Jassal's evidence about Ms Dilbeher's character: see paragraph 211 above and the preceding paragraphs;
- (xii) I accept the following additional points which were made to me by Ms Crowther in her closing submissions concerning Ms Dilbeher's credibility:
  - I reject Ms Dilbeher's assertion that the Defendant convinced her that she did not have a 'hole in the heart' and delayed having her operation as a

result: this is contradicted by the medical records, and any delay was attributable to the need to decide what particular procedure was appropriate. Her evidence that she didn't believe the clinicians when they said she had a hole in the heart and only kept going to appointments because she had to was completely implausible;

- Ms Dilbeher told the police that she thought that Ms Bisla was being sexually abused by the Defendant when she had no basis for that suggestion;
- There were serious inconsistencies in Ms Dilbeher's evidence in relation to the dates she met the Defendant in hotel rooms when compared to the dates she took as "sick days" as revealed from the records held by the Department of Work and Pensions (Ms Dilbeher saying that was the pretext on which she took time off work in order to meet the Defendant).

318. For the above reasons, I reject Harprit Dilbeher's evidence and find that she was not sexually assaulted by the Defendant as a child, nor that she was raped and sexually assaulted by the Defendant in her adulthood. In addition, in relation to the period of her adulthood, I decline to exercise my discretion under s.33 of the Limitation Act 1980 to disapply the limitation period in respect of her claims. For these reasons, her claim is rejected in its entirety.

The Fourth Claimant, Mandeep Dilbeher

319. I did not find Mandeep Dilbeher to be a credible witness for the following reasons:

- (i) There were some serious discrepancies between what Ms Dilbeher had told the police and what she said in her evidence: see paragraph 90 above;
- (ii) Ms Dilbeher had not told Professor Maden the truth when she said that she had never had a physical relationship and lacked the confidence to do so: Ms Dilbeher eventually admitted in evidence that she had been physically intimate with other men apart from the Defendant, after some prevarication: see paragraph 91 above;
- (iii) I find that Ms Dilbeher did not tell the truth but attempted to mislead the court when she said in her second witness statement that she had left her job at HSBC "because some people from the Temple worked there and it was too difficult to be in the same office as them" when, in fact, she was under investigation by HSBC at the time for gross misconduct (account browsing), something she did not mention in her witness statement, and that this had prompted her resignation before she could be dismissed;
- (iv) I found that Ms Dilbeher was evasive, occasionally deliberately obtuse and dishonest in her evidence: see, for example, paragraph 93 above;

- (v) There was a discrepancy between Ms Dilbeher's second interview with the police and her witness statements: see paragraph 95 above: in my judgment, Ms Dilbeher did not fail to mention the incident in question in her witness statements because she didn't have a transcript of her police interview available to her, as she claimed, but because the allegation was untrue;
- (vi) The financial claims put forward by Ms Dilbeher as represented by schedule 4 to the Amended Particulars of Claim contained gross over-estimates or claims which were patently unjustified, and Ms Dilbeher was wholly unable to explain her methodology in putting some of the claims together: see paragraph 96 above;
- (vii) I find that the suggestion by Ms Dilbeher that she had spent all her spare money on Mr Kalia to be untrue: in this respect, I accept the evidence of Mr Dadra, as set out at paragraph 183 above;
- (viii) I believe, and accept as truthful, the evidence of Mr Dadra that Ms Dilbeher had been very open and explicit with him when they were in a relationship, telling him all about her previous boyfriends and sexual history, but never mentioning anything about the Defendant, and that she told him she had lost her virginity to someone called Manni, a member of the Dhol Blasters, when she was 15 or 16;
- (ix) I accept Professor Maden's evidence that Ms Dilbeher chose not to give him an accurate account and that the medical records undermined much of what she told him and what she had said in her witness statements about the impact of the Defendant's abuse of her (see paragraph 263(iv)c): one of the potential corollaries to this, and the one that I find, is that the abuse did not occur;
- (x) I find that Ms Dilbeher, together with her sister, Harprit, was one of those behind Gogi's attempt to suborn Ms Salhan as a witness (see paragraph 198 above) and accosted Ms Salhan at a shopping centre as Ms Salhan described;
- (xi) I find that Ms Dilbeher, together with her sister Harprit, was one of those behind the anonymous phone calls made to Ms Jassal in about May 2017;
- (xii) I accept the following additional points which were made to me by Ms Crowther in her closing submissions concerning Ms Dilbeher's credibility:
  - There was an important discrepancy between Ms Dilbeher's interview with the police, on the one hand, and her pleaded case, first witness statement and evidence, on the other: in the latter she alleged that she had been sexually abused by the Defendant in her teens, but in her interview with the police, she said she had not attended the Temple, apart from major events, between the ages of 8 and 21. It is quite apparent that the police officer was concerned to ensure that the account being given was completely accurate, and Ms Dilbeher qualified what she had said to say that she went for special occasions but that she did not see the Defendant

at all during that time and she was never on her own with him: this is likely to have been the truth;

- I accept the following submission made by Ms Crowther: “Also importantly, the fourth Claimant has not alleged in these proceedings that the Defendant made her give him oral sex in the priest room and nor did she allege it in her first interview to police in January 2017. However, and again, at the second police interview, which as we know occurred after the Claimants had been told that no criminal activity was disclosed, she said she had more information to give and in that interview she gave a very different account, saying that her first sexual encounter with the Defendant was when she was 10 or 11 years old, so much younger than she'd previously said, and she'd also changed her account about not going to the Temple, but then was now saying that she went weekly on Sundays.” As Ms Crowther submitted, these are major inconsistencies on a matter which is central to Ms Dilbeher's case;
- At the disciplinary hearing held by HSBC, Ms Dilbeher lied when she denied that she had account-browsed given the messages between herself and Mr Dadra;
- Ms Dilbeher's suggestion that she had browsed the account of Mr Dadra's ex-girlfriend at the instigation of the Defendant, Mr Kalia, was an invention on her part.

320. For the above reasons, I reject Mandeep Dilbeher's evidence and find that she was not sexually assaulted by the Defendant as a child, nor that she was raped and sexually assaulted by the Defendant in her adulthood. In addition, in relation to the period of her adulthood, I decline to exercise my discretion under s.33 of the Limitation Act 1980 to disapply the limitation period in respect of her claims. For these reasons, her claim is rejected in its entirety.

#### The Seventh Claimant, Sukhdev Kaur

321. The fundamental problem for the Seventh Claimant, as submitted by Ms Crowther, was that she was wholly unable to explain or substantiate any of her financial claims: her schedule of loss appears to have been written for her by the Third Claimant, her daughter Harprit, and suffers from many of the same weaknesses, errors and inconsistencies as the Third Claimant's own schedule.
322. The essence of Mrs Kaur's case is that she had suffered under the undue influence of the Defendant for 30 years, and that the scales had fallen from her eyes when she learned of the allegations of sexual abuse made by her daughters, Harprit and Mandeep. Of course, I have now found that those allegations of sexual abuse are not true but, in a sense, that does not matter if Mrs Kaur was under Mr Kalia's undue influence and the allegations, albeit untrue, were the occasion for her to realise what had been happening to herself. However, I find that there was no undue influence. I find that, as a grown and mature woman, Mrs Kaur's attendance at the Temple, her

seva and the contributions which she made were wholly voluntary and associated with her faith in the deity, Baba Balak Nath. The point made to Mrs Kaur by Ms Crowther in cross-examination was, I thought, well made: the fact that Mandeep chose not to go to the Temple with the rest of the family for a significant part of childhood, from the age of about 8 or 10 and throughout her teens, illustrated the fact that whether people did or did not go to the Temple was a question of choice. That this was the case is also consistent with other witnesses whose evidence I accept, for example Ms Salhan and Ms Jassal. In my judgment, the fact that she has lost that faith, for whatever reason, does not convert her previous devotion and service into something that is actionable and giving rise to damages. In particular, I reject the allegation that there was any degree of coercion or control. Ms Crowther made the following submission:

“There is a big gulf in the middle of the case in respect of the undue influence allegations, and it's this: that even if there is a relationship where someone has a high status and potential to influence someone else, it's still necessary for the court to be satisfied that that influence has actually been exercised, and that that is causative of the things that were said and done. And that, in my submission, can't simply be met by broad assertions that people were treated as slaves or that people were made to do things or required to do things or instructed to do things. That, with respect, is semantics. What you need to do is adduce facts and matters which would explain why it is that these adult individuals of full capacity have felt that they had no free choice but to go along with what was being suggested. In my submission there isn't any real evidence of that. The Temple is not a closed community. It is not a regime. There is no objective evidence that the Defendant ever said anything to anyone that suggested that there was some kind of penalty or other kind of disadvantage that would be imposed if people didn't come.”

I accept that submission: almost without exception, the witnesses called on behalf of the Defendant attested to the fact that, in respect of this Temple or mandir, people could choose for themselves what they believed, how often and to what extent they wished to participate in the life of the Temple and its community.

323. Whilst I accept that the relationship with a spiritual adviser gives rise to an irrebuttable presumption of influence (see paragraph 300 above and the reference to *Etridge* [2002] 2 A.C.773), I also accept Ms Crowther's submission that there needs to be a finding of undue influence which has been exercised in relation to the relevant transactions which a Claimant seeks to impugn. The identification of precise transactions and relating them to specific exercise of undue influence was wholly lacking in this case – in relation to all the Claimants, not just the Seventh Claimant. Instead a “broad brush” approach was adopted, simply attributing large swathes of money withdrawals to Mr Kalia's influence, or making estimates of money spent, work done or miles travelled: in my judgment, this is simply an inadequate basis upon which to found a claim of this sort, and Mrs Kaur's claim fails ‘in limine’ in this respect. Furthermore, I accept the evidence of Pavan Kalia in relation to the alleged

loan agreements for vehicle finance said to have been secured against her home (they were not: see paragraph 240 above).

324. The above finding makes it unnecessary for me to decide whether Mrs Kaur's claim is barred by laches. In her case, the same arguments in respect of the way in which the Claimants have conducted themselves do not apply. Nevertheless, in relation to the question whether it would, in all the circumstances be unconscionable for Mrs Kaur to assert her beneficial rights in equity, I would answer that question: no, it would not. Applying the same principles as in relation to the exercise of discretion pursuant to s. 33 Limitation Act 1980, if called upon to decide the issue, I would not have exercised my discretion to allow Mrs Kaur's claims to proceed.

### **Harassment**

325. Given my findings in relation to the evidence of the Claimants, I have no hesitation in rejecting their claims in harassment. As Ms Crowther submitted, and as I accept, there is, in reality, no evidence upon which I could rely to link the Defendant with any of the conduct of which complaint is made. Which incidents did or did not take place is surrounded in obscurity: I do not adopt Ms Crowther's suggestion that the allegations of harassment are an example of the Claimants' "willingness to assert serious allegations against the Defendant on the back of nothing more than innuendo and supposition, but without supportive evidence." Given the conduct of both sides in this litigation, I am prepared to accept that supporters of the Defendant might have conducted themselves in such a way as the Claimants allege: however, in my judgement, the evidence is insufficient to allow me to draw an inference that any such conduct was at the behest of the Defendant such as to make him liable.

### **Fundamental Dishonesty**

326. As referred to at paragraphs 284 to 285 above, Ms Crowther invited the court to make a finding of fundamental dishonesty in respect of the First to Fourth Claimants. Clearly, such a finding would be inappropriate in the case of the First Claimant given that I have found, on my preliminary conclusions on the evidence, that her claim that she engaged in a long-term sexual affair with the Defendant is true.
327. The case of the Second, Third and Fourth Claimants is different: in their cases, I have found on the evidence that they were not sexually assaulted by the Defendant as children, nor were they raped or sexually assaulted in adulthood. However, there was undoubtedly an evidential basis upon which I could have found their allegations to be true, in particular the records that they booked hotel rooms and there were some striking similarities in their accounts. If I were to find that their accounts had been invented purely for the purpose of extorting money from the Defendant, then I would have found that they were dishonest and, further, that the dishonesty was fundamental in the context of this litigation. I am not, however, prepared to make that finding. It is sufficient for the purposes of their claims that I have found that their evidence was not sufficiently credible for me to conclude that they have proved their claims to the required evidential standard. Whilst, of course, that carries with it the conclusion that they were not raped or assaulted by the Defendant, that is because that is a binary issue

within this litigation, and one which is decided on the balance of probability. But I do not consider it appropriate to follow that through to the conclusion that they have lied and been dishonest in relation to the allegations they have made. Accordingly, I decline to make a finding of fundamental dishonesty.

## **Decision**

328. In summary, for the reasons expressed in this judgment, the Claimants' claims are all dismissed and there shall be judgment for the Defendant.
329. I do not, however, make a finding of fundamental dishonesty in the case of any of the Claimants.



## ANNEXE

### JUDGMENT OF 5 July 2024

- 1 This is an interim judgment arising out of the evidence yesterday of Mr Joginder Singh, the Fifth Claimant. As I shall explain, in the course of Mr Singh's evidence it became clear that, although his witness statement is in English and he affirmed its accuracy he cannot in fact speak English at all. His only language is Punjabi. Indeed, he said through an interpreter that he cannot read or write at all and that was confirmed to the court by Mr Jones, he saying that he had never been to school. Mr Jones on Mr Singh's behalf indicated that the Sixth Claimant, Mrs Tarsem Singh, is in a similar position and that she too cannot speak English and he made an application for an opportunity to rectify the position.
- 2 Having heard from Ms Crowther KC, counsel for the Defendant, I refused Mr Jones' application and stated that for reasons which would be given this morning the claims of the fifth and sixth Claimants would be struck out. These are those reasons.
- 3 I start with the background to these proceedings. The Defendant, Mr Kalia, is the founder, leader and guru of the Baba Balak Nath Temple at 9 Proffitt Avenue, Coventry. I understand that the Baba Balak Nath tradition fits into the Hindu practice and originated in the Punjab. Baba Balak Nath is, as I understand it, believed to have been the eldest son of Shiva and appeared in human form as a Brahmin cow herd boy who lived a life of asceticism and performed miracles in his lifetime. Baba Balak Nath is worshipped as a deity in the Temples which are dedicated to him. Whilst in some forms of Hinduism the guru is himself regarded as God manifested in human form, I understand that is not the case in the Baba Balak Nath tradition where the guru is regarded as a servant of God and a spiritual guide.
- 4 The Claimants were each worshippers at the Baba Balak Nath Temple in Coventry. They claim to have been subjected to psychological domination by the Defendant, they claim to have been in thrall to him as their religious leader and in consequence parted with substantial sums of money to the Defendant or for his benefit and further undertook significant unpaid work in and around the Temple or Mandir as it is known.
- 5 The First to Fourth Claimants claim that they were subject to sustained sexual abuse by the Defendant. In the case of the Second, Third and Fourth Claimants, as children, and then as adults being expected to subject themselves to the Defendant's sexual wishes, each surrendering their virginity to him. The Fifth and Sixth Claimants, Mr and Mrs Singh, are the parents of the Second Claimant Ms Kashmir Sahota. They ceased to be members of the Temple when the allegations of sexual abuse of their daughter emerged at the beginning of 2017.
- 6 This is the eighth day of this trial. I have heard the evidence of the first, second and third Claimants, and also the evidence of the Seventh Claimant. I have also heard evidence from a journalist, Mr Neil Johnston.
- 7 Yesterday, on Day 7 of this trial, Mr Jones called the Fifth Claimant, Mr Joginder Singh. Before relating what occurred yesterday, there is an important background matter which it is relevant to relate. On the first day of this trial in the course of his opening, Mr Jones,

counsel for the Claimants, raised a number of what he called housekeeping matters. The sixth of those housekeeping matters, which Mr Jones described as a “rather more seismic” matter in terms of timetabling, was the position of the Fifth, Sixth and Seventh Claimants. They were not at court on Day 1. Mr Jones told me that on his instructions each of them was in poor health. He said:

"Each of them I am instructed is considered highly unlikely to be in a condition to travel to London to give evidence in person. My instructions this morning are that it is considered unlikely that any of them will be fit to give evidence by video-link from their homes in the West Midlands. I have asked for appropriate medical evidence to be obtained in relation to each of them to explain the nature of the condition or conditions from which they suffer, how that affects their ability to give evidence and so on in the usual way."

I established with Mr Jones that this development was something that was new to him. The news, he said, came to him late on the Friday before the Monday that this case commenced. Mr Jones indicated that he gave appropriate advice on that Friday about the need for medical evidence and enquiries were ongoing. I indicated that, for three Claimants all to be in that position at the same time, with no inkling that that was to be the case on the part of their solicitor, was not usual in my experience and that it raised all kinds of questions and suspicions.

- 8 In response, Mr Jones told me that he was informed that each of these Claimants was elderly, suffering from a series of chronic health problems, but the first he knew of their difficulties was on Friday.
- 9 Ms Crowther KC for the Defendant commented that there is obviously a big difference between chronic and acute illness. She said:

"The chronic situation we have no evidence of. There is no medical evidence in the bundle and it wasn't suggested at the pre-trial review that there were any health issues that would impact on attendance at all."

She said that in terms of acute illness there was even less evidence. She suggested that in the absence of their attendance these were Claimants whose cases couldn't progress and this issue gave rise to the question whether those Claimants should be permitted to continue with their claims in these proceedings at all in the circumstances arising. She said:

"Our position is that it is simply not good enough and it is contemptuous of the court and they ought to be put to their election as to whether they wish to proceed now or not."

- 10 On the second day of the trial, 25 June, Ms Crowther revisited the issue of the Claimants' health. She said:

"We have had no news at all from Peacock & Co. I spoke to my learned friend this morning before sitting and the position remains that Claimants 5, 6 and 7 have indicated that they are

not going to attend and do not intend to attend. Mr Jones has told me he wishes to obtain some medical evidence but our position is as follows that medical evidence appears to be adduced for the purpose of explaining why they have not attended. There is no adjournment application either intimated or suggested and it is difficult in these circumstances to see whatever that medical evidence might say what difference it is going to make, because you are not being invited to do anything other than proceed with this claim. It cannot be that we are left in a state of uncertainty as the evidence opens as to what evidence is going to be led and what claims are going to be in issue."

She said that in her submission that would be fundamentally unfair.

- 11 We turn to Day 3, which was in fact Friday 28 June, the court not having sat on the previous two days. Again, Ms Crowther raised the position of the Fifth, Sixth and Seventh Claimants. Ms Crowther told me that again there had been no correspondence from Peacock & Co, the Claimants' solicitors, but said this:

"Mr Jones has just within the last five minutes informed me that the Seventh Claimant has now changed her mind and intends to come and give her evidence in person next week. In respect of the Fifth and Sixth Claimants, I am told that Mr Jones wishes to make an application in due course for them to give their evidence via video-link. As things presently stand there is no medical evidence from any of the Claimants, Fifth, Sixth or Seventh, about what has been going on and we were told on Tuesday that there was an appointment for Claimants 5 and 6 with the GP yesterday. I don't know if that took place, I don't know what the outcome of it was but obviously if there were to be an application for video-link evidence that would give rise to some practicalities. Not least because Claimants 5 and 6 wish to give their evidence in Punjabi and the bundles are extremely substantial and mostly in English. So there are other considerations that arise in addition to the fundamental question as to whether the medical evidence justifies the application in the first instance."

It was not possible to take the matter any further at that stage.

- 12 Then, finally, on Day 4, 1 July, which was last Monday, Mr Jones said this:

"The position in relation to the Fifth, Sixth and Seventh Claimants has evolved and I am instructed now that they will all be coming to give evidence in person."

Clearly, as I indicated on the first day, the non-attendance of those Claimants and the reasons given for it raised suspicions, and those suspicions were only reinforced by the developments over the following days of this trial.

- 13 I return then to the events yesterday when Mr Singh, the Fifth Claimant, was called by Mr Jones. An interpreter had been arranged upon the basis, as, I understood it, that, whilst Mr Singh was fluent in English and English was therefore his own language within the terms of the Civil Procedure Rules, the interpreter could assist with any technical words or matters or translate where the witness felt more comfortable replying in Punjabi. This had in fact been the case with the Seventh Claimant who gave evidence immediately before the Fifth Claimant, and the arrangement had worked well in her case. In the case of the Seventh Claimant, it was clear to me that her knowledge of English was in fact excellent.
- 14 What then transpired when Mr Singh was called was as follows. First, Mr Singh repeated the words of the affirmation given by my Associate, it must be said, with some difficulty. Then, with the assistance of Ms Kirby, his solicitor, Mr Singh identified his signatures on each of his witness statements which were in English. It went slightly further than simply the identification of his signature because at one stage Mr Jones took Mr Singh to page 1484 of the bundle, paragraph 11 of his witness statement, where it stated:

"In 2012 I suffered another work accident. A ladder fell on my right shoulder, my work colleague lost his balance."

- 15 Mr Jones put to Mr Singh that he wished to clarify the date and asked what year was it and he replied: "11". Mr Jones said:

"Does that mean 2011?"

He replied:

"2011, sorry".

He then identified his signature in his second witness statement and his signature in his third witness statement. He affirmed that his evidence-in-chief was in accordance with the contents of those witness statements which he affirmed to be true.

- 16 Ms Crowther then rose to her feet to cross-examine Mr Singh and initially asked questions involving the events surrounding the initial indication that he had been unfit to attend the trial because of his health. Ms Crowther then asked this question:

"Now your witness statements, Mr Singh, are written in English, yes?"

The question was interpreted and the answer, also interpreted was:

"Yes, they were read to me in Punjabi."

I clarified that answer and the interpreter confirmed that Mr Singh had said:

"They were read to me in Punjabi."

The implications were immediately obvious to me. I said "ah" and Ms Crowther also said,

"Ah, you see, Mr Singh, you have just confirmed the accuracy of these statements. Are you telling this court that you can't actually read any of these documents?"

To which Mr Singh, through the interpreter, answered:

"No. I didn't go to school and I can't read or write."

That led to Mr Jones making his application in relation to the witness statements. He said this:

"I would preface matters by saying, as your Lordship may have observed this afternoon, developments came as a surprise to me. They also came as a surprise to my instructing solicitor. We had each had the understanding on instructions that the Fifth and indeed Sixth Claimants could understand, could converse in and could read English, and there was nothing, I am instructed, to alert my solicitor or, for what it is worth, me that there was any deficiency in those statements. My Lord, you may recall when dealing with the question of the interpreters I addressed the court on the basis that I understood that the witnesses would be able to converse in English, would be able to give their evidence in English but might need interpretation to deal with particular concepts, particularly difficult words, as with the lady from whom we heard evidence this morning. It transpires first of all, as has been elicited in a few short questions from my learned friend, that there is a breach of practice direction 32, paragraph 18.1. That of itself in my submission doesn't automatically mean that the evidence must be excluded. It gives the court a discretion as to whether or not to admit the evidence based on my reading of paragraph 25.1 of the practice direction. But I must alert the court, I have already alerted my learned friend, to a further difficulty. It transpires, I am instructed, that neither the Fifth nor Sixth Claimants can read or write in either the English or the Punjabi languages. This is something I am instructed of which they are, well, they are embarrassed about it. I am instructed that their daughter, Ms Kashmir Sahota, the second Claimant, was, until today unaware of that fact. Against that background, my application is to adjourn taking the evidence of the Fifth and Sixth Claimants to see whether the matter can be rectified. In my respectful submission, that doesn't necessarily take up an undue amount of court time, because I have other witnesses to call in the form of the Fourth Claimant and Mr Garcha who happens to be present this afternoon.

In the interim what I would or those instructing me would seek to do is obtain proper Punjabi language statements from the witnesses to comply with practice direction 32, paragraph 18.1 and to obtain the appropriate certificate by an authorised person

who has read the statements to the witnesses and can confirm, assuming that they can confirm that the witnesses understood the statements and so forth and were able therefore to sign them in accordance with the statement of truth in accordance with CPR part 22."

Mr Jones went on to make it clear that the application was to invite the court not to exercise its discretion to exclude the evidence at that stage and to postpone the taking of the evidence of the witnesses whilst, and I quote:

"Those who instruct me bluntly get [I think it must be to grips with it] and try to obtain witness statements in proper form and properly certified and then obviously translated back into English so that they can be understood by my learned friend."

- 17 I will come to the submissions of Ms Crowther in a moment, but first it is appropriate to set out the position in law. CPR Civil Procedure Rules part 22 and the practice direction to part 22 deal with statements of truth. They provide that certain documents must be verified with a statement of truth, including of course a witness statement. That also applies to the Particulars of Claim and to Schedules of Loss. So far as witness statements are concerned, these are dealt with in part 32 of the Civil Procedure Rules. Rule 32.8 provides:

"A witness statement must comply with the requirements set out in practice direction 32."

32PD, paragraph 18.1 provides:

"The witness statement must if practicable be in the intended witness's own words and must in any event be drafted in their own language."

Again, at paragraph 19.1, it is stated:

"A witness statement should be drafted in the witness's own language."

Paragraph 23.2 provides:

"Where a witness statement is in a foreign language, the party wishing to rely on it must have it translated and file the foreign language witness statement with the court. Where a witness statement does not comply with part 32 of this practice direction in relation to its form, the court may refuse to admit it as evidence and may refuse to allow the costs arising from its preparation."

Paragraph 25.2 provides:

"Permission to file a defective affidavit or witness statement or to use a defective exhibit may be obtained from a judge in the court where the case is proceeding."

I also refer to the King's Bench Guide which provides as follows:

"If a witness is not sufficiently fluent in English to give their evidence in English, the witness statement should be in the witness's own language and a translation provided."

18 It was made clear in the decision of Mr Justice Freedman in *Afzal v UK Insurance Limited* [2023] EWHC 1730 (KB) that a witness's own language need not necessarily be the witness's first language. Thus witnesses may be bilingual or, although not being their first language, may have a sufficient knowledge, understanding and use of English for English to be appropriately described as their "own language". Indeed, that was the position as I perceived it to be in the case of the seventh Claimant. However, it was clearly not the case in the case of the fifth Claimant, Mr Singh, and Mr Jones made it clear that neither is it the case with the sixth Claimant, Mrs Singh.

19 Opposing Mr Jones' application, Ms Crowther KC submitted as follows:

"Taken in combination with the shenanigans, if I can call it that, about whether they were going to attend or not and the medical evidence, our submission is that the clear implication is that there has been effectively no engagement by the fifth and sixth Claimants in this claim and that the court can't have any confidence that this action is actually being brought by them. What seems to be being happening is that it is being brought by the second Claimant. We think there are additional difficulties to the ones which your Lordship has identified. We would also agree that the pleadings and the schedules, and I point out at this point that the Fifth and Sixth Claimants bring claims for £276,000 in payments in their schedule, and that is before we look at unpaid work. All those schedules can't possibly be the evidence of either the Fifth or Sixth Claimant.

Even worse, in that witness statement, the first witness statement which I was just cross-examining Mr Singh about when we broke off his evidence, he actually says at paragraph 2 that he had read the statement of his wife and confirmed the accuracy of its contents. So there is a statement of truth issue about the contents of the statement itself. In his third witness statement he refers to the fourth witness statement of the second Claimant and says he has read that and confirms the accuracy of its contents. So it cannot be that the evidence which might be produced in due course will be the same as what we have seen before. It will have to be different and it will also have to explain how it could possibly have been that these statements of truth were signed."

- 20 Ms Crowther returned to a theme which she had raised on the first day of the trial, suggesting that this was becoming not just carelessness but frankly contemptuous of the court's process. She submitted that there is no rescuable situation here. She said:
- "They [that is the witnesses] will have to be completely reproofed from top to bottom on the pleadings, on the schedules, on every single document. They have done four witness statements each, they cross refer to other witness statements, it is not a small problem. It is not just a question of typing out the statement again and saying, 'it has been read back to me' and putting the certificate on it. In fact, if they did that, and, my Lord, you will have noticed in reading the statements of the fifth and sixth Claimants they are very similar, very similar indeed. We submit all this suggests they have never really engaged with this and there is no good reason to allow any indulgence at this stage."
- 21 In my judgment, Ms Crowther is completely right about this. The problems which have arisen over the fact that statements of truth were appended to the Particulars of Claim, the Amended Particulars of Claim, the Reamended Particulars of Claim, the Schedules of Loss, and then to multiple and successive witness statements, are fundamental to the claims of the Fifth and Sixth Claimants. This is clearly and certainly not a question of simply redrafting those statements in Punjabi and having them certified, having been read to those Claimants. Firstly the Particulars of Claim, then the Schedules and then the statements would all have to be revisited and the potential is there for the claims to be fundamentally amended once it is established exactly what the evidence of those Claimants is that they are able to state to the court. There is no acceptable explanation for how this situation has arisen in this case.
- 22 I suspect but it is no more than a suspicion, that the engagement with the Fifth and Sixth Claimants has, as Ms Crowther suggested, been through their daughter, the Second Claimant, who of course has perfect English and has been able to liaise on their behalf. But that is, as I say, speculation and if that is the case it seems to me at first blush that the solicitors have not done their duty appropriately in this case in that they have not engaged directly with the Fifth and Sixth Claimants, they have not established that which ought to have been established well in advance of this trial in relation to their ability to read and speak English, and this should have been raised at the pre-trial review so that appropriate steps could be taken. For this to have arisen in the course of cross-examination of Mr Singh by Ms Crowther is wholly unacceptable and, I agree, amounts to a virtual contempt of the proceedings of this court. In those circumstances, it would be quite wrong for me to exercise my discretion to give the Fifth and Sixth Claimants any sort of indulgence, given also the wasted costs which that would entail. In my judgment, the only appropriate step is to refuse Mr Jones' application and the consequence of that must be that the claims of the Fifth and Sixth Claimants are struck out.