

(ii) In the absence of any supporting evidence that the suit property described in paragraph 1B was tenanted property of Ganu, whether the will could have been declared as null and void and whether the legal principle settled by the Apex court in the decision of *Vinodchandra Sakarlal Kapadaia vs. State of Gujarat and Others*¹ would be applicable to the facts of the case ?

2. In addition to court notice, learned Advocate for the appellants to serve the respondents by private service and file service affidavit.
3. Call for record and proceedings.
4. Printing is dispensed with.
5. Learned Advocate for the appellants shall file private paper book within one year from today.

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6. Rule on interim relief in terms of prayer clause (a) is made returnable on 9th December 2024. It is clarified that rule is issued only to the extent of suit property described in paragraph 1B.
7. In addition to court notice, learned Advocate for the applicants to serve the respondents by private service and file service affidavit

¹ (2020) 18 SCC 144

before the next date.

8. By way of ad-interim relief actual handing over of physical possession in respect of the suit property described in paragraph 1B shall remain stayed till the next date.

[GAURI GODSE, J.]