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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ TEST.CAS. 4/2004

ANIL BHALLA

..... Petitioner

Through: Mr. Nitin Bhardwaj, Adv.

Versus

STATE & ORS.

..... Respondents

Through: Ms. Kalpana Chawla, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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27.10.2016

IA No.2838/2016 (of the respondent No.2 Atul Bhalla for directions)

1. The sureties to the administrative bond / security bond furnished by the petitioner in pursuance to the order of grant of probate, filed IA No.8448/2012 for discharge of the sureties furnished by them. The said application came up before this Court on 28th August, 2014 when the respondent No.2 Atul Bhalla opposed the discharge of sureties. However, this Court vide order dated 28th August, 2014, in the light of the assurance meted out by the petitioner to amicably resolve the differences with the respondent no.2 Atul Bhalla, allowed the application of the sureties and discharged / released the sureties.
2. The respondent no.2 Atul Bhalla has now filed this application contending that the petitioner has not abided by his assurance and seeking recall of the order dated 28th August, 2014.
3. The sureties already stand discharged / released vide order dated 28th August, 2014 and cannot be reinstated.

4. Moreover, the order of grant of probate only declares the document to be a validly executed Will of the deceased and is not concerned with the *inter se* disputes between the beneficiaries and / or the heirs.

5. If the applicant / respondent no.2 Atul Bhalla has any claims against the petitioner, he is to take appropriate legal proceedings with respect thereto and cannot maintain this application.

Dismissed.

RAJIV SAHAI ENDLAW, J

OCTOBER 27, 2016

‘gsr’..