



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
INTERIM APPLICATION NO.1565 OF 2024  
IN  
TESTAMENTARY PETITION NO.1642 OF 2014**

Kamal Balu Kale and Anr. ... Applicants/Petitioners

Jimmy Kaikhushroo Engineer ... Deceased

Ms. Mrunal Sarang, for Applicants.

**CORAM: N.J.JAMADAR, J.**

**DATE : 24 OCTOBER 2024**

**P.C.**

1. Heard the learned Counsel for the Applicants.
2. At the outset, learned Counsel for the Applicants seeks leave to amend the Schedule of amendment so as to delete Item No.35 (One Lakh bonds of National Highway Authority of India), with liberty to seek further amendment in the Petition and the grant, in the event the Applicant is in a position to substantiate the claim that the said property also belonged to the deceased.
3. Leave granted with liberty as prayed for.
4. Necessary amendment in the Schedule of amendment so as to delete Item No.35 be carried out within a period of two weeks from the date of uploading of this order.
5. This application is preferred for post grant amendment in the Probate of the last Will and Testament and the Codicil thereof of Jimmy K. Engineer

(deceased) granted by an order dated 8 April 2015.

6. In the application it is averred that, post grant, the applicant has realized that there were certain properties which were not included in the Schedule of assets. It is, therefore, necessary to amend the Schedule of assets in the Petition and the grant in accordance with the Schedule of amendment (Exhibit F).

7. The Applicant has filed an additional affidavit to substantiate the claim that the properties sought to be included in the Schedule of assets belonged to the deceased. Copies of documents are annexed at Exhibit E-1 to E-36 to the additional affidavit.

8. In view of the averments in the affidavit and the aforesaid documents, I do not find any impediment in allowing the application.

9. The application stands allowed in terms of prayer clause (a).

10. Necessary amendment in the Schedule of assets in accordance with the Schedule of amendment (Exhibit F), as amended pursuant to this order, be carried out within a period of four weeks from the date of uploading of this order.

11. Department to permit the Applicant to amend the original Schedule of properties only after the Applicant carries out amendment in the Schedule of amendment (Exhibit F).

12. Post amendment, grant expedited.

13. Interim Application stands disposed.

**( N.J.JAMADAR, J. )**