

**PROCESS FOR RELEASE OF MOVABLE / IMMOVABLE PROPERTY DOCUMENTS ON REPAYMENT/ SETTLEMENT OF PERSONAL LOANS, IN THE CONTINGENT EVENT OF DEMISE OF THE SOLE BORROWER OR JOINT BORROWERS:**

In accordance with RBI Circular No.RBI/2023-24/60 DoR.MCS.REC.38/01.01.001/2023-24: Responsible Lending Conduct – Release of Movable / Immovable Property Documents on Repayment/ Settlement of Personal Loans, following is the process to address the contingent event of demise of the sole borrower or joint Borrowers (in case of an individual borrower) and return of the original movable / immovable property documents (“Documents”) to the legal heirs.

The Person/Individual claiming the original documents submitted by the borrower shall provide below mentioned documents with application requesting return of original document:

- I. Certification of full and final settlement of loan amount;
- II. Death Certificate: A copy of the Death Certificate of the deceased Borrower(s) should be obtained from the appropriate government authority as provided in detail below;
- III. Identification and Address Proof: A copy of identification and address proof of person claiming documents, such as copies of Aadhaar card, PAN card, passport, or voter ID card, to establish identity.
- IV. Relevant documents to prove that you are the Legally eligible to receive documents:

1. **In case of a Sole Borrower:**

- a) **With Nomination:** If a nominee has been appointed by the Sole Borrower at the time of the loan application, the Documents shall be returned to the nominee on verification of nominee’s identity and Proof of death of the Borrower;
- b) **Without Nomination:** If no nominee has been appointed by the Sole Borrower at the time of the loan application, the Documents will be returned to the legal heir (or any one of them as mandated by all of the legal heirs) on verification of the authority of legal heir and proof of death of the Borrower (list of documents required is provided hereunder).

2. **In case of Joint Borrowers:**

- a) **With Nomination:** In the event of death of one (or more but not all) of the joint Borrowers, the Documents will be returned to the survivors and the legal heir(s) of the deceased Borrower (or any of them as mandated by all the legal heirs) against their joint claim on verification of the authority of the legal heirs and proof of the death of the Borrower  
In the event of death of both / all joint Borrowers, the Documents will be returned to the nominee on verification of nominee’s identity and proof of death of all Borrowers
- b) **Without Nomination:** In the event of death of one (or more but not all) of the joint Borrowers, the Documents will be returned jointly to survivor(s) and the legal heir(s) of the deceased Borrowers (or any one of them as mandated by all the legal heirs) against their joint claim on verification of the authority of legal heirs and proof of death of the Borrower.

In the event of death of both / all joint Borrowers, the Documents will be returned jointly to the legal heirs of all the deceased Borrowers (or any of them as mandated by all the legal heirs) on verification of authority of the legal heirs and proof of death of all the Borrowers

**3. Provisions of law regarding legal heirs:**

**a) Hindu:**

- i. If the deceased is a MALE, dying intestate, it must be ascertained whether there are one or more Class-I legal heirs

The following are Class-I legal heirs:

- Mother
- Widow,
- Son(s),
- Daughter(s),
- widow of a predeceased son,
- Son(s) and Daughter (s) of a predeceased son,
- Son(s) and daughter (s) of a predeceased daughter,
- Son(s) and daughter(s) and widow of a predeceased son of a predeceased son,
- Son(s) and daughter(s) of predeceased daughter of predeceased daughter,
- Daughter(s) of predeceased son of a predeceased daughter,
- Daughter (s) of predeceased daughter of predeceased son.

All Class-I legal heirs take simultaneously to the exclusion of any other legal heir and no one takes precedence over the other

The Class-II legal heirs: are classified in different Entries and legal heirs belonging to Entry-I will be preferred to the second entry and so on in succession. However, there is no preference among these falling in the same entry and they take their share simultaneously

Entry-I – Father

Entry-II - (a) Son's Daughter's Son, (b) Son's Daughter's daughter (c) Daughter's Daughter's Son, (d) Daughter's Daughter's daughter (e) Brother and Sister.

Entry-III – (a) Son / Daughter of Daughter's Son and (b) Son / Daughter of Daughter's Daughter

Entry -IV – Gives Son / Daughter of Brother or Sister as the Heirs

- ii. In case, the Deceased is a married Female Hindu, who died intestate, the following are her legal heirs: (a) Sons & Daughters (including the children of any predeceased Son) & the Husband; (b) Heirs of Husband; (c) Mother & Father, (d) Heirs of Father; (e) Heirs of Mother.
- iii. If a Female Hindu who dies intestate does not have Son/Daughter, the property inherited from her parents goes to the heirs of Father whereas if the same is inherited from Husband or Parents in-Law, Heirs of Husband will be the claimants to inherit property

**b) Christian:**

Where the deceased is a Christian, Indian Succession Act governs the intestate succession.

- i. As per the provision of Succession Act, the widow of the male intestate is entitled to one-third of the property while the remaining two-third goes to lineal descendants (i.e. sons & daughters) in equal shares.
- ii. If the male intestate has left no lineal descendant, but has left persons who are kindred to him then, one half goes to the widow and other half to the kindred (i.e., father, mother, brother, sister)
- iii. If the deceased has left none who are kindred to him, the whole property passes to his widow.
- iv. In case a Christian female dies intestate, husband has the same right.

**c) Mohammedan**

Inheritance in the case of Muslims is governed by the Sunni or Shia law depending upon the sect to which they belong

According to Sunni law the class of heirs are:

1. Ascendants : Father, True grandfather, Mother, True grandmother
2. Descendants : Daughter, Son's daughter,
3. Collateral : Full/consanguine sister, uterine brother/sister

**d) Minors interest:**

Where the legal heir is a minor, lawful guardian will represent minor's interest.

For Hindus and Christians- minor's father is the natural guardian and after him the mother. Supreme Court has decided on guardianship of minor (Hindu) that, even mother can be a natural guardian even during the life time of father since the welfare of child is of utmost importance.

For a Muslim minor- father, then person appointed by father's will, then father's father and then person appointed by father's father will be guardian.

**4. Documents required to verify the claim of the legal heirs**

- a) In case the Borrower is Non-Resident, and has passed away abroad, the death certificate which is attested /certified by any of the following shall be accepted for processing the claim: (i) Notary Public in that country. (ii) Indian Embassy / High Commission in that country. (iii) Bank's Foreign Office (wherever it is possible / permissible to do attestation as per local regulations) (iv) Embassy / High Commission of that Country in India
- b) In case Claimants (NRIs or Foreign Nationals) stay abroad and it is not possible for them to come to India for completion of formalities: (i) Execute the documents abroad in the presence of officials of Bank's foreign offices (ii) Execute the documents in the presence of Indian Embassy officials. The said document shall be submitted to the Stamp authorities for payment of stamp duty after it reaches India. (iii) The claimant can appoint his attorney for obtaining proper legal representation and obtain payment against affidavit, indemnity, surety etc. The procedure for the same is that the claimant should execute valid Power of Attorney (POA) which is attested by the Indian Embassy officials.

- c) In case of claims raised by legal heirs of the deceased Borrower:
- i. Will probated by Indian Court (in states where the will is mandatorily required to be probated). If the will is not mandatorily required to be probated, then the will approved by other legal heirs (if any) and provided no objections/claims being received by the other legal heirs within 14 days from the date of intimation for return of all documents.
  - ii. Will probated by Foreign Court- properly authenticated copy of the will issued by Foreign Court is to be produced in the Courts of India who can then grant Letters of Administration.
  - iii. Succession Certificate / Certificate of inheritance / Letter of Administration by Indian Court- No additional due diligence except for KYC/proper identification of beneficiaries.
  - iv. Succession Certificate/ Certificate of inheritance / Letter of Administration by Foreign Court:
    - If issued by a Superior Court of a Reciprocating Territory (as notified by Central Govt. in Official Gazette) Claimants to obtain a grant from competent district court in india for executing the certificate.
    - In case, where such certificate is not issued by a Superior Court of Reciprocating Territory, Claimant may be advised to file an application before appropriate District Court in India for issuing a separate certificate (afresh) by producing the Certificate issued by the Foreign Court.
  - v. If the Borrower has died intestate, without a will then the documents shall be returned to the list of heirs (as detailed in paragraph 3 above).
- V. Name of the Officer / Branch of 360 ONE Prime where they want receipt of the original documents.
- VI. Communication details on which 360 ONE representative can reach you for any query or clarification with expected response to be within 2 working days.