

Procedure for return of original property documents to the legal heirs in event of demise of the sole borrower or co-borrower of Indresh Financial Services Private Limited (IFSPL)

Indresh Financial Services Private Limited (herein referred to as “IFSPL”) registered as a Non-Deposit taking Non-Banking Financial Company (“NBFC – ND”) with the Reserve Bank of India (“RBI”) since September 27, 2024 bearing NBFC registration number N-14.03630. IFSPL has been incorporated to primarily engage in the business of providing credit facilities to individuals, proprietors, partnerships, private/public companies, etc.

This document has defined Procedure for return of original property documents to the legal heirs in event of demise of the sole borrower or co-borrower (herein referred to as “deceased Borrower”) of IFSPL. This procedure is based on RBI Circular No. RBI/2023-24/60 DoR.MCS.REC.38/01.01.001/2023-24 dated September 13, 2023 on Responsible Lending Conduct – Release of Movable / Immovable Property Documents on Repayment/ Settlement of Personal Loans. This document provided simplified Procedure for enabling speedy and hassle free return of original property documents to the legal heirs in event of demise of the sole borrower or co-borrower.

Applicability

This procedure shall be followed only in below conditions:

- A. Demise of Sole Borrower in loan account provided by IFSPL, or
- B. Demise of all Borrowers/Co-Borrower in loan account provided by IFSPL.

This procedure shall be followed only after full repayment/ settlement of outstanding loan(s) provided by IFSPL to deceased Borrower. The person repaying/ settle the loan provided by IFSPL, shall not made entitled to receive the original property documents. IFSPL shall deliver original property papers to legal heirs of such deceased Borrower only.

Delivery of original property papers to legal heirs shall be done as per procedure defined below:

Procedure for delivery of original property document

1. To ensure against wrongful delivery of original property document, IFSPL shall deliver original property document upon production of Legal Representation.

2. For the purpose of this document, Legal Representation shall include **any of** below documents which empowered legal heirs to collect the original property document kept with IFSPL:

- A. **Court order such as Probated Will:** Copy of the will certified under the seal of the Court of competent jurisdiction confirming that the will has been duly executed and has the force to be acted upon. It is the legal process/court order administering the estate of a deceased borrower by resolving all claims and distributing the deceased borrower’s property under a valid will. IFSPL shall act as per the probate/court order, upon submission of such copy.
- B. **Letter of Administration:** Where deceased Borrower-
 - i. Died interstate (not leaving behind any will); or
 - ii. When a borrower dies leaving a will without appointing an Executor; or
 - iii. When an Executor appointed by a will is legally incapable or refused to act or himself died;

In that case, an administrator can be appointed by a Competent Court as distinguished from an executor who can be appointed by a person by his will or codicil.

- C. **Succession Certificate:** Certificate/order issued by a Court of competent jurisdiction declaring the name(s) of legal heir(s) of a deceased borrower and percentage of their share in the property of the deceased.

A succession certificate is a document which empowered a person(s) as legal heir(s) and give authority to collect the original property document due to death of borrower(s).

3. Along with above mentioned Legal Representation, following documents have to be obtained from the legal heirs, when a claim for collection of original property document made by them:

- A. Original Death Certificate Issued by Competent Authority for verification along with Application;
- B. Photograph and valid proof of identification (as per Officially Valid Document) such as proof of possession of Aadhaar number, the Voter's Identity Card issued by the Election Commission of India, job card issued by NREGA duly signed by an officer of the State Government and letter issued by the National Population Register containing details of name and address of the legal heirs;
- C. A formal request cum authority letter in favour of one of the legal heir, signed by all legal heirs of the deceased borrower(s) and co-borrower(s), as the case may be, for the release of original documents related to movable/immovable property in that legal heir's favour.
- D. Affidavit cum indemnity in case of no will of the deceased borrower as per the enclosed format executed by legal heir/s
- E. POA/LOA of the legal heir(s) who are not coming to collect the Property Document(s) (if applicable)

4. Post loan repayment / settlement & closure, either POA Holder or all Legal heirs to be physically present for release of original property documents of deceased.

After complying all procedures, original property documents will be handed over to legal heirs under due acknowledgement as per the enclosed Format.

5. In case of any dispute among the Legal heirs, any claim made by legal heir/ heirs, any notice received objecting release the original property documents, then the documents will be handed over only after clear court order or all the legal heirs have jointly decided among themselves with respect to the original property document custody and such understanding is signed by all legal heirs in the presence of the officials of the IF SPL.

6. IF SPL shall reserves the right in sole discretion and without liability to take final decision on delivery of property documents. Once the legal heirs of the Borrower/co-borrower (if any) complete all the formalities of submitting all necessary document as mentioned above to the satisfaction of IF SPL, IF SPL will handover the documents within 30 days.

7. The laws, rules of the respective states / jurisdiction will be applicable in case of any dispute.

Disclaimer

The note is made to disseminate knowledge and does not provide legal, financial, or commercial advice. IF SPL or its associates cannot be held liable for any action taken based on its contents.

AFFIDAVIT CUM INDEMNITY

I, _____[Name of Deponent], son/daughter of _____[Father's Name],
and age____[Age], residing at [Address] _____,

AND

I, _____[Name of Deponent], son/daughter of _____[Father's Name],
and age____[Age], residing at [Address] _____,

AND

I, _____[Name of Deponent], son/daughter of _____[Father's Name],
and age____[Age], residing at [Address] _____,

AND

I, _____[Name of Deponent], son/daughter of _____[Father's Name],
and age____[Age], residing at [Address] _____,

do hereby solemnly affirm and declare as follows:

I/We am/are the legal heir(s) of _____[Name of Deceased], who passed away on
_____ [Date of Deceased's Death]. The deceased is my/our [relationship to the deceased]
_____respectively.

The deceased had mortgaged the original movable/immovable property _____ [detail
description of Property] documents at IF SPL's branch located at _____ [Branch Address].

The loan accounts associated with the above documents were fully settled and closed on _____ [Date of Loan
Closure]. I/We affirm that I am/we are legal heirs entitled to receive the original movable/immovable property
documents. I/We also declare that there is no existing will executed by the deceased.

I/we have requested IF SPL to release the original movable/immovable property documents to
_____ [Name of Recipient], one of the legal heirs, on behalf of all the legal heirs. I am/We are aware that
IF SPL has agreed to release the original movable/immovable property documents based on this affidavit, and I/we
undertake to indemnify IF SPL against any claims made by any party concerning the same.

I/We, for myself /ourselves and on behalf of my respective heirs, executors, and administrators, agree to hold IF SPL,
its successors, assigns, managers, agents, officers, and servants harmless and indemnified against all actions,
losses, costs, charges, expenses, and demands arising from the release of the original movable/immovable property
documents.

I/We solemnly affirm that all the statements made herein are true and correct to the best of my/our
knowledge, belief, and information.

[Signature of Deponent (s)]

Place:

Date:

ACKNOWLEDGMENT RECEIPT

Date: [Date of Receipt]

From: [Name of Recipient]

To,
Indresh Financial Services Private Limited (IFSPL)
Unit No 820, 08th Floor, JMD Megapolis,
Sector 48, Sohna Road, Gurgaon, Haryana - 122018

Subject: Receipt of Original Movable/Immovable Property Documents.

Dear Sir/Madam,

I/We, [Name of Recipient/Receipient(s)], residing at [Address of Recipient(s)], hereby acknowledge the receipt of the following original movable/immovable property documents IFSPL:

1. [Description of Document 1]
Nature of Document: [Original/Xerox]
 2. [Description of Document 2]
Nature of Document: [Original/Xerox]
 3. [Description of Document 3]
Nature of Document: [Original/Xerox]
- [Add more documents as necessary]

I confirm that the received documents are in good condition. I hereby discharge IFSPL from any liability concerning the custody and release of the aforementioned documents.

Yours faithfully,

[Signature of Recipient]