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## **PROCEDURE FOR RETURN OF PROPERTY DOCUMENTS IN A CONTINGENT EVENT OF DEATH OF THE BORROWER**

### **1. Preamble:**

This document outlines the procedure laid down by GIC Housing Finance Limited (“GICHFL”) for collection of property documents (title deeds) by the legal heirs of the deceased borrower after closure/ full repayment of the loan.

### **2. Interpretations:**

- (a) “borrower” means the person(s) who has (have) availed a credit facility/ loan from GICHFL and includes the expressions- “deceased borrower” and “applicant”.
- (b) “heir” means any person, male or female, who is legally entitled to succeed to the property of the deceased borrower (this includes the term- “legal heirs”).
- (c) “minor” means any person subject to the Indian Majority Act, 1875 (9 of 1875) who has not attained his/ her majority within the meaning of that Act, and any other person who has not completed the age of eighteen years.

### **3. Documents Required:**

On being approached by the legal heirs of the deceased borrower for closure of the loan or any time after the closure of the loan, GICHFL shall request the legal heir(s) of the deceased borrower to submit, inter alia, the following documents:

- Application for release of the original property documents (title deeds).
- KYC documents of the legal heirs.
- Death Certificate of borrower(s) issued by the concerned authority.
- Affidavit-cum-indemnity bond from the legal heirs to the effect that (i) they are the legal heirs of the deceased borrower; and (ii) if any claims with respect to their heirship or title of the property are made in future, they shall indemnify GICHFL in this regard.
- In case of authorization to collect the documents on behalf of the legal heirs, a notarized copy of the duly stamped power of attorney shall be obtained.  
*Legal heir if minor: If the legal heir is a minor, the GICHFL authorized officer shall guide further.*
- Any other relevant document/ information.

**4. Process followed at GICHFL after submission of documents by the legal heirs:**

On receipt of the documents listed under Point 3 above, the GICHFL branch office will verify the adequacy of the documents submitted, conduct the requisite due diligence on the authenticity of the documents and communicate to the legal heirs- either the acceptance or inadequacies in the documentation.

**5. The document hand-over stage, post scrutiny of the documents by GICHFL:**

- All legal heirs shall be personally present at the time of hand-over of the documents- subject to the above stated modalities.
- If visiting the branch office in person is not practicable then the NOCs- subject to the documents submitted as per Point 3 above from the other legal heirs, shall be obtained.
- GICHFL shall return the original property documents (title deeds) within 30 days after full repayment/ settlement of the loan- after satisfying itself on the point of the authenticity of the documents submitted.
- GICHFL, in addition to whatever stated above, shall follow internal guidelines.

❖ **Notes:**

- The interpretations (definitions) provided in point 2 above are only for reference purposes.
- The procedure provided herein above shall be the standard procedure for the return of original property documents. However, the procedure shall not be applicable to the cases where any proceeding/ inquiry/ investigation is pending in relation to the deceased borrower(s) or the underlying securities or documents have been impounded/ seized by any statutory authority/ court for the enforcement of any statutory liability
- The above-mentioned details are the broad guidelines and are not exhaustive. Any other documents submitted by legal heir(s) which are not mentioned above, shall be subject to necessary allied legal checks and due verification by GICHFL. The final decision will be taken in lines with the applicable laws, Rules, circulars, judicial pronouncements, regulatory framework, GICHFL internal policies etc.

❖ **Reference:**

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 as updated from time to time.