



## **Procedure for return of original movable/immovable property documents to the legal heirs in the event of death of mortgagor (Sole/Joint)**

In the event of death of mortgagor (sole/joint), the original property documents have to be released in favour of Legal heirs, (or any one of them as mandated by all the legal heirs) after adjustment of loan, on verification of the authority of the legal heirs and proof of the death of the mortgagor. Bank shall release all the original property documents only after full repayment/settlement of all claims/dues outstanding against deceased mortgagor. Legal heirs will be bound by the terms of the sanction and other documents executed by the deceased mortgagor for creation of mortgage of the property in favour of the Bank.

### **1. Release of original property documents/ title deed to legal heirs without legal representation**

For the purpose of release of original property documents/title deed without production of Legal representation, there is no lower or upper limit with regard to loan exposure or value of the mortgaged property. Therefore, if the Incumbent in-charge is satisfied that the legal heirs are identifiable and that there is no dispute amongst them in respect of the claim of property documents which is originally in the name of the mortgagor and deposited by the mortgagor with the Bank, there is no necessity for asking legal representation. The claim can be settled on the basis of Indemnity Bond with surety.

However, confidential enquiry should be made by the branch about the legal heirs of the deceased mortgagor and while doing enquiry, the branch may also consider documents/information pertaining to legal heirs available in the bank record. Keeping in view the outcome of the confidential enquiry, if there appears to be no dispute amongst the legal heirs and all are ready to join in release of property documents, the same may be released in favour of legal heirs against Indemnity Bond with surety (Specimen of the 'Indemnity bond with Surety' are given at Annexure II). In case, legal heirs have given the mandate to the Bank for release of original property documents/ title deed to one of the legal heirs, then letter of authority in this regard may be obtained from all the legal heirs except the legal heir in whose favour mandate has been given.

In the event of death of one (or more but not all) of the joint owner(s) of property/mortgagor, the property documents shall be released jointly to the survivor(s) and the legal heir(s) of the deceased owner of the property (or any one of them as mandated by all of them) against their joint claim on verification of the authority of legal heirs and proof of death of the deceased person/owner(s) of property.

In the event of death of both / all joint owner(s) of the property, the property documents shall be released jointly to the legal heirs of all the deceased owner(s) of the property (or any of them as mandated by all other legal heirs) on verification of authority of the legal heirs and proof of death of the deceased person/owner(s) of the property.

The Claimants shall submit the duly executed application in the format (Annexure –I) prescribed by the Bank along with the following documents, when a claim for the property documents is made by him/her:

- i. Death Certificate Issued by Competent Authority
- ii. Photograph and Proof of identification of Legal heirs viz., Election ID Card, Aadhar Card, Passport, Driving License copy or any other proof of identification acceptable to the Bank.
- iii. Indemnity Bond with surety is required
- iv. Letter of Authority of legal heir(s) wherever applicable

Branch shall obtain receipts from claimant in the format prescribed (Annexure IV). Further, Branch shall obtain letter of authority to receive document in the format prescribed (Annexure III) in case mandate is given by legal heirs, if required.

Letter of Authority duly notarized /attested may be executed by the legal heirs in favour of one of the legal heirs authorizing him/her to lodge claim, execute documents, receive the property documents, etc. However, the branch should verify the identity of the executants of Letter of Authority to its satisfaction before acting thereon.

The Branch should exercise due care and caution in ascertaining the identity of the legal heirs and the fact of death of the mortgagor through appropriate documentary evidence.

## **2. Release of original property documents to legal heirs on production of legal representation**

In case, there is any dispute amongst the legal heirs or all the legal heirs do not join in the claim of original property documents/title deeds and/or in indemnifying the bank or if the claimant (s) is not willing to provide third party indemnity/ surety or in any other case where there is reasonable doubt regarding the authenticity of the claimant(s) of their being the only legal heir(s) of the deceased mortgagor, Legal Representation shall be asked from the claimants.

When a Legal Representation/Court order is produced, Bank is bound to release property documents to the persons mentioned therein as per terms of legal representation after complying with all the formalities prescribed by the Bank. Bank gets valid discharge by releasing the property documents in favour of such persons.

The Claimants shall submit the duly executed application in the format prescribed by the Bank (Annexure I) along with the following documents, when a claim for the property documents is made:

- i. Death Certificate Issued by Competent Authority
- ii. Legal Heirship Certificate/ Succession/Probated Will, provided by a competent authority as per Succession Law to ascertain the identity of legal heirs
- iii. Photograph and Proof of identification of Claimant viz., Election ID, Card, Aadhar Card, Passport, Driving License copy or any other proof of identification acceptable to the Bank.

It is clarified that no Indemnity Bond or surety is required in this case. Branch shall obtain receipts from claimant in the format prescribed (Annexure IV).

The release of original movable/immovable property documents will be done within 30 days as per the RBI Direction. If any delay or non-submission of relevant documents on the part of the legal heirs/claimants/co-mortgagor in the contingent event of demise of mortgagor, the reason for such delay will be communicated and the delay days will not be calculated for the above 30 days' calculation.

**APPLICATION FOR DECEASED CLAIM**

To,  
The Branch Manager  
B/o \_\_\_\_\_  
Rajasthan Marudhara Gramin Bank

Dear Sir,

Sub: Application for returning the property documents of deceased mortgagor

Late Mr./Mrs./Miss .....

Loan Account No(s)..... Borrower name.....

With reference to the above I / we inform you that Mr./Mrs./Miss \_\_\_\_\_  
\_\_\_\_\_, who has been mortgagor in the above loan account  
deposited following documents with the Bank.

	Nature of Title Deed	Registration No.	Date
1.	_____	_____	_____
2.	_____	_____	_____

I/We being the legal heirs of the deceased, lodge my/our claim for releasing the property documents/ title deed of deceased mortgagor.

The relevant information about the deceased and the legal heirs is as under:

1. Names in full of the parents of the deceased:

Father: \_\_\_\_\_ whether alive yes/no  
Mother: \_\_\_\_\_ whether alive yes/no

2. Religion of the deceased: \_\_\_\_\_

3. Details of the legal heirs

S. No.	Full Name/ Address	Occupation	Relationship with the deceased	Age	Mobile No.

4. Name of Guardian of the minor Children of the mortgagor \_\_\_\_\_  
\_\_\_\_\_

Whether Natural Guardian: No/ If Yes, Name of the Guardian \_\_\_\_\_

(b) Whether Guardian appointed by a Court of Law in India. If so, attach a certified copy or duly attested copy of such order: No/ If Yes, Name of the Guardian \_\_\_\_\_

(c) In whose custody the Minor/Minors is / are: \_\_\_\_\_

5. Claimant(s) names and address in full

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

6. Whether the deceased has left any Will, if so, name of executor .....

7. Liabilities in the name of deceased mortgagor in any branch of RMGB.....

8. Whether any succession certificate/ letter of administration/ Probate or any other Court order obtained from competent Court. If so, Certified Copy be enclosed.

I/We submit the following documents:

1. Death Certificate: \_\_\_\_\_

2. Indemnity Bond with Surety: \_\_\_\_\_

3. Letter of Authority: \_\_\_\_\_

4. KYC Papers: \_\_\_\_\_

5. Other relevant documents: \_\_\_\_\_

We request you to return the original title deed of the above-named deceased deposited with the Bank to ..... and also on behalf of other legal heirs.

I/We hereby solemnly affirm that the above statements are true and correct to the best of my/our knowledge and belief.

Place:

Yours faithfully,

Date:

Signature of Claimant(s)

Name, Address and Signature of the Claimant(s)

1.

2.

3.

Signed before me on this \_\_\_\_\_ day of \_\_\_\_\_ Two thousand \_\_\_\_\_

Signature & Seal of Notary Public/ Gazetted Officer

**INDEMNITY BOND WITH SURETY**  
(To be stamped)

THIS INDENTURE is made at..... this..... day of .....20.....  
Mr./Miss/Mrs.\* ..... Son/daughter/husband/widow of Mr./Miss/Mrs.  
....., Age..... R/O.....  
(hereinafter called 'the principal party') of the FIRST PART AND Mr./Miss/Mrs.  
..... son/daughter/widow of Mr./Miss/Mrs.....,  
age ..... R/O ..... (hereinafter called 'the surety') of the SECOND  
PART and RAJASTHAN MARUDHARA GRAMIN BANK, constituted under Regional Rural Bank  
Act, having its Head Office at 9<sup>th</sup> B Road, Sardarpura, Jodhpur, Rajasthan – 342003 and inter-  
alia a branch office at ..... (hereinafter called 'The bank') of the THIRD PART

WHEREAS the principal party and the surety has represented to the Bank that Late Mr./ Miss/  
Mrs. .... son/daughter/wife of Shri .....resident of  
..... (deceased) has died at .....on .....and at the time of her/his  
death had stood as a mortgagor in the loan account no. .... and deposited  
an original title deed(s) as mentioned below with the Bank in consideration of the loan  
granted by the Bank to the borrower.

Details of property documents / title deed of the deceased mortgagor

	Nature of Title Deed	Registration No.	Date
1.	_____	_____	_____
2.	_____	_____	_____

AND WHEREAS the Principal Party(ies) and the Surety(ies) have represented that deceased  
has left behind the following as his/her only legal heirs.

Details of the legal heirs

S. No.	Full Name/ Address	Occupation	Relationship with the deceased	Age	Mobile No.

AND WHEREAS the said principal party ..... claim (s) to be the legal heirs of the said  
deceased and legally entitled to receive the above-mentioned property documents /title deed  
of the deceased mortgagor on account of the closure of the loan account.

The letter of authority has also been executed by other legal heirs in favour of principal party  
to receive the property documents /title deed of the deceased and this indemnity bond has  
been given by the principal party for himself and on behalf of all the legal heirs (Delete, if not  
applicable)

Further, in consideration of the aforesaid release to the said principal party by the bank, the principal party and the surety both undertake for themselves, their heirs, executors and administrators to hold the bank, its agents etc. harmless and indemnified in respect of all claims to the aforesaid property document(s).

The receipt shall be furnished by the principal party at the time of receiving the above documents which shall be binding and acceptable upon / to all the parties concerned and shall be read as part of this Indemnity Bond.

The Principal Party/Parties and the Sureties do hereby jointly and severally undertake and keep the Bank harmless and indemnified against any loss, damage, cost, claim, interest or expenses for which the Bank may be held liable to suffer, pay or incur in consequence of returning the original title deed of the deceased mortgagor to the Principal Party/ Parties.

IN WITNESS whereof the principal party, and the surety have put their signatures.

1. WITNESS .....	PRINCIPAL PARTY(ies)
OCCUPATION.....	
ADDRESS.....	
2) WITNESS .....	SURETY(ies)
OCCUPATION.....	
ADDRESS.....	(EXECUTANTS)

\* (Give the details of all claimants)

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Branch Manager  
For Rajasthan Marudhara Gramin Bank

**LETTER OF AUTHORITY TO BE RECEIVE ORIGINAL DOCUMENTS/ TITLE DEED**

The Branch Manager,  
Rajasthan Marudhara Gramin Bank  
B/O: \_\_\_\_\_

Dear Sir,

**Release of property documents/title deed of Deceased /Mortgagor Mr./Miss/Mrs. \_\_\_\_\_  
\_\_\_\_\_ in respect of Loan Account No. \_\_\_\_\_ at your  
branch**

With reference to the above I / we inform you that Mr./Miss/Mrs. \_\_\_\_\_,  
who stood as a mortgagor, in the loan account no. \_\_\_\_\_ deposited following  
documents with the Bank.

- 1.
- 2.
- 3.

The deceased mortgagor expired on \_\_\_\_\_ and has left behind him/her the following  
legal heirs, who are entitled to receive the property documents/title deed lying with you in  
the above account:

S. No.	Name of the Legal heir with full address	Age (Years)	Relationship with the deceased

That there are no other legal heirs of Late \* Mr./Miss/Mrs. \_\_\_\_\_ except  
the persons mentioned in the above para. That no dispute or proceedings is/are pending any  
Court of Law with respect to entitlement / custody of original title deed of Late Mr./Miss/Mrs.  
\_\_\_\_\_.

We, the legal heirs at Sr. No. \_\_\_\_\_ to \_\_\_\_\_ above, do hereby give consent in favor of the  
above said Mr./Miss/Mrs. \_\_\_\_\_ (at Sr. No. \_\_\_\_\_ above) to sign &  
present the claim on our behalf to receive property documents/title deed deposited in the  
above loan account and to execute the required documents including indemnity bond on our  
behalf and to give receipt and discharge the bank in regard to the claim.

We hereby declare that the delivery of such original property documents / title deed so made



to the above Mr./Miss/Mrs. \_\_\_\_\_ shall validly discharge the Bank and none of us will have any claim against the bank in whatsoever manner in this regard.

The Signature of the above-named Mr./Miss/Mrs. \_\_\_\_\_ is given below:

<p>_____</p> <p>(Signature of the Authorized Person)</p> <p>Name:</p> <p>Address:</p>	<p>1.</p> <p>2.</p> <p>3.</p> <p style="text-align: center;">*EXECUTANTS</p>
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**(\* To be signed with name and full address by the persons except the person in whose favour the letter of authority is given)**

Signed before me on this \_\_\_\_\_ day of \_\_\_\_\_ Two thousand \_\_\_\_\_

<p>Seal</p> <p>Notary Public/ Gazetted Officer/ Officer of Public Sector Undertaking</p>	
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**RECEIPT FROM CLAIMANT**

Received with thanks from Rajasthan Marudhara Gramin Bank, \_\_\_\_\_ branch, following property documents

- 1.
- 2.

in favour of \_\_\_\_\_ in full and final settlement of my/our claim as legal heir(s)/claimant in \_\_\_\_\_ Loan Account(s) No(s). \_\_\_\_\_ standing in the name of the Mr./Miss/Mrs. \_\_\_\_\_ where deceased person is the mortgagor in said loan account.

I/We do not have any other claim from the Bank henceforth. I / We hereby confirm that the delivery of above documents has been received for self and for and on behalf of other legal heirs of the deceased.

Place:	(Signature of Legal Heirs)
Date:	

Signature:

Date:

Place:

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