



## PROCEDURE FOR RETURN OF ORIGINAL MOVABLE / IMMOVABLE PROPERTY DOCUMENTS TO THE LEGAL HEIRS

Person who owns immovable or movable property/ies ("Property") on death passes on the Property to their legal heir/s. The various means by which the property devolves to the legal heir/s is as under: -

1. by way of a Will,
2. Gift,
3. basis the various succession law's<sup>1</sup> in case of intestate death.

### DOCUMENTS REQUIRED TO BE PRODUCED BY THE LEGAL HEIR

1. Death Certificate of the deceased
2. Legal heirship certificate / Will / Gift deed
3. Affidavit that the legal heir/s is/ are the only legal heir/s.
4. KYC documents of the legal heir/s.

Guidance on the above-mentioned documents

#### Death Certificate (this is an indicative process, customer to check independently)

- Get an application form from the local body authorities.
- Fill in the details of the form like name of the deceased, time and place of death, etc.
- Attach the documents like age proof, address proof, a copy of ration card, etc. Some of the documents that can serve as age proof are birth certificate, matriculation certificate, PAN Card, Voter ID Card, etc.2
- Attach a proof of death like crematorium receipt, hospital letter, etc.
- Pay the required fee in the form of court fee stamps.

#### Will

- Will needs to be probated. This is required to ascertain the genuineness of the will.

#### Gift

- Gift deed to clearly specify the property / portion of the Property being gifted.
- To be duly stamped as per state laws and registered.

#### Legal Heir Certificate is required for intestate death. (this is an indicative process, customer to check independently)

- It includes information like the deceased 's (dead person) name, age, marital status and as well as the relationship to the deceased person's legal heir/s.

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*1 Indian Succession Act 1925 includes Parsi, Christians and other communities for whom the succession is not covered under any separate act/ law. Hindu death is covered under Hindu Succession Act, 1956, and Muslim death is covered under Mohammedan Law.*



- To be issued by a Competent Court to the rightful legal heirs who want to succeed to the deceased's immovable & movable properties.
- The Court verifies all the documents along with the paper publication which essentially calls for objections if any to the legal heirship petition and once 30 days have passed and there are no objections to the petitioner's claim to succeed to the deceased person's properties, the Court finally makes an order declaring the petitioners to be the legal heirs of the deceased.
- Succession Certificate is granted by the Competent Court to the rightful legal heirs who want to succeed to the deceased's movable properties only.

#### **Relinquishment deed/ Release deed**

- If a legal heir/s claims that the other legal heir/s has given up their right on the movable / immovable property/ies, then the same should be supported by a duly stamped and registered relinquishment / release deed.

Requirement of registered documents apply wherever the immovable property is involved.

#### **Affidavit by Legal Heir**

- Format of the affidavit to be submitted by the legal heir/s is provided in the Annexure hereinunder.

#### **KYC of the Legal Heir**

- As per prevailing RBI regulation and internal policies of Vivriti Capital Limited

#### **Deviation**

- To be approved by Head Legal / General Counsel.



## ANNEXURE

## AFFIDAVIT

(To be stamped as per the Stamp Act applicable to the State and notarised)

I/We \_\_\_\_\_ S/D/O \_\_\_\_\_ residing at \_\_\_\_\_  
\_\_\_\_\_ S/D/O \_\_\_\_\_ residing at \_\_\_\_\_  
\_\_\_\_\_ do hereby make oath\*/solemnly affirm and  
say as follows:

That Shri/Smt./Kum. \_\_\_\_\_ (Name of the deceased) hereinafter referred to as "the deceased" died intestate on \_\_\_\_\_ at \_\_\_\_\_

That I/we is/are the only legal heir/s (details provided hereinunder) surviving the deceased and we are entitled to succeed to the estate of the deceased.

Sr No:	Name of legal heirs	Age	Address	Relationship with the Deceased

That we are aware that the deceased had offered certain movable/ immovable property as security for the facility/ies availed by the obligor \_\_\_\_\_ ("Obligor/s") to Vivriti Capital Limited ("VCL").

We have ensured the Obligor/s has repaid the outstanding dues and now seek release of the movable/ immovable property as detailed in the Schedule hereinunder.

We hereby submit the below mentioned documents along with this Affidavit.

- death certificate of the deceased
- legal heirship certificate
- relinquishment deed (if applicable)

We have no objection and hereby authorise Mr/ Mrs \_\_\_\_\_, \_\_\_\_\_ to collect the title documents pertaining to movable/ immovable property detailed in the Schedule.

I/We hereby agree and undertake to hold VCL, its employees and representatives, assigns saved, harmless and indemnified from and against all actions, suits, proceedings, costs, claims, demands, charges, expenses, losses and liabilities howsoever arising in consequence of or in any way related to VCL having acted or omitted to act in accordance with this Affidavit.



## Details of the Immovable / Movable property

Immovable Property:

Movable property:

### List of title deeds:

- 1.
- 2.

Sworn\*/ solemnly affirmed at this \_\_\_\_\_ day of \_\_\_\_\_ in the presence of Notary Public

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

(to be signed by all the legal heirs)