

Powered by **Western Capital Advisors**

Procedure for return of original property documents to the legal heirs in event of demise of the sole borrower or joint borrowers of Prabhaav Loans (Powered by WCA Loans).

Introduction

Prabhaav Loans (Powered by WCA Loans) a Non-Banking Financial Company regulated by the Reserve Bank of India (RBI), This document has established this policy outlining the procedure for handing over original property documents to the legal heirs in the unfortunate event of the death of the sole or joint borrower (hereinafter referred to as the “deceased Borrower”) associated with Prabhaav Loans (Powered by WCA). This procedure is formulated in accordance with the **RBI Circular No. RBI/23-24/60 DoR. MCS REC.38/01.01.001/2023-24 dated September 13, 2023**, titled Responsible Lending Conduct– Release of Movable / Immovable Property Documents on Repayment/ Settlement of Personal Loans. The document introduces a streamlined and efficient process aimed at facilitating the prompt and hassle-free return of original property documents to the rightful legal heirs following the demise of the borrower.

Objective:

To standardize and expedite the process of releasing original movable and immovable property documents upon full repayment or settlement of personal loans, thereby promoting responsible lending practices and reducing customer grievances.

Applicability

This procedure shall be followed only in below conditions:

- Demise of Sole Borrower in loan account provided by Prabhaav Loans (Powered by WCA), or
- Demise of all Borrower/Co-Borrower in loan account provided by Prabhaav Loans (Powered by WCA).

This procedure shall be followed only in below conditions:

- To prevent the wrongful release of original property documents, Prabhaav Loans (Powered by WCA) will hand over such documents only upon submission of valid Legal Representation.
- For the purposes of this document, Legal Representation shall refer to any of the following documents that authorize the legal heir(s) to retrieve the original property document held by Prabhaav Loans (Powered by WCA).

A. Succession Certificate:

A certificate or order issued by a court of competent jurisdiction that identifies the legal heir(s) of a deceased borrower and specifies their respective portion in the deceased’s property. A succession certificate is a legal document that recognizes a person or persons as the rightful heirs and authorizes them to obtain the original property documents upon the demise of the borrower(s).

B. Court order such as Probated Will:

A copy of the will, duly certified under the seal of a competent court, confirming that the will has been properly executed and is legally enforceable, is required. This certification—commonly referred to as a probate or court order—serves as the legal process through which the deceased borrower's estate is

administered, all claims are resolved, and assets are distributed in accordance with the valid will. Prabhaav Loans (Powered by WCA) will proceed in accordance with such probate or court order upon receipt of the certified copy.

C. Letter of Administration: Where deceased Borrower

- ✓ Died interstate (not leaving behind any will); or
- ✓ When a borrower dies leaving a will without appointing an Executor; or
- ✓ When an Executor appointed by a will is legally incapable or refused to act or himself died;

In such circumstances, a competent court may appoint an administrator, which differs from an executor who is designated by the deceased through their will or codicil.

- In addition to the aforementioned legal representation, the following documents must be obtained from the legal heirs when they submit a claim for the collection of the original property documents:
 - ✓ Copy of the Death Certificate along with the Original Death Certificate issued by the competent authority for verification, to be submitted with the application.;
 - ✓ A recent photograph along with a valid identification proof (as per Officially Valid Documents), which may include Aadhaar card, Voter ID issued by the Election Commission of India, NREGA job card duly signed by a State Government officer, or a letter from the National Population Register containing the individual's name and address.
- After the loan has been fully repaid, settled, and closed, all legal heirs must be physically present for the release of the original property documents; consent from the other legal heirs of the deceased will also be required. Upon completion of all necessary formalities, the original property documents will be delivered to the legal heirs against proper acknowledgment.
- In the case of any dispute among the legal heirs, or if any claim or objection is raised by a legal heir/heirs regarding the release of the original property documents, the documents will be released only upon receipt of a clear court order or a joint written agreement signed by all legal heirs confirming their consensus on the custody of the original property documents.
- Prabhaav Loans (Powered by WCA) reserves the exclusive right, at its sole discretion and without any liability, to make the final decision regarding the delivery of property documents.
- In the event of any dispute, the laws and regulations of the relevant state or jurisdiction shall apply.