

Article - III (Formats /

Drafts) Annexure 1 –

Claim Form

(Application for Deceased claim where either nomination
is recorded or joint account have Survivor clause)

Date:

To

The Branch Manager,

Barclays Bank Plc

_____ Branch

India

Dear Sir/Madam,

Re: Deceased Account

Late Shri / Smt: _____

Account No(s).....

I/We advise the demise of Shri /Smt. _____ on _____. He/She holds the above account(s) at
your branch. The account is in the name(s) of: _____.

a). In case of Nomination

I, _____, residing at _____ am

(i) The registered nominee in the above account(s). OR

(ii) The person authorized to /receive payment on behalf of Master /Miss _____ who is
the nominee in the above account(s) and is a minor as on the date of this claim.Please settle the balance in the account in the name of the nominee. I/we receive the payment as trustee(s) of the legal
heirs of the deceased.You are requested to either (i) by way of Demand Draft / Pay Order or (ii) by transferring to my account maintained
with you Bank bearing account no _____, pay the amount standing to the credit of the account of the
deceased to me / us and close the account of the deceased.

b). In the case of joint account with survivor clause

Death certificate of the deceased is enclosed herewith. You are requested to delete the name of deceased person and
continue the account in my /our name(s) with same mode of operations.

I submit copy (ies) of the following document(s).

1. Death Certificate of the deceased.
2. Photo Identity proof of the Nominee.
3. Address proof of the Nominee

Yours faithfully,

..... (Claimant(s))

Date:

Place:

Annexure 2 – Claim Form

(To be used for cases other than Nomination / joint account with survivor clause)

Date:

From,

To

The Branch Manager,

Barclays Bank Plc

_____ Branch, India

Dear Sir/Madam,

Re: Deceased Account

Late Shri / Smt.: _____

Account No(s).....

I/We advise the demise of Shri /Smt. _____ on _____. He/She holds the above account(s) at your branch. The account is in the name(s) of: _____.

I/We lodge my/our claim for the balances with accrued interest lying to the credit of the above named deceased who died intestate. I/we am/are the legal heirs of the above named deceased and lodge my/our claim for payment as per the bank's rules and discretion. The relevant information about the deceased and the legal heirs are as under.

Names in full of the parents of the deceased:

Father: _____

Mother: _____

Religion of the deceased: _____

The deceased has been survived by following person only (like Husband /Wife, child/Children, Father, Mother, Brothers, Sister(s), Grandchild/Children's etc). If Hindu Joint Family, the name and address of the Karta and Coparceners with their respective ages.

No	Name	Address	Occupation	Age	Relationship with the deceased

Of the persons named above, following persons wish to claim the amount standing to the credit of the account of the deceased

Name

Address

I/We submit the following documents. Please return the original death certificate to us after verification:

1. Death Certificate of the deceased (Original + 1 photocopy) issued by: _____
2. Identity Proof of the Claimant
3. Address proof of the Claimant
4. Copy of WILL/Probated WILL/ Letter of Administration/ Succession Certificate
5. Letter of Indemnity (where docs listed at 4 are not available and amount standing to the credit of the account of the deceased is less than Rs.100, 000/-)

You are requested to either (i) by way of Demand Draft / Pay Order or (ii) by transferring to my account maintained with you Bank bearing account no, pay the amount standing to the credit of the account of the deceased to me / us and close the account of the deceased.

Yours faithfully,

..... Signature of Claimant(s)

Name and Address of claimant

Place:

Date:

Annexure 3

INDEMNITY CUM AFFIDAVIT (On Rs. 200 STAMP PAPER)

We (1), (Deponent no. 1), Indian National residing at
 AND
 (2), (Deponent no. 2), Indian National residing at
 AND
 (3), (Deponent no. 3), Indian National residing at
 AND
 (4), (Deponent no. 4), Indian National residing at
 AND
 (5), (Deponent no. 5), Indian National residing at

Hereafter collectively referred to as the Deponents do and each of us doth hereby solemnly declare and say as follows:-

1 One Mr./Ms., (Hereinafter referred to as the Deceased) died at city of
on (Date). Copy of the death certificate has already been provided to the Bank.

2 The deceased has been survived by following person only (like Husband /Wife, child/Children, Father, Mother, Brothers, Sister(s), Grand child/Children etc).

No	Name	Address	Age	Relationship with the deceased

3 We confirm that the legal heirs as mentioned above are the only legal heirs of the deceased.

4 In spite of due and diligent search made by us, we have not come across any WILL and / or any document purporting to be the WILL of the Deceased and in the circumstances the Deceased is deemed to have died intestate (Without making a will).

5 The Deceased alone was entitled to the amounts lying to the credit of the said amount and no other person had any share, right, title or interest herein or any part thereof. A sum of Rs. is now lying to the credit of the said amount and forms part of the estate of the Deceased.

6 In the circumstances aforesaid, we, as the only heirs and legal representatives of the Deceased are absolutely entitled, to the said sum of Rs.

7 No application has been preferred by us or any one of us and / or on behalf of us or any one of us nor are we

aware of or have knowledge of any other person who has preferred any application in the court of competent Jurisdiction for grant of representation to the estate of the Deceased.

8 No estate duty is payable in respect of the estate of the Deceased.

9 We have not been stopped by any Judicial / Revenue / Government authority from dealing with the estate of the Deceased or any part thereof.

10 We, _____, _____, and _____ do and each of us doth hereby of our own free will and accord and without any undue influence and / or coercion release our share / right title and interest in the amount outstanding to the credit of the aforesaid account in favour of Mr./Ms _____, (deponent no.____) absolutely and do hereby irrevocably authorize the Bank to pay over the amount standing to the credit of the said account to Mr. / Ms. _____ (deponent no. ____) absolutely.

11 On the basis of the aforesaid representations and declarations we requested the Bank to close the said account and pay over the amount standing to the credit of the aforesaid account to Mr. / Ms. _____ (deponent no. ____) which the Bank has agreed to do on the following indemnity being given by us.

12 Mr./Ms. _____ (deponent no....) will receive such amounts as trustee(s) on our behalf and payment of the said sum of Rs. _____/- to Mr. /Ms. _____ (deponent no. ____) would constitute a full discharge of the Bank's obligations in this regard.

13 In consideration of the said Bank having agreed to close the said account and pay over the amount lying to the credit thereof unto Mr. / Ms. _____ (deponent no.....) on the basis of the foregoing representation and without insisting upon our obtaining legal representation to the estate of the Deceased we do hereby jointly and each of us doth hereby severally agree to indemnify and keep indemnified the said Bank and its officers against all claims and demands, actions, suits, and proceedings, estate charges and expenses and loss and / or damages that may be made or shall arise and / or accrue against the said Bank and / or its officers or any of them by reason of the said bank having so closed the said account and paid over the amount standing to the credit thereof to Mr. / Ms. _____ (deponent no. ____).

Solemnly Declared at _____ this ____ day of _____ by the within named

1)
2)
3)
4)
5)
Names	Signatures

DEPONENTS

Before me

NOTARY

Annexure - 4

Receipt

Received with thanks from XXX Bank, _____ branch, a sum of Rs. _____ (Rupees _____ only) by Banker's Cheque No. _____ dated _____ in favour of _____ in full and final settlement of my / our claim as successor on the balance in _____ Account(s) No(s). _____ standing in the name of the deceased Shri / Smt / Kum. _____. I / We do not have any other claim from the Bank henceforth.³

Place:

Date:

(Signature _____ of _____ all _____ the _____ legal _____ heirs

@Over a revenue stamp)

DECLARATION in case funds are settled in favour of a Minor

I, _____ father and natural guardian of _____ hereby certify that the proceeds of your Banker's Cheque No. _____ dated _____ favoring _____ issued by you in settlement of the balance in account number _____ of Late _____ will be utilized for the benefit of the minor only.

Annexure 5

Settlement Receipt (To be given by the Nominee/ Survivor/ Legal Heirs)

Received with thanks from Barclays Bank Plc, _____ branch, a sum of Rs. _____ (Rupees _____ only) by Banker's Cheque No. _____ dated _____ in favour of _____ towards full and final settlement of my / our claim as successor on the balance amount lying in _____ Account(s) No(s). _____ standing in the name of the deceased Shri / Smt / Kum. _____. I / We do not have any other claim pending with the Bank.

Place:

Date:

(Name _____ and _____ Signature _____ of _____ all _____ the _____ legal _____ heirs
over a revenue stamp)

DECLARATION in case funds are settled in favour of a Minor

I, _____ father and natural guardian of _____ hereby certify that the proceeds of your Banker's Cheque No. _____ dated _____ favoring _____ issued by you in settlement of the balance amount lying in account number _____ of Late _____ and confirm that the same will be utilized for the benefit of the minor only.

Article IV

As per IBA's Model Operational Procedure for Settlement of Claims of Deceased Depositors the following are the provisions related to legal heirs under Indian Law

Hindu

- If the deceased is a male Hindu, dying in testate, it must be ascertained whether there are one or more Class-I legal heirs.
- The following are called Class-I legal heirs: mother, widow, son, daughter, son of a predeceased son, son/daughter of a predeceased daughter, son or daughter or widow of a predeceased son of a predeceased son, widow of a predeceased son, son / daughter of predeceased daughter of predeceased daughter, daughter of predeceased son of a predeceased daughter, daughter of predeceased daughter of predeceased son also. All Class-I legal heirs take simultaneously to the exclusion of any other legal heir and no one takes precedence over the other.
- The Class-II legal heirs are classified in different Entries and legal heirs belonging to Entry-I will be preferred to the second entry and so on in succession. But there is no preference among these falling in the same entry and they take their share simultaneously

Entry-I - Father

Entry-II - (a) Son's daughter's son, (b) Son's daughter's daughter (c) Daughter's Daughter's son, (d) Daughter's daughter's daughter (e) brother and sister.

Entry-III- Son/ daughter of daughter's son and son /daughter of daughter's daughter.

Entry -IV - Gives son/daughter of brother or sister as the heirs and many more.

- In case, the deceased is a married female Hindu, who died intestate, the following are her legal heirs. (a) Sons & daughters (including the children of any predeceased son) & the husband; (b) Heirs of husband; (c) Mother & Father, (d) Heirs of father; (e) Heirs of Mother.
- If a female Hindu who dies intestate does not have son/daughter, the property inherited from her parents goes to heirs of father whereas if the same is inherited from husband or parents-in-law, heirs of husband will inherit the property.

Christian

- Where the deceased is a Christian, Indian Succession Act governs the intestate succession.
- As per the provision of this Act, the widow of the male intestate is entitled to one-third of the property while the remaining two-third goes to lineal descendants (i.e. sons & daughters) in equal shares. If he has none, whole property passes to his widow.
If the male intestate has left no lineal descendant, one half goes to the widow and other half to the kindred (i.e., father, mother, brother, sister).

In case a Christian female dies intestate, husband has the same right.

Mohammedan

Inheritance in the case of Muslims is governed by the Sunni or shia law depending upon the sect in which they belong to.

According to Sunni law the classes of heirs are

Sharers --- Heirs by consanguinity

1. Ascendants: Father, True grandfather, Mother, True grandmother
2. Descendants: Daughter, Son's daughter,
3. Collateral : Full/consanguine sister, uterine brother/sister

Heirs by affinity - husband, wife

But these 12 sharers will inherit fixed shares subject to conditions. A sharer may be excluded by many reasons such as nearer in blood will exclude remote one in one class. Sometimes sharer may be converted as residuary or otherwise one sharer may be partly sharer and partly residuary.

Residuary category:

After fixed share is allotted to the sharers the residue left is devolving upon the residuary:

Children male or female of deceased, of son of deceased, of father of deceased, male descendants of true grandfather

Son is always a residuary. Daughter with son becomes residuary. Among these, descendants exclude all others. Ascendants exclude all others except descendants and descendants of nearer ascendants exclude those in remote. In each class of residuary nearer blood excludes remote one. Division among these is according to the rule of double share to the male and if only one sex is there then equally divided.

In the absence of sharers and residuary estate devolves upon his other blood relations i.e., distant kindred

According to Shia law the heirs are

Heirs by consanguinity

- I (i) Parents
- (ii) Children & descendants
- II (i) Grand parents (true/false)
- (ii) Brother or sister and descendants
- III Paternal or maternal uncle of him or his parents and grandparents

Heirs by Marriage : Husband, wife

Heirs by consanguinity and heirs by affinity succeed simultaneously. Among heirs by consanguinity those in class I exclude those in class II. The heirs in two sections of class I succeeds together. In each section nearer in degree exclude the remote. The son always takes as a residuary.

A certificate from Muslim Jama-I-eth in the letterhead signed by the head of the institution to which the deceased was affiliated should be obtained giving details of legal heirs with their age. In case of male deceased, a categorical certificate to the effect that the deceased had not married any woman other than the one named in the list is to be insisted upon.

Minor's Interest and Guardianship

- Where the legal heir is a minor, his lawful guardian will represent his interest.
- For Hindus and Christians, minor's father is the natural guardian and after him the mother. Regarding the guardianship of a minor (Hindu) it has been decided by the Supreme Court that even mother can be a natural guardian even during the life time of father since the welfare of child is of utmost importance.
- For a minor, who is a Muslim, father, then person appointed by father's will, then father's father and then person appointed by father's father will be guardian in order.

Legal heirs under various personal laws

- i) Hindus
 - a) Primary heirs of a Hindu male are:
 - i. Son(s)
 - ii. Daughter(s)
 - iii. Wife
 - iv. Mother
 - v. Children of Predeceased children
 - vi. Widow of predeceased son
 - vii. Children of predeceased grand children
 - b) Primary heir(s) of a Hindu female are:
 - i. Son(s)
 - ii. Daughter(s)
 - iii. Husband
 - iv. Children of predeceased children
- ii) Muslims
 - a) Primary heirs of a Sunni Muslim are:
 - i. Son(s)
 - ii. Daughter(s)
 - iii. Father
 - iv. Mother
 - v. Spouse (Husband/Wife)
 - b) Primary heirs of a Shia Muslim are:
 - i. Spouse (Husband/Wife)
 - ii. Mother
 - iii. Father
 - iv. Son(s)
 - v. Daughter(s)
- iii) Christians
 - a) Primary heirs of a Christian are:
 - i. Spouse (Husband/Wife)
 - ii. Son(s)
 - iii. Daughter(s)
- iv) Parsis
 - a) Primary heirs of a Parsi male are:
 - i. Wife (Widow)
 - ii. Son(s)
 - iii. Daughter(s)

- iv. Mother
- v. Father
- vi. Children of predeceased children

b) Primary heirs of a Parsi female are:

- i. Husband
- ii. Son(s)
- iii. Daughter(s)

Children of predeceased children

Article V

Ready reckoner of settlement of Claims in various types of operational instructions (extracted from IBA's Model Operational Procedure for Settlement of Claims of Deceased Depositors)

Deposits

With Nomination

Account in the Name of	Operational Instructions	Nominee	Situation	What is to be done
A	Self	X	X dies	A can change the nomination
A	Self	X	A dies	X will receive the outstanding
A, B	Either or Survivor	X	A dies	Balance outstanding will be payable to B.
A, B	Either or Survivor	X	B dies	Balance outstanding will be payable to A.
A, B	Either or Survivor	X	A & B dies	X will receive the outstanding
A, B	Jointly	X	A dies	Payable to B and legal heirs of A jointly
A, B	Jointly	X	B dies	Payable to A and legal heirs of B jointly
A, B	Jointly	X	A & B dies	Payable to X

Without Nomination

Account in the Name of	Operational Instructions	Situation	What is to be done
A	Self	A dies	Outstanding will be payable to the legal heirs or any one of them mandated by all of the legal heirs
A, B	Either or Survivor	A dies	Outstanding will be payable to B

A,B	Either or Survivor	B dies	Outstanding will be payable to A
A,B	Either or Survivor	A & B dies	Jointly payable to legal heirs of A & B (or any of them mandated by all the legal heirs)
A,B	Jointly	A dies	Jointly payable to B and legal heirs of the A (or any one of them mandated by all the legal heirs).
A,B	Jointly	B dies	Jointly payable to A and legal heirs of the B (or any one of them mandated by all the legal heirs)
A,B	Jointly	A & B dies	Jointly payable to legal heirs of A & B (or any of them mandated by all the legal heirs)
