

What is a caveat?

February 25, 2023

In news– Recently, Apex Court bench headed by CJI D Y Chandrachud reprimanded a law student for filing a caveat in “Shailendra Mani Tripathi v. Union of India & Others”.

What is a caveat?

- **In common parlance, a caveat refers to “warning” or “caution”.** However, **legally it connotes a “formal notice requesting the court to refrain from taking some specified action** without giving prior notice to the person lodging the caveat.”
- The person lodging the caveat is called a “caveator”.
- **Inserted by the Amendment Act of 1976, added after the Law Commission’s recommendation, Section 148A of the Civil Procedure Code (CPC) explains when a person has a right to lodge a caveat as** “where an application is expected to be made, or has been made, in a suit or proceeding instituted, or about to be instituted, in a Court, any person claiming a right to appear before the Court on the hearing of such application may lodge a caveat in respect thereof.”
- The caveator or the person lodging is also required to serve a notice of the caveat by “registered post” to the person on whose plea they are lodging the application
- **However, the term “caveat” is not expressly defined anywhere except in the Calcutta High Court’s 1978 ruling in “Nirmal Chandra Dutta vs Girindra Narayan Roy”** where the court defined the term as a caution or warning giving notice to the Court not to issue any grant or take any step without notice being given to the party lodging the caveat.
- It is a precautionary measure taken against the grant of probate or letters of administration, as the case may be, by the person lodging the caveat.

How To File Caveat In Supreme Court

Caveat Should Contain

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Court Fees (Applicable In Civil Matters)

Vakalatnama And Memo of Appearance

Memo of Parties

Caveat Signed By (AOR) Containing

- Cause Title And Case Number
- Name of The Court Appealed From
- Date of Impugned Judgment
- Designation of The Authority
- Particulars of The Order Etc.

Vakalatnama And Memo of Appearance