

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.

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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