**LEGAL PROCESS FOR A CAVEAT**

A Caveat is a Notice given by a person, informing the Court that another person may file a suit or application against him and that the Court must give the Caveator (person filing the Caveat) a fair hearing before deciding any matter brought before it in the relevant case.

Caveat is an application filed by a legal person under Section 148A of CPC in a particular court of civil nature against one or more legal persons, seeking to be heard before passing any ex-parte order against him in any proceedings that may be filed by the said persons against him in that court. The caveat is live for 90 days from the date of filing. One has the caveat Application properly drafted and file it in the court, or engage the services to do the same. The notice of Caveat along with a copy of the caveat Application shall need to be sent to each person against whom the caveat has been filed. In case the other side files any case against one in the civil court, the court shall not grant any ex-parte order but issue him an urgent notice to appear before the court and reply. However, in such case, one has to be prepared to file his reply at a very short notice, and be also fully prepared to immediately argue the matter in the court.

Caveat is an application filed by a legal person in a particular court of civil nature against one or more legal persons, seeking to be heard before passing any ex-parte order against him in any proceedings that may be filed by the said persons against him in that court. The caveat is live for 90 days from the date of application.

A Caveat should be filed in the higher Court as early as possible from the date of Pronouncement of Judgment of the lower court, so that the Court gives the Caveator a fair hearing before deciding any matter brought before it in the relevant case.

**Requirements of a Caveat**

The caveat Application should Contain:

1. Index
2. Application To File Caveat Signed By Advocate on Record (AOR) Containing
   1. Cause Title And Case Number
   2. Name of The Court Appealed From
   3. Date of Impugned Judgment
   4. Designation of The Authority
   5. Particulars of The Order Etc.
3. Court Fees (Applicable In Civil Matters
4. Vakalatnama And Memo of Appearance
5. Memo of Parties

In case of Caveator In Person, in Addition To The Above Documents, the Following Are Also Required:

1. Interlocutory Permission To Appear And Argue In Person Supported By Affidavit And Application For Requisite Court Fees (1+3)
2. Copy of Valid Identity Proof

**Essential Particulars of Filing a Caveat**:

1. The Name of the Court where the Caveat is to be filed.
2. The Suit / Petition / Appeal No. if it exists.
3. Caveator's Name (Person making the Caveat)
4. Brief Details of Suit / Appeal likely to be filed.
5. Name(s) of possible Plaintiff(s) / Appellant(s)

I'm the case of Kattil Vayalil Parkkum Koiloth v. Mannil Paadikayil Kadeesa Umma[[1]](#footnote-0), the court opined that a person who is a total stranger to a proceeding cannot lodge a caveat. Only a party to the proceedings is eligible for filing a caveat.

In Harikrishnan v. Jacob[[2]](#footnote-1), the court held that it is clear that no Caveat Petition is maintainable in proceedings under Article 226 of the Constitution of India. It may be true that the principles in the Code of Civil Procedure may apply. It is clear, therefore; that a Caveat Petition under Section 148A is not maintainable in proceedings instituted under Article 226. I uphold the objection of the Registry and find that the petition filed by the petitioner under Section 148A C.P.C. will not lie in regard to a petition under Article 226 of the Constitution of India.

1. AIR 1991 Ker 411 [↑](#footnote-ref-0)
2. AIR 2005 Ker 220 [↑](#footnote-ref-1)