

Caveat Filing Procedure in Supreme Court of India: Explained With Format and Rules.

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Introduction

In India's complex and often time-consuming legal system, a single ex parte interim order—passed without hearing the affected party—can result in significant and long-lasting consequences. To protect against such outcomes, the law provides a powerful procedural safeguard known as a caveat application. A caveat ensures that no court order is passed without giving the opposing party an opportunity to be heard. Especially in civil matters where urgent interim reliefs are frequently sought, filing a caveat can prevent one-sided proceedings, reduce the risk of prolonged litigation, and uphold the principles of natural justice. This article explains what a caveat is, when and where it can be filed, the procedure for filing it—including in the Supreme Court of India—and how it can be an effective legal tool to safeguard one's interests.

‘Caveat’ meaning

The term "caveat" originates from Latin, where it serves as the third-person singular present subjunctive of the verb *cavēre*, meaning "to beware" or "to take care." Literally translated, "caveat" means "let him beware." In English, "caveat" functions as a noun and is commonly used to denote a warning or cautionary detail. According to the *Merriam-Webster Dictionary*, it is defined as "a warning enjoining one from certain acts or practices" or "an explanation to prevent misinterpretation." In legal contexts, "caveat" refers to a formal notice requesting the suspension of a proceeding until the notifier is given a hearing.

"Caveat" has been defined in Random House Webster's Dictionary of the Law as under :-

"caveat, n.

- 1, a warning or caution; admonition.
2. In certain legal contexts, a formal notice of interest in a matter or property; for example, a notice to a court or public officer to suspend a certain proceeding until the notifier is given a hearing ; a caveat filed against the probate of a will.

Caveat Application In Litigation.

A caveat application is a legal precaution taken by a person who anticipates that someone may approach the court to seek an order that could adversely affect their rights or actions. By filing a caveat, the person requests the court not to pass any order in the matter without first giving them an opportunity to be heard. This ensures that no ex-parte (one-sided) order is issued without their knowledge or participation in the proceedings.

Stages Of Litigation Where A Caveat Can Be Filed

In India, a caveat can be filed at various stages of civil litigation to protect a person's right to be heard before any adverse order is passed against them. The timing and forum for filing a caveat depend on the stage and nature of the proceedings.

Civil Court

At the original stage, a caveat can be filed before a civil court under Section 148A of the Code of Civil Procedure, 1908. This applies when a suit or application is expected to be instituted and the person anticipates that an interim order may be sought without notice. Filing a caveat at this stage ensures that the caveator is given notice and an opportunity to appear before the court before any such order is granted. Also, the Indian Succession Act, 1925 under Section 284 provides for the lodging of caveats against grant of Probate.

High Court

At the appellate stage, a caveat can be filed before the High Court, in accordance with the relevant High Court Rules. This is particularly useful when an appeal is expected against a judgment of a subordinate court, and the respondent (potential caveator) wants to be notified before any interim relief is granted by the appellate court.

Supreme Court

A caveat can also be filed in the Supreme Court of India, both in civil and criminal appellate jurisdiction. In civil matters, caveats are commonly filed in civil appeals and Special Leave Petitions (SLPs) under Article 136 of the Constitution. While criminal law does not have an equivalent to Section 148A CPC, the Supreme Court Rules, 2013 permit the filing of a caveat even in criminal SLPs or appeals, ensuring that the caveator is notified before any relief is granted by the Court.

General Procedure to File a Caveat in India

A caveat is a precautionary legal filing to ensure a person is heard before any court order is passed against them. Here's a simplified step-by-step process:

1. **Filing the Caveat:** The person anticipating legal action (caveator) files a caveat application in the relevant court, detailing the expected case and parties involved.
2. **Serving Notice:** The caveator must serve a copy of the caveat to the expected petitioner by registered post with acknowledgment.
3. **Court Registry Action:** The court registry records the caveat. If a matching petition is filed, both the petitioner and caveator are notified.
4. **Service of Petition:** The petitioner must serve a copy of the case papers to the caveator and provide proof of service to the court.
5. **Right to Be Heard:** The court ensures the caveator is heard before passing any interim or final order.
6. **Validity:** The caveat remains valid for 90 days and must be refiled to extend protection after expiry.

Caveat in Criminal Matters

In India, caveats are generally not recognized in criminal proceedings under the *Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS)* or the earlier *CrPC*, meaning they cannot be filed at the original stage of a criminal case. However, some High Courts, such as the Allahabad High Court, permit caveats in limited contexts like criminal writ petitions, though not in bail applications or criminal appeals. In contrast, the Supreme Court of India does allow caveats in criminal matters, including Special Leave Petitions (SLPs) and appeals, under the

Supreme Court Rules, 2013, ensuring that the caveator is heard before any order is passed.

Caveat Rules in Supreme Court of India

In the context of the Supreme Court of India, the procedure and legal basis for filing a caveat are outlined in the Supreme Court Rules, 2013, particularly under Order XV Rule 2 and Order XXI.

Order XV Rule 2 provides that any person who expects a petition to be filed against them—particularly a petition that is not connected to a pending appeal already registered in the Supreme Court—may lodge a caveat in the matter. By doing so, the caveator secures a right to receive a notice from the Registrar as soon as such a petition is filed. If the petition has already been filed, the caveator must immediately notify the petitioner after lodging the caveat. Once the petition is filed, the caveator also gains the right to require the petitioner to serve a copy of the petition and to provide, at the caveator's own expense, copies of any papers filed in support of the petition. This procedural safeguard ensures that no adverse order is passed by the Court without giving the caveator an opportunity to be heard.

Order XXI, which deals with Special Leave Petitions (SLPs) in civil matters, reinforces the protective intent of caveats. Rule 9(1) states that in the absence of a caveat by the parties who appeared in the lower court, SLPs may be heard ex-parte; however, the Court has discretion to direct notice to the respondent. Rule 9(2) mandates that if a caveat is filed, the caveator must be given notice of the hearing, although they are not automatically entitled to costs unless the Court orders otherwise. Rule 11 further clarifies that if the respondent has already been served notice in the SLP, or has filed a caveat or taken notice of the petition, no additional notice is necessary after the appeal is lodged. Significantly, Rule 14(1) allows a caveator to oppose the grant of leave or interim reliefs without needing to file a written objection.

In Pointers:

Order XV Rule 2

- Caveat can be filed if a petition is expected (not linked to pending appeals).
- Registrar must notify caveator when petition is filed.
- Caveator must inform petitioner if petition is already filed.
- Caveator can demand a copy of the petition and supporting papers (at their cost).
- Ensures no ex-parte order is passed without hearing caveator.

Order XXI (SLPs in Civil Matters)

- Rule 9(1): If no caveat, SLP may be heard ex-parte (Court may still issue notice).

- Rule 9(2): If caveat is filed, caveator gets hearing notice (no automatic cost entitlement).
- Rule 11: No fresh notice needed if respondent has notice or filed caveat.
- Rule 14(1): Caveator can oppose leave/interim relief without written objection.

Caveat Filing Procedure In The Supreme Court Of India

- Caveat Application is filed online through the Supreme Court's e-filing portal.
- Court fee of Rs. 500 is paid online for the caveat.
- The High Court order being challenged is selected from the portal during filing.
- The e-filing portal issues receipt post filing caveat. Notification over email/WhatsApp/ SMS is received once caveat is registered.
- Once an SLP or appeal is filed, the Advocate-on-Record (AOR) for the caveator receives notifications via SMS, WhatsApp, and email.
- The AOR of the petitioner also receives notifications about existing caveats, case status, and any defects.
- After defects are removed and petition copy is served on the caveator's AOR with proof of service filed, the matter is listed for hearing.
- The caveator's AOR receives SMS, email, and WhatsApp alerts once the matter is listed, and their name appears in the cause list.
- The caveator's AOR can oppose the SLP or appeal without filing a written objection.

Documents Required For Filing Caveat In Supreme Court

- High Court Petition's – Memo of Parties
- High Court's / Appellate Court's (NCDRC, NCLAT, CCI, BCI etc.) order expected to be challenged in Supreme Court
- Vakalatnama (Advocate's Authority Letter) signed by caveator in favour of AOR. [Download Vakalatnama](#)
- Client's authenticity establishing documents – Aadhar/ Driving Licence/ PAN/ Voter ID Card.
- Entire High Court's Pleadings for preparation of case.

Caveat Application Format

[Download](#) Caveat Application Format or proforma for Supreme Court of India

A Caveat Can Save Years In Litigation

In India, court cases often take years to conclude, and a single interim order—especially one passed in the absence of the affected party—can drastically impact a person’s rights or interests. Once granted, such orders are extremely difficult to get vacated and often remain in force until the case is finally decided. This can lead to significant hardship, especially in matters involving property, contracts, or personal rights. However, filing a caveat in time can act as a powerful safeguard against such outcomes. It ensures that the court does not pass any interim relief—such as an injunction, stay, or status quo order—without first giving the caveator an opportunity to be heard.

A caveat becomes even more critical in situations where the petitioner, while seeking urgent relief, may suppress material facts or withhold important documents to strengthen their case. In such cases, the court, relying only on the petitioner’s version, may pass interim orders that could have been denied had the full picture been presented. By filing a caveat, the caveator compels the court to notify them before any order is passed, allowing them to counter any misleading or incomplete narrative. This not only upholds the principles of natural justice but also helps prevent abuse of legal process, reduces the risk of ex parte decisions, and ultimately saves the caveator from prolonged and costly litigation.

Conclusion:

In conclusion, the caveat is a vital legal tool that empowers individuals to proactively protect their rights and interests in anticipation of legal action. Especially in India’s overburdened judicial system, where interim orders can remain in effect for years and significantly alter the course of a case, filing a caveat ensures that no order is passed without hearing the affected party. It serves as a critical check against ex-parte proceedings, misuse of urgency, and suppression of facts by petitioners seeking one-sided relief. By compelling transparency, ensuring timely notice, and upholding the principle of natural justice, a caveat not only safeguards procedural fairness but also helps avoid unnecessary, prolonged, and expensive litigation. Timely use of this simple yet powerful provision can make a decisive difference in protecting one’s legal standing from the very outset of a case.

FREQUENTLY ASKED QUESTIONS ON CAVEAT IN SUPREME COURT OF INDIA

- 1. Which provision of Supreme Court rules allow Caveat?**
 - **Order XV Rule 2 of the Supreme Court Rules, 2013** allows any person anticipating the filing of a petition that does not relate to a pending appeal to file a caveat, requesting that no order be passed without hearing them.
- 2. Can a caveat be filed even if the petition has not yet been filed?**
 - Yes, a caveat is filed in anticipation of a petition that may be filed in the future.
- 3. Is the Registrar of the Supreme Court required to inform the caveator when a petition is filed?**
 - Yes, if a caveat is on record, the Registrar notifies the caveator through his advocate when the corresponding petition is lodged. Currently same is driven by IT network and advocates receive Email. Whatsapp and SMS.
- 4. What are the caveator's rights once a petition is filed in the Supreme Court?**
 - The caveator has the right to be served a copy of the petition and can request copies of all papers filed in support of it (at their own cost).
- 5. Is it mandatory for the caveator to inform the petitioner if the caveat is filed after the petition?**
 - Yes, the caveator must immediately notify the petitioner if the caveat is lodged after the petition is already filed but yet the matter is not listed.
- 6. Can a caveat be filed for matters already registered as an appeal?**
 - No, Order XV Rule 2 applies only to petitions not related to pending appeals already registered in the Registry.
- 7. What happens to SLPs in the absence of a caveat?**
 - If no caveat is lodged by the opposing party, the SLP may be heard **ex parte** unless the Court directs otherwise.
- 8. What is the effect of filing a caveat?**
 - **Under Rule 9(2) of Order XXI** if a caveat has been filed, the Court gives notice of the hearing to the caveator.
- 9. Is a caveator entitled to costs in SLP proceedings?**

- No, a caveator is not automatically entitled to costs unless the Court specifically orders otherwise.
- 10. Does the Court need to issue further notice after the appeal is filed if a caveat already exists?**
- No, if the respondent was served in the SLP or had filed a caveat, no further notice is required after the appeal is lodged (**Rule 11**).
- 11. Can a caveator oppose the grant of leave or interim relief without filing a written objection? (**
- Yes, a respondent who has filed a caveat can oppose leave or interim reliefs without the need to submit a written objection **Rule 14(1)**.
- .
- 12. Does filing a caveat guarantee participation at the SLP admission stage?**
- Yes, filing a caveat ensures the respondent is given a chance to appear and oppose the petition at the very first hearing.
- 13. Who can file a caveat petition in the Supreme Court?**
- Any person claiming a right to appear before the court in a matter where they anticipate that a SLP or Appeal may be filed from an order of High Court or Appellate Courts like NCLAT, SAT, NCDRC, CCI etc. can file a caveat petition. Right to appear is not questioned if you were a party before the High Court or court below. However, if you were not party in High Court/ court below you may have tough time to convince the judge on your locus on first date of hearing
- 14. When should one file a caveat petition in Supreme Court?**
- A caveat should be filed as soon as you have an order in your favour and the only way for the opposite losing party (judgment debtor) has only way out is to approach the Hon'ble Supreme Court either in SLP or Appeal.
- 15. What is the validity period of a caveat petition?**
- A caveat petition remains valid for 90 days from the date of filing. After this period, it needs to be renewed to remain effective.
- 16. Is there a specific format for filing a caveat petition in the Supreme Court?**
- Yes, the Supreme Court has a prescribed format for caveat petitions. It typically includes details of the anticipated case, the parties involved, and a request to be notified before any orders are passed.
 - [Download Format](#)

- 17. What are the fees associated with filing a caveat petition in the Supreme Court?**
 - The court fee for filing a caveat in the Supreme Court is ₹500. This fee is paid online during the e-filing process.
- 18. Can a caveat petition be filed online in the Supreme Court?**
 - Yes, caveat petitions can be filed online through the Supreme Court's e-filing portal. [Click here to visit e-filing portal.](#)
- 19. Where can I check the status of the caveat filed by my advocate?**
 - Status of your caveat can be checked online through the Supreme Court's portal. There a button 'caveat' is given. [Click here](#) to check status of caveat in Supreme Court.
- 20. Does filing a caveat guarantee that no ex-parte orders will be passed?**
 - While filing a caveat ensures that the caveator will be notified before any orders are passed, it does not absolutely guarantee that no ex-parte orders will be issued. You have to be careful about listing of the matter and be present in court on day of hearing.
- 21. Can a caveat be filed in criminal matters in the Supreme Court?**
 - Yes, the Supreme Court allows caveats in criminal matters, including Special Leave Petitions (SLPs) and appeals, ensuring that the caveator is heard before any order is passed.
- 22. What happens if a caveat is not filed and an ex-parte order is passed?**
 - If a caveat is not filed, the court may pass ex-parte orders without notifying the affected party. Challenging such orders can be more complex and time-consuming.
- 23. Can a caveat petition be withdrawn before its expiry?**
 - Yes, a caveator can withdraw their caveat petition before the 90-day validity period ends by filing an appropriate application in the court.
- 24. Is it mandatory to inform the opposing party about the filed caveat?**
 - Yes, after filing a caveat, the caveator must serve a notice of the caveat to the expected petitioner by registered post with acknowledgment.
- 25. Can multiple caveats be filed for the same anticipated case?**
 - Yes, multiple individuals anticipating legal action against them in the same matter can file separate caveat petitions.
- 26. Does a caveat petition need to be notarized or affidavit?**

- No, a caveat petition does not typically require notarization or affidavit, but it must be duly signed by the caveator or their authorized representative.
- 27. What is the role of an Advocate-on-Record (AOR) in filing a caveat?**
- An AOR is authorized to file and represent cases in the Supreme Court. For filing a caveat, engaging an AOR is mandatory.
- 28. Can a caveat be filed against interim orders?**
- Yes, a caveat can be filed against interim orders as well of the court below.
- 29. Is there a difference between a caveat and a legal notice?**
- Yes, a caveat is filed in court to ensure the caveator is heard before any orders are passed, whereas a legal notice is a communication sent to the opposing party indicating an intention to initiate legal proceedings.
- 30. Can a company file a caveat petition?**
- Yes, companies, like individuals, can file caveat petitions to protect their interests in anticipated legal proceedings. All legal persons can file caveat including society, firms, partnership firms, trusts, co-operative society, political parties, etc.
- 31. What is the consequence of not serving notice of the caveat to the opposing party?**
- Failing to serve notice to the opposing party may render the caveat ineffective, as the court may proceed without acknowledging the caveat. However, in age of IT driven court filing, the caveat is immediately notified to the opposite party on filing of the petition.
- 32. Can a caveat petition be filed in matrimonial disputes?**
- Yes, individuals anticipating legal action in matrimonial matters can file caveat in Supreme Court.
- 33. What are the duties of a caveator after filing a caveat?**
- The caveator must serve a notice of the caveat to the opposite party (the expected applicant) by registered post with acknowledgment due. This ensures that the opposite party is aware of the caveat filed. However, service is not mandatory if caveat is filed online.
- 34. Can multiple caveats be filed for the same matter?**
- Yes, multiple caveats can be filed if there are multiple parties anticipating legal action in the same matter. Each caveator must file a separate caveat.

35. What documents are required to file a caveat petition in the Supreme Court?

- The necessary documents include:
 - Copy of order from court below regarding which caveat is to be filed.
 - An application to file a caveat, signed by the Advocate-on-Record (AOR).
 - Court fee (applicable in civil matters).
 - Vakalatnama and memo of appearance.
 - Memo of parties from court below.
 - If filing in person, additional documents like an application for permission to appear and argue in person, supported by an affidavit, and a copy of valid identity proof are required.

36. Can a third party file a caveat petition?

- No, a third party or a complete stranger with no interest in the matter cannot file a caveat petition. Only individuals or entities with a direct interest or apprehension of legal action against them can file

Dated: 28th March 2025