

## CAVEAT WITH RESPECT TO CIVIL PROCEDURE CODE

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### ABSTRACT

A Caveat is a Latin term which means “let a person be aware” originated in the mid-16th century. In law, it may be understood as a notice, especially in probate, that certain actions may not be taken without informing the person who gave the notice. , A Caveat is a caution or warning given by a person to the Court not to take any action or grant relief to the other side without giving notice to the caveat or and without affording opportunity of hearing him. The Scope of the section was laid down in various cases. In the case of Normal Chand the Court had said that any party affected by an interim order can file a Caveat petition. Also, in the case of Kati Avail Parka Copilot v. Manila Paadikayil Karees Uma, the court opined that a person who is a total stranger to a proceeding cannot lodge a caveat. caveat application in the Indian court means that you are requesting any court that if in case a specified person or organization files a case in the court in which you are having some valid interest -- than no order should be passed by that Humble court without giving you a notice about that case being filed and also without listening your side in that matter.

### KEYWORDS

Caveat, Notice, Right to lodge, caveat emptor, code, civil, criminal.

## AIM

- To compare caveat sec 148[A] of cap with criminal matters
- To analyze sec 148(a) of cpc
- To define duty of court after filing

## INTRODUCTION

A Caveat could be a Latin term which suggests 'let someone beware' originated within the mid-16th century. In law, it should be understood as a notice, particularly in probate, that bound actions might not be taken while not informing the one that gave the notice. it should merely be understood as a warning. within the Civil Procedure Code of 1908 (hereinafter, the Code) it absolutely was inserted below section 148A by the recommendations of the Law Commission of India's 54th Report and was inserted by the CPC (Amendment) Act 104 of 1976.

### **The Section:**

The Section talks in short concerning the caveat petition. A caveat petition could be a preventative live thatis undertaken by individuals typically once they area unit having a awfully sturdy apprehension that some case goes to be filed within the Court relating to their interest in any manner.

The word 'Caveat' isn't outlined within the Code. However, within the case conformal Chand v. Grinder Narayan, the Court had outlined the word Caveat, whereby it same, A Caveat could be a caution or warning given by someone to the Court to not take any action or grant relief to the opposite aspect while not giving notice to the caveat or and while not affording chance of hearing him.

5 basic ingredients to the section

1. United Nations agency could lodge a Caveat? (Clause 1)

Any person claiming a right to seem before the Court,

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- Where associate application is anticipated to be created
- Where associate application has already been created
- in a suit or continuing instituted
- in a suit or continuing that is on the brink of be instituted could lodge a caveat therefrom. it's substantive during a nature.

## 2. Duties of the Caveat or (Clause 2)

this clause is directive in nature. The person by whom the Caveat has been lodged is termed a Caveat or. He shall,

- Serve a notice of the Caveat by registered mail, acknowledgement due
- on the person by whom the applying has been created
- on the person by whom the applying is anticipated to be created

## 3. Duty of the Court (Clause 3)

After a Caveat has been lodged below Clause one, if any application is filed in any suit or continuing, the Court shall serve a notice of the appliance on the Caveat or. This clause is obligatory in nature.

## 4. Duties of the someone (Clause 4)

It is directive in nature and says that, wherever a notice of any Caveat has been served on the someone, he shall furnish, at the expense of the Caveat or,

- A copy of the appliance created by him.
  - Copies of any paper or document that has been filed by him in support of his application.
  - Copies of any paper or document which can be filed by him in support of his application.
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### 5. lifetime of a Caveat Petition (Clause 5)

the lifetime of the petition is ninety days, from the date on that it absolutely was lodged. the soleexception is, if the application already exists, or has been created before the aforesaid amount, the clause ceases to exist.

#### **Object and Scope of the Section:**

The object of this section is to safeguard the interest of the Caveat or, United Nations agency is prepared to face the suit or proceedings that is predicted to be instituted by his opponent, affording a chance to be detected, before associate ex parte order is created. Also, to avoid multiplicity of proceedings, thus on save the prices and conveniences of the Courts.

The Scope of the section was arranged down in varied cases. within the case of traditional Chand the Court had aforesaid that associatey party suffering from an interim order will file a Caveat petition. Also, within the case of Kati Avail windbreaker pilot v. Manila Paadikayil Karees Uma, the court opined that an individual United Nations agency could be a total alien to a continuing cannot lodge a caveat.

#### **APPLICABILITY OF CAVEAT**

it's so evident that below the atomic number 24.PC.in a criminal case at any stage of inquiry, trial or charm, no such specific provision of filing a caveat, as ruled by section 148-A of the Code of Civil Procedure exists.

There aren't any alternative provisions below the Code of Criminal Procedure below that a personal party / plaintiff / informant will file a caveat to oppose the continuing initiated at the dictation of the suspect.

Learned Division Bench of urban center tribunal vide judgment dated eleventh might 2001 passed in WPC No. 1703/2001 within the case of Deepak Kholo vs. Union of Asian country & others, had additionally the occasion to think about, whether or not a caveat application is reparable {in a|during a|in

associate exceedingly [in a very] criminal come to oppose the prayer of the suspect person seeking an interim order from the Court? Learned Court once considering the provisions of the CPC and CrP. as has been noticed herein higher than yet, came to associate authoritative conclusion that there's no legal sanction for filing a caveat by the someone involved to oppose the prayer of the suspect during a criminal matter.

Learned Division Bench thought of the judgment of Rajasthan tribunal within the case of European Ram & another vs. State of Rajasthan & others [2000 (2) WLN 554] that additionally had taken constant read..

### **CAVEAT IN INDIAN COURTS**

caveat application in the Indian court means that you are requesting any court that if in case a specified person or organization files a case in the court in which you are having some valid interest -- than no order should be passed by that Humble court without giving you a notice about that case being filed and also without listening your side in that matter. --

Caveat petition is a precautionary measure which is undertaken by people usually when they are having very strong apprehension that some case is going to be filed in the court regarding their interest in any manner.

The caveat petition remains in force only for 90 days and if during that duration no case gets filed from the opposite side than -- you have to again file a fresh caveat petition as new in the court.

You have to clearly specify the name of the opposite party-- whom you apprehend to file a case against you

### **Detailed description**

A Caveat is a Latin term which means 'let a person beware' originated in the mid-16th century. In law, it may be understood as a notice, especially in probate, that certain actions may not be taken without informing the person who gave the notice. It may simply be understood as a warning. In the Civil Procedure Code of 1908 (hereinafter, the Code) it was inserted under section 148A by the

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recommendations of the Law Commission of India's 54th Report and was inserted by the CPC (Amendment) Act 104 of 1976.

## **LEGISLATION**

### **CIVIL PROCEDURE CODE**

**The Section 148A of the Code reads as under,**

#### **148A. Right to lodge a caveat.**

(1) Where an application is expected to be made, or has been made, in a suit or proceedings 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.

(2) Where a caveat has been lodged under sub-section (1), the person by whom the caveat has been lodged (hereinafter referred to as the caveat or) shall serve a notice of the caveat by registered post, acknowledgement due, on the person by whom the application has been or is expected to be, made, under sub-section (1).

(3) Where, after a caveat has been lodged under sub-section (1), any application is filed in any suit or proceeding, the Court, shall serve a notice of the application on the caveat or.

(4) Where a notice of any caveat has been served on the applicant, he shall forthwith furnish the caveat or at the aviator's expense, with a copy of the application made by him and also with copies of any paper or document which has been, or may be, filed by him in support of the application.

(5) Where a caveat has been lodged under sub-section (1), such caveat shall not remain in force after the expiry of ninety days from the date on which it was lodged unless the application referred to in sub-section (1) has been made before the expiry of the said period.

**Important cases under the Section:**

A. Reserve Bank of India Employees association & An. V. The Reserve Bank of India and OR's.

In this case, the appellants had filed a Caveat, apprehending an application which may be filed by the respondent in the present case. It was a revision petition under section 115 of the Code. The application was for grant of an injunction against restraining them from holding any meeting or, staging any demonstration or resorting to any other form of direct action or playing musical instruments, beating of drums, using microphones, etc., within the premises of the Reserve Bank of India, Hyderabad Branch.

A caveat petition was filed on 01-10-1980 apprehending the above, for which a notice was served on the plaintiff on 08-10-1980. On 27-10-1980, copies of the intended application for interim relief, relevant papers and documents were served on the Aviators. The plaintiff's also informed the aviator's that they will be moving the application on 28-10-1980. The case was not heard on 28th and was just passed over. It was later heard on 30-10-1980, and an order of injunction was passed without giving any notice to the aviators.

Aviators contended that the interim orders of injunction passed by the court on 30.01.1980 was null and void, as it was passed without jurisdiction, contrary to section 148A of the CPC, 1908. The issues were that,

1. Whether the order of the learned Judge injunction the present aviators without giving a notice are null and void?
2. Whether the order stands till it is set aside according to the procedure known to law?

It was argued that,

- a) The term "notice of application" mentioned in clause (3) is not defined under the code.
  - b) However, it cannot relate to anything except the date of hearing, which is well established by a simple reading of the section.
  - c) The failure is a failure with respect to jurisdiction or merely its procedure?
  - d) If jurisdictional failure, the order is null and void.
  - e) If procedural failure, the order needs to be set aside in an appropriately constituted legal proceeding.
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The court in the case at hand opined, the powers of a Civil Court are too sacrosanct to be allowed to be diluted or to be curtailed by a mere remote implication. I, therefore, hold that as there is no specific provision declaring any action taken by the Court contrary to its mandatory duty under Sub-section (3) to give a notice would be void, the order passed by the Court below on 30-10-1980 is not a nullity. In other words, it appears to me that the mere lodgment of a caveat would not deprive the Court of its power to pass an order even if the caveat or was not informed of the date of hearing of the matter. As the lodgment of a caveat is merely a right to be informed of the hearing date and it has no effect by way of curtailing the powers of a Civil Court to pass an appropriate order on the merits of the case, I hold that the order passed in this case on 30th October, 1980 is not without jurisdiction and is, therefore, operative till it is set aside in appropriate proceedings

B.Santhosh v. Jag at Ram & An.

Smt. Santos is a widow who was fraudulently deprived of the properties of her husband, by her own brother-in-laws. Her husband died in 1985, while she was issueless. Daye Ram and Jag at Ram approached her for the settlement of properties and took her to Manhendragarh, making her believe that they would help her in mutating and registering the properties in her name. On 26.03.1985, original decree was passed wherein, she said that she was asked to give her thumb impressions on 3-4 papers and also was asked to say yes to any questions put forth. Later the respondents started to threaten her that the land was theirs and she had no right over it. She filed this appeal to her original suit, asking for the proper title. Respondents pleaded that the suit was barred by limitation. Court agreed that the decree dated 26.03.1985 was a result of a fraud. The respondents went for an appeal in the appellate court wherein the court said that it was a proper consent decree and did not involve fraud. Another appeal was also filed at the HC, which was subsequently dismissed, and later this present case was taken at the SC. Appellant contested that the consent decree was a classic example of fraud and the decree at the second appeal was a classic example of non-application of mind.

A caveat was filed by the respondents for which the appellant gave a reply which was filed, wherein she had accepted the decree and did not challenge it then. The trial court rightly held the fact that when the caveat was filed in 1985, the lady did not have an issue with respect to the challenging the decree. On 30.9.1985, this caveat was filed which is around 6 months after the original application was filed. The



question was, 'Whether on the basis of caveats, could summons be issued by the civil courts?' However, a summon was issued and other party had come to the court, on basis of a caveat.

## **JUDICIARY**

### **CASES RELATING TO CAVEAT IN CRIMINAL MATTERS**

#### **Santu Math vs. the State Of Jharkhand on 24 July, 2014**

- 2. By Order dated 17th June 2014, following questions of law have been referred for consideration before this Bench by the learned Single Judge.
  - (i) Whether in a criminal preceding a 'Caveat Application' is required to be filed as provided under Section 148(A) of the Code of Civil Procedure?
  - (ii) Whether the informant and the victim, who are ultimate sufferer of a criminal case, have legal right to appear, in a proceeding initiated at the instance of accused, through a private lawyer as per the provisions contained under Section 301(2) of the Cr.P.C., as well as the law laid down by the Humble Supreme Court in the case of J.K. International case (Supra)?
  - 3. The background for making such a reference is as follows:
  - In a Habeas Corpus petition being W.P. (HB Cr.) No. 95/20212 (Bib Smash Keaton vs. The State of Jharkhand & others), the learned Division Bench of this Court after finding that vakalatnama have been accepted on behalf of the respondent no. 5 by the Registry of the Court without any notice ever been issued to him, has held as follows:
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- "1.Counsel appearing for the petitioner has argued out the case at length. Counsel for the State is also present.
- 2. Notice upon respondent nos. 5 and 6 be served by ordinary process, for which, requisites etc. must be filed on or before 20th June, 2014.
- 3. Registry of this Court ought not to have accepted any Vakalatnama on behalf of respondent no. 5 because no notice has ever been issued. Such type of error should not recur in future by the Registry of this Court. It ought to be kept in mind by the Registry of this Court that unless the Court issues notice upon the private respondent (s), in advance, no Vakalatnama can be filed by any party. What can be filed, in advance, is known as "Caveat Application" under Section 148 (A) of the Code of Civil Procedure. Henceforth, such type of acceptance of Vakalatnama should be avoided by the Registry of this Court.
- 4. A copy of this order will be given to the Registrar General of this Court for issuance of necessary action.
- 5. We also direct the head of Basantra Police Station of District Godda, to file an affidavit as to whether in the instant case, filed by the petitioner, charge sheet has been filed or not? This affidavit shall be filed by the aforesaid police officer on or before the next date of hearing.
- 6. Notice is made returnable on 14th July, 2014."

**➤ Naveen Kohli vs Neelu Kohli on 21 March, 2006**

Author: Dalveer Bhandari

**Bench: B.N. Agrawal, A.K. Mathur, Dalveer Bhandari**

J U D G M E N T Dalveer Bhandari, J This appeal is directed against the judgment of the Allahabad High Court dated 07.07.2003 passed by the Division Bench in First Appeal No.323 of 2003.

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The appellant and the respondent are husband and wife. The appellant has filed a petition under the Hindu Marriage Act, 1955 for divorce. The Family Court after comprehensively dealing with the matter ordered cancellation of marriage between the parties under Section 13 of the Hindu Marriage Act which was solemnized on 20.11.1975 and directed the appellant to pay Rs.5 lacs as her livelihood allowance. The appellant deposited the amount as directed.

The respondent aggrieved by the said judgment preferred First Appeal before the Division Bench of the Allahabad High Court. After hearing the parties the appeal was allowed and the decree passed by the Family Court, Kanpur City seeking divorce and annulment of the marriage was dismissed.

The appellant aggrieved by the said judgment of the High Court had preferred special leave petition under Article 136 of the Constitution of India. This Court granted special leave to appeal to the appellant.

Brief facts which are necessary to dispose of this appeal are recapitulated.

The appellant, Naveen Kohli got married to Neelu Kohli on 20.11.1975. Three sons were born out of the wedlock of the parties. The appellant constructed three factories with the intention of providing a separate factory for his three sons. He also constructed bungalow no.7/36 A for their residence. The parties got all their three sons admitted and educated in a public school in Nanital. According to the appellant, the respondent is bad tempered and a woman of rude behaviour. After marriage, she started quarrelling and misbehaving with the appellant and his parents and ultimately, the appellant was compelled to leave the parental residence and started to reside in a rented premises from May 1994. According to the version of the appellant, the respondent in collusion with her parents got sufficient business and property transferred in her name.

The appellant alleged that in the month of May 1994, when he along with the respondent and their children visited Bombay to attend the golden jubilee marriage anniversary of his father-in-law, he noticed that the respondent was indulging in an indecent manner and found her in a compromising position with one Biswas Rout. Immediately thereafter, the appellant started living separately from the respondent since May 1994. The appellant suffered intense physical and mental torture.

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According to the appellant, the respondent had withdrawn Rs.9,50,000/- from the Bank Account of the appellant and deposited the same in her account.

The appellant alleged that the respondent got a false first information report registered against him under Sections 420/467/468 and 471 IPC which was registered as Case No.156 of 1995. According to him, the respondent again got a case under Sections 323/324 I.P.C. registered in the police station Panki, Kanpur City and efforts were made to get the appellant arrested.

The appellant filed a Civil Suit No. 1158/1996 against the respondent. It was also reported that the appellant was manhandled at the behest of the respondent and an FIR No.156 of 1996 was filed by the eldest son at the behest of the respondent against the appellant in police station, Panki complaining that the appellant had physically beaten her son, Nitin Kohli.

The respondent in her statement before the Trial Court had mentioned that she had filed an FIR against the appellant under Section 420/468 IPC at the Police Station, Kotwali and the respondent had gone to the extent of filing a caveat in the High Court in respect of the said criminal case so that the appellant may not obtain an order from the High Court against her filing the said FIR.

In the same statement, the respondent had admitted that she had filed an FIR No.100/96 at the Police Station, Kohna under Section 379/323 IPC against the appellant.

The respondent had also filed a complaint against the appellant and his mother under Sections 498A/323/504/506 IPC at Police Station, Kohna.

The respondent in her statement had admitted that she had opposed the bail of the appellant in the criminal case filed at the Police Station, Kotwali on the basis of legal advice. In that very statement she further admitted that after the police had filed final report in both the criminal cases relating to Police Station, Kotwali and Police Station, Kohna, she had filed protest petition in those cases.

This clearly demonstrates the respondent's deep and intense feeling of revenge. The respondent in her statement had also admitted that she had filed a complaint in the Women Cell, Delhi in September 1997. According to the appellant, the respondent had filed a complaint no.125 of 1998 against the appellant's lawyer and friend alleging criminal intimidation which was found to be false.

According to the appellant, the respondent filed a forged complaint under sections 397/398 of the Companies Act before the Company Law Board, New Delhi and in the affidavit of the respondent she stated that the appellant was immoral, alcoholic, and was having affairs with numerous girls since marriage. She also called him a criminal, infidel, forger and her manager to denigrate his position from the proprietor to an employee of her company.

The appellant also mentioned that the respondent filed a false complaint in Case No.1365 Of 1988 using all kinds of abuses against the appellant.

On 8.7.1999, the respondent filed a complaint in the Parliament Street Police Station, New Delhi and made all efforts to ensure the appellant's arrest with the object of sending him to jail. The appellant was called to the police station repeatedly and was interrogated by the police and only after he gave a written reply and the matter on scrutiny was found to be false, the appellant with great difficulty was able to save himself from imprisonment.

On 31.3.1999 the respondent had sent notice for breaking the Nucleus of the HUF, expressly stating that the Family Nucleus had been broken with immediate effect and asking for partition of all the properties and assets of the HUF and stating that her share should be given to her within 15 days. According to the appellant, this act of the respondent clearly broke all relations between the appellant and the respondent on 31.3.1999.

The respondent had filed a complaint against the appellant under Section 24 of the Hindu Marriage Act directing payment of maintenance during the pendency of the case. This was rejected by the Trial Court and she later filed an appeal in the High Court.

The appellant had deposited Rs.5 lacs on Court's directions but that amount was not withdrawn by the respondent. On 22.1.2001 the respondent gave an affidavit before the High Court and got non-bailable warrants issued against the appellant. Consequently, the appellant was harassed by the police and ultimately he got the arrest order stayed by the High Court. The respondent admitted in her statement that she got the advertisement published in the English National Newspaper 'Pioneer'. The advertisement reads as under :

PUBLIC NOTICE Be it known to all that Mr. Naveen Kohli S/o Mr. Prem Kumar Kohli was working with my Proprietorship firm as Manager. He has abandoned his job since May 1996 and has not resumed duties.

He is no more in the employment of the firm. Any Body dealing with him shall be doing so at his own risk, his authority to represent the firm has been revoked and none should deliver him orders, cash cheques or drafts payable to the firm.

NEELU KOHLI Sole Proprietor M/s NITIN RUBBERS 152-B, Udyog Nagar, Kanpur The respondent in her statement before the Court did not deny the contents of the affidavit but merely mentioned that she did not remember whether she called the appellant a criminal, infidel and a forger in the affidavit filed before the Company Law Board.

The respondent did not deny her using choicest abuses against the appellant but merely stated that she did not remember.

The respondent also filed a contempt petition in the Company Law Board against its order of the Company Law Board dated 25.9.2000 in order to try and get the appellant thrown out of the little apartment and urged that the appellant be sent to jail.

Before the Family Court, the respondent stated about solemnization of the marriage with the appellant on 20.11.1975. In her written statement she had denied the fact that she was either a rude or a quarrelsome lady. The respondent also denied that she had mentally, physically and financially harassed and tortured the appellant. She also stated that she never refused cohabitation with the

appellant. She also denied indulging in any immoral conduct. She averred in the written statement that the appellant has been immorally living with a lady named 'Shivanagi'

➤ **Deepak Khosla vs Union Of India & Ors. on 11 May, 2011**

- "a) Issue a writ of mandamus, and direct the Hon<sup>ble</sup> Delhi High Court to register his caveats, present and future, under proceedings expected to be instituted under the Code of Criminal Procedure.
- b) Issue a writ of mandamus, and direct the Hon<sup>ble</sup> Delhi High Court that the provision to register caveats even in respect of proceedings under the Code of Criminal Procedure be incorporated into the Rules of the court, and applicable to the Hon<sup>ble</sup> Delhi High Court as well as all its subordinate Courts.

Thus in the scheme of criminal law, the provisions of caveat have not only been provided but is generally not enforced also.

12. The learned Counsel for the applicant has fairly conceded that he has not been able to lay his hands on any case where caveat was enforced in criminal matters. He relied only on Rule 159 of the High Court Rules. This rule is only procedural. Substantive provision of caveat is not provided in it. Right to lodge caveat has not been prescribed in the rule.

14. In view of the fact that the Code of Criminal Procedure, substantive law governing the criminal procedure, makes no provision for caveat, the right of the applicant to lodge a caveat is without any legal sanction. There having no legal sanction behind the caveat lodged by the applicant no consequences follow. Consequently, no order can be passed to recall the orders of admission and stay. The stand of the applicant is thus negated. The matter will now be considered on merits after hearing both the parties as the same has been admitted."

15. What is not to be forgotten is that Section 148 A of the CPC finds place in the Code of Civil Procedure which Code is meant to regulate civil suits triable by civil courts. As per Section 9, the courts (commonly called as civil courts) are to try the case of civil nature. Section 148 A of the

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CPC also applies to „application in a suit or proceeding instituted or about to be instituted in a court“ which has reference to civil court. In this backdrop the relevant question would be as to whether Code of Civil Procedure will have any application to the proceedings under Section 482 of the Cr.P.C. as these are the contemplating proceedings in which the petitioner has lodged the caveat. Plainly, answer has to be in the negative. Those proceedings unquestionably are under Cr.P.C. and by no stretch of imagination provisions of CPC can be made applicable. Furthermore, these proceedings, which are likely to be filed, emanate from the orders passed by the learned Metropolitan Magistrate in a FIR registered under various provisions of Indian Penal Code. The learned Metropolitan Magistrate has passed orders dated 22nd February, 2011 after taking cognizance of the offences under the IPC and has summoned the accused persons. These are definitely criminal proceedings which are governed by Cr.P.C. and even in those proceedings none of the provisions of the CPC is applicable or can be invoked. In so far as Cr.P.C. is concerned, no provision for such a caveat is made. Therefore, caveat under Section 148A of the CPC cannot be filed in these proceedings. We are in agreement with the view taken by the Kerala High Court in Harikishan Vs. Jacob (supra) and by Rajasthan High Court in Sahab Ram & Anr. (supra). Civil Procedure Code and Code of Criminal Procedure are two distinct Codes which prescribe procedure in respect of the proceedings in civil suits and criminal proceedings respectively as stipulated in these Codes. Whereas, provision for caveat is made in CPC, Legislature in its wisdom has not provided for any such provisions in this regard in so far as Code of Criminal Procedure is concerned. We thus, hold that caveat as filed by the petitioner in criminal proceeding is not maintainable.

➤ **Ms. Nisha Priya Bhatia vs High Court on 22 July, 2011**

Delhi High Court (Right to Information) Rules, 2006 have been framed by the competent authority in exercising its powers conferred under section 28 of Right to Information Act. So far as an assurance that no order is issued in a criminal case without hearing of the parties is concerned, there is no provision which provides for any such procedure. It is only in civil cases that when a caveat is filed by a party, a notice of the hearing of a case is issued. However, no such caveat is being entertained in criminal matters. It is the prerogative of Courts to issue notice to the other side before hearing a criminal cases or pass an ex-parte order. Therefore, this information cannot be provided to the appellant as

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it is outside the domain of Public Information Officer. The Public Information Officer has no control of any kind over the proceedings conducted by the Courts.

In view of above, the appeal is dismissed. The appellant be informed of the order."

**Ground of the Second Appeal:**

The Appellant had initially filed a RTI application dated 02/06/2010 with the PIO, High Court of Delhi asking the following information:-

- A. Certified copy of document detailing reasons why the Registry of the Hon'ble Delhi High Court does not accept caveats in criminal cases.
- B. Certified copy of document detailing the Delhi High Court under rule which the Registry of the Hon'ble Delhi High Court does not accept caveats in criminal cases.
- C. Certified Copy of document giving number of criminal cases in which the Registry of the Hon'ble Delhi High Court did accept caveats in criminal cases between January, 2009 - present in case the Registry does accept caveats in criminal cases.

The Appellant received a reply on 01/07/2010 to her RTI application dated 02/06/2010 from the PIO stating that "There is no such provision for accepting the caveats in Criminal Procedure Code. Hence no caveats are accepted in Criminal Cases."

Subsequently, the Appellant filed abovementioned RTI application on 06/07/2010. She received a reply from the PIO on 17/07/2010. Since she is not satisfied with the reply furnished on 17/07/2010, she filed a First Appeal on 26/07/2010. The said Appeal was dismissed with reasons. The Appellant is aggrieved by the response given by the PIO on 17/07/2010 and is not satisfied by the order passed by the FAA on 17/08/2010 as it fails to answer how the Hon'ble Supreme Court and the Sessions courts accept caveats in criminal cases but not the Delhi High Court.

**SUGGESTIONS:**

Thus within the theme of legal code, the provisions of caveat haven't solely been provided however is usually not implemented conjointly.

- The learned Counsel for the soul has fairly conceded that he has not been ready to lay his hands on any case wherever caveat was implemented in criminal matters. He relied solely on Rule 159 of the judicature Rules. This rule is simply procedural. Substantive provision of caveat isn't provided in it. Right to lodge caveat has not been prescribed within the rule.
  - In civil proceedings the caveat is ruled by Section 148A C.P.C. In legal instrument jurisdiction as so much as doable C.P.C. is formed applicable. so Section 148A C.P.C. has been created applicable.
  - In criminal proceedings the proper should be searched in Criminal Procedure Code, that isn't there.
  - In read of the very fact that the Code of Criminal Procedure, substantive law governing the criminal procedure, makes no provision for caveat, the proper of the soul to lodge a caveat is with none legal sanction.
  - There having no legal sanction behind the caveat lodged by the soul no consequences follow. Consequently, no order may be passed to recall the orders of admission and keep. The stand of the soul is so negated.
  - The matter can currently be thought of on deserves once hearing each the parties because the same has been admitted.
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## CONCLUSION

The Court has aforesaid that a continuing below article 226 of the Constitution of India, doesn't entertain a Caveat petition. It conjointly applies for execution proceedings and proceedings below the Criminal Procedure Code.

there's little question that the aforesaid parameters may be stretched by suggests that of an essential method, however, the terribly necessity of the availability can not be placed on stake by the Court thanks to the complications of the Court. The section ought to be followed religiously by the Courts.

it's thus evident that below the chromium.PC.in a criminal case at any stage of inquiry, trial or charm, no such specific provision of filing a caveat, as ruled by section 148-A of the Code of Civil Procedure exists.

There are not any different provisions below the Code of Criminal Procedure below that a personal party / plaintiff / informant will file a caveat to oppose the continuing initiated at the bid of the defendant.

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