

## **Order-40A Caveat Rules**

### CONTENTS

1. 1
2. 2
3. 3
4. 4
5. 5
6. 6
7. 7

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#### **1. 1 :-**

Every caveat under Section 148A shall be signed by the caveator or his advocate and shall be in the form prescribed.

#### **2. 2 :-**

Every caveat shall be presented by the party in person or by his advocate to the Court or to the officer authorised to receive the caveat. Where the caveator is represented by an advocate his vakalatnama shall accompany the caveat. When an advocate instructed by a party to act or appear in a matter has not been able to secure a vakalatnama in the prescribed form duly, signed by the client he may file a written statement signed by him stating that he has instructions from or on behalf of his client to act or appear in the matter and also undertaking to file within a week a vakalatnama in the prescribed form duly signed by the party.

#### **3. 3 :-**

The caveat presented under rule 2 shall be registered in a Caveat Register in form given below. Before an application for any relief is made to the Court in any proceedings, it shall bear an endorsement from the office of the Court whether a caveat has or has not been filed.

#### **4. 4 :-**

(1) A copy of the caveat shall be served along with the notice

required to be served under Section 148A(2).

(2) On receipt of the notice of the caveat, the applicant or his advocate shall intimate to the caveator or his advocate, the expenses for furnishing the copies and request him to collect the copies on payment of the said expenses. The said expenses should be at the rate of 25 paise per folio of 100 words inclusive of cost of paper.

**5. 5 :-**

Every application for any relief in a proceeding should be supported by a statement on oath of the applicant stating that no notice under Section 148A (2) is received by him or if received whether the applicant has furnished the copies of the application, together with the copies of the papers or documents which have been filed or may be filed in support of the application to the caveator as required by Section 148A(4).

**6. 6 :-**

A notice under Section 148A(3) may be served on the caveator or his advocate personally or by post under certificate of posting. The notice sent under certificate of posting at the address furnished by the caveator shall be deemed to be sufficient service on him.

**7. 7 :-**

Where it appears to the Court that the object of granting ad Interim relief on the application would be defeated by delay, it may record reasons for such opinion and grant ad Interim relief of the application of the applicant till further orders after giving the caveator an opportunity of being heard.