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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP.No.7179 of 2025 in

CRP.SR.No.66066 of 2024

Dr.K.Rayar

.. Petitioner-in-Person

Vs

1.The Chairman,
Central Office,
Indian Overseas Bank, H.O
No.763, Anna Salai, Chennai – 600 002.

2.The General Manager,
Central Office, Indian Overseas Bank, H.O,
No.763, Anna Salai, Chennai – 600 002.

3.The Chief Regional Manager,
Indian Overseas Bank, Regional Office,
5 Road Salem – 6.

4.The Branch Manager,
Indian Overseas Bank, Villupuram Branch,
No.719, Sri Santhinathan House,
Nehruji Road, Villupuram District.

.. Respondent(s)



For Appellant(s): Dr.K.Rayar (P-in-P)

For Respondent(s): Mr.I.M.Siddartha Ramarajan
for Mrs.V.Rajeshwari

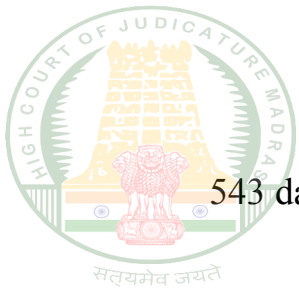
ORDER

The present Civil Miscellaneous Petition has been filed to condone the delay of 543 days in preferring the Revision Petition.

2. Heard the Petitioner-in-Person and the learned counsel for the respondents.

3. The Petitioner-in-Person states that he had filed Writ Petition before this Court. The Hon'ble First Bench of this Court in W.P.No.2654 of 2024 by an order dated 07.02.2024 disposed of the writ petition giving liberty to the Petitioner-in-Person to avail remedy under law, challenging the judgment and decree before the Principal District Munsif, Villupuram dated 29.08.2022 in S.C.No.2 of 2019.

4. The Petitioner-in-person therefore states that revision is maintainable and in view of his agitating the matter in the Writ jurisdiction, the delay had occasioned. He therefore seeks for condonation of delay in



543 days.



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5. Per contra, the learned counsel for the respondents would state that remedy available to the Petitioner-in-Person is by approaching DRAT and not by way of Article 227, by a revision before this Court. He would also state that only in order to avoid the mandatory pre-deposit to be made under the provisions of the DRAT Act, the present revision petition has been filed. Any how, presently I am concerned only with an application to condone the delay in filing the revision. The Principal District Munsif Court, Villupuram, in and by a judgment and decree dated 29.08.2022 has dismissed the suit. An appeal remedy is available even under the provisions of the CPC to the competent Sub Court.

6. Therefore, there is no purpose in entertaining the present revision when a statutory appeal remedy is available to the Petitioner-in-Person. If at all such an appeal is preferred, the same shall be dealt with in accordance with law and shall be open to the respondents / banks to contend that the suit is not maintainable and the remedy open on the petitioner is only to prefer an appeal before the DRAT.



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7. The learned counsel for the respondents also states that delay is 543 days only if the order under challenged is the order of the DRAT and if the order of the Principal District Munsif Court, Villupuram is under challenge, then the delay would be much more. However, in view of the fact that, I am dismissing the condone delay application, giving liberty to the Petitioner-in-Person to file a regular First Appeal before the Sub Court, this contention of the learned counsel for the respondent does not assume much significance, in the context of the present matter.

8. With the above observations, this Civil Miscellaneous Petition is dismissed.

12-09-2025

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To

The Principal District Munsif Court, Villupuram.

P.B. BALAJI,J.

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