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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2763 OF 2013
IN
WRIT PETITION NO.2134 OF 2012**

Dr.N.T.Venugopal.

..Petitioner

-Versus-

The Dean, D.Y.Patil Medical
College, Kolhapur and others.

..Respondents

.....
Mr.Mandar Limaye, for the Petitioner/Applicant.
.....

**CORAM: S.C. DHARMADHIKARI
AND
R.Y. GANOO, JJ.**

DATE :- 20th November, 2013

PC:

1 On 14.01.2013 the notice was directed to be issued to the Respondents before admission, but it appears that the notice was issued on 02.02.2013. Thereafter, the notice packet was not received either served or unserved from the Respondents. That there is no order permitting private service does not mean that the Advocate or the Petitioner will not attend the matter and report compliance as to whether the notices have been served or make inquiries from the Registry in that behalf.

2 For the lapse on the part of either of them, merit of the case should not suffer particularly when there is no lack of bonafide. In these circumstances the Civil Application is granted and the Writ Petition is

restored to the file, but on the condition that the unserved Respondents are served and compliance is reported within four weeks. Liberty to serve privately is also granted. The Civil Application is, accordingly, disposed of. No costs.

(R.Y. GANOO, J.)

(S.C. DHARMADHIKARI, J.)