

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

[SMT. P VIJAYAKUMARI VS. STATE OF KARNATAKA AND  
ANOTHER]

01.06.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

**OPERATIVE ORDER OF THE ORDER**

- (i) The Writ Petition is allowed.
- (ii) The doctors at Anupama Hospital, No.72/3, CII IQ, BEL Layout, 2<sup>nd</sup> Phase, Near Karnataka Bank - College Bus Stop, Byadarahalli, Magadi Main Road, Bengaluru 560091 are permitted to carry out the procedure for medical termination of pregnancy on the petitioner by observing due care. The said procedure to be carried out at the earliest in such a manner as not to cause any harm to the petitioner's life and liberty.
- (iii) The State as also Anupama Hospital shall act on the operative portion of this order without insisting on the complete order.
- (iv) Hand delivery ordered.

**(SURAJ GOVINDARAJ)**  
**JUDGE**



Child may suffer significant neurological disabilities and may be a financial and emotional burden on the parent hence it can be considered para. Subject to that. It will release the operative portion. You can go ahead with the operative portion. Petitioner, pregnant mother is before this court seeking for the following reasons. The petitioner State that she is married and pregnant and has one girl child born out of wedlock who is currently 10 years and in healthy condition. The petitioner being 36 years. The petitioner having conceived Has undergone ultrasound scans from time to time. In the scans done on 06.05.2026 and repeated on 07.05.2026, the treating doctors identified certain abnormalities in the fetus, namely There is irregular CSP. Page 5. Cavesymptom palisidu. The corpus callosum in the main bridge of nerve fibers that connect the left and right hemisphere of the brain. Arrital agenesis means this bridge did not form completely. The scan noted the front parts so and so. There is impression on the page 5. Page 7. Based on the said impression, the treating doctor, the petitioner advised the petitioner and her husband to consider termination of the pregnancy. Medical termination of the pregnancy packet MTP as an option. Since there was an incomplete brain connection, there was severe fluid accumulation and the prognosis indicated that there could be a missing central brain structure significantly elevating the risk of profound neurodevelopmental delays. Facing high probability of severe neurological deficits, which could include intractable epilepsy, severe intellectual disability, motor spasticity, and a lifelong dependence on specialized medical and institutional care. It is in that background that after receiving definitive medical opinions of incurable fetal brain abnormalities, And on being informed that the child if born would suffer from profound physical and cognitive disabilities rendering it permanently a fetus if born. Physical and cognitive disabilities rendering it permanently and seriously handicapped. The petitioner has approached this court seeking for medical termination of pregnancy. This court, who has audited 29.05.2026, having issued notice to the concerned, directed the petitioner to be examined by the Medical Board and report to be submitted today. B. G. Bhanuprakash Additional Advocate General has based on record the Report received from the medical board in a sealed cover. The pediatrician's opinion is that the patient can be taken for proposed procedure cleared by the medical board. The radiologist has categorically opined The fetus shows partial corpus callosal agenesis with bilateral ventriculomegaly. He has opined that though this is not an indication for MTP, however the child may suffer significant neurological disabilities and may be a financial and emotional burden on the parents. Hence it can be considered for MTP if the parents desperately want MTP and if other board members also consider for it. The anesthetist, the obstetrician, Have opined that the patient can be taken for medical board and the final opinion is that termination of pregnancy can be considered in the patient. Sree Arvind Thomas Learned Additional Sources General. Addl. Sources General places on record the decision of the Hon'ble Apex Court in SLPC No. 14454 of 2026 dated 24.04.2026. He brings to the notice of this Court para 15.3 thereof which is reproduced hereunder 15.3 at page 14 which is reproduced hereunder for easy reference. He also refers to Another para, wrongly numbered para 15, commencing from page 13 to page 15, which are reproduced hereunder. His submission is that only if the conditions indicated therein are satisfied could MTP be resorted to. This he submits as an officer of the court and as also for the reason that Union of India has been arrayed

as a party respondent in the present matter. He categorically submits that there is no adversarial litigation in the matter and it is for this court To draw the inferences on the basis of the report of the Medical Board and the applicable law. Nimesh Reina, Sivaram, what do you do? What kind of business? So what do you have to say? What do you have to say? What do you have to say? What do you have to say? Karuna, what do you have to say? Come forward and talk to Michael. It is tough for a parent to take this call. The petitioner being under medical care and before the medical board, the husband, R. Sivaram is before this court. On enquiry, he submitted that he is in the business of aerospace manufacturing and sales and he submitted with a heavy heart that it is in the interest of both the petitioner and the unborn fetus that medical termination of MTV procedure is carried out. Since all the experts have indicated that the fetus if born would suffer from severe neurological disorder and disorders and that even if several surgical procedures are also carried out there may not be a possibility of the fetus living a normal life. He submits that the decision to seek for MTP is predicated and based on the medical opinion which has been furnished by the concerned professional doctors. The petitioner and himself did not ever intend to have a MTP procedure being carried out. Third, Ravishankar G. S. Learned counsel for the petitioner, Sree V. G. Bhanuprakash Learned Additional Advocate General for respondent no. 1, Sree Arvind Kamath Learned ASGI for respondent no. 2 per his papers. The medical termination of pregnancy has been held by the Hon'ble Apex Court to be a right vested with the mother and equated to autonomy of her body. The Hon'ble Apex Court in several cases including the one placed on record by the learned ASG in S versus Union of India has recognised this right of autonomy of body on the part of the woman/mother. The extracted portions of the judgment above would clearly and categorically indicate that the constitutional courts cannot overlook the decision made by the citizen when the said citizen approaches the court. Due to no remedy being available under the statute, since the statute provides for medical termination of pregnancy without court interference or indulgence, so long as the fetus is 22 weeks and 24 weeks. This was only now. 24 weeks. It is only when the age of the fetus crosses 24 weeks that the mother could have approached the medical board directly or approached this court seeking for permission. In this case unfortunately when the scan was carried out on 04.04.2026 the said scan indicated no abnormality. In fact all the measurements were found to be normal. It is only when the scan was carried out on 06.05.20 the next monthly scan was carried out on 06.05.206 that abnormalities were noticed. Requiring further scan to be carried out on 07.05.2026 when the initial observations were confirmed. These observations have also been confirmed by the medical board appointed by this court, where the medical board has also categorically stated that there could be severe neurological deficits stroke defects in the fetus when born. In that view of the matter, The pain that the parent would endure to see their child growing up in such a neurological deficit manner. The pain that the child would undergo throughout a life. With such defects, as also the financial implication thereof on the parents, lead me to an irrefutable conclusion to allow the medical termination of pregnancy, taking into consideration all these aspects. More so when the parents have been forced to approach this court with a heavy heart to terminate The life of the unborn child. In that view of the matter, I pass the following order. If petitions are allowed, the permission is granted.

He submits that That he would want to take care of his wife in the best possible manner with best possible medical facilities and they have identified the Anupama Hospital and the doctors therein. To carry out the medical termination of pregnancy on the petitioner. His submission is that he and the petitioner would bear the costs of the said procedure and do not require any assistance, any financial assistance from the State. Sri Viji Bhanumrakashlani Additional Advocate General on instructions submits that Anupama Hospital is a registered hospital. Who is entitled to carry out medical termination of pregnancy and so long as there is no financial implication for the State, the State has no objection for such procedure to be carried out in Anupama Hospital. Similarly the submission of the Learned A. S. A. is allowed. The doctors in Dr. Sena Reedia and the particular doctors He will be carrying on. It will be restricted to that doctor. The doctors at Anupama Hospital No. 72, CIIQ Road, VL layout, second phase near Karnataka Bank, College Bus Stop, Badraldy, Magli Road, Bengaluru 560091 are permitted to carry out the procedure for medical termination of pregnancy on the petitioner. By observing due care, the said procedure to be carried out at the earliest. In such a manner as not to cause any harm to the petitioner's life and liberty. The State as also Anupama Hospital shall act on the operative portion of this order without insisting on the complete order. Registry is directed to and delivery of the operative portion is permitted and operative portion only. Sivaram, you go to the hospital. Your lawyer will send you the order. You can orally inform them also so that they can get it ready.

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