

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

2 WRIT PETITION NO. 8651 OF 2018

SARALA RAHUL SHELKE AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioners : Mr. Sanket Kulkarni h/f Mrs.
Kulkarni Rashmi S.

AGP for Respondents 2 and 3 : Mr. P.S.Patil

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CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : AUGUST 6, 2018

O R D E R :

Learned counsel submits that petitioner no. 1 is diagnosed to have conceived two fetus and she was under medical supervision. The petitioner had undergone Sonography several times up to 16 weeks. The Sonography reports appeared normal.

2. The learned counsel submits that upon advise of the doctor another Sonography was performed on 18.7.2018, wherein first time two fetus have been shown as per the growth restrictions. Ribs scan was

advised and it was concluded by the expert that the growth of both fetus is as per restricted growth abnormalities are found that affects well being of the fetus. Thereafter another Sonography was performed on 27.7.2018 and it was found that there was no change at that time. The age of both fetus was about 20 weeks and 6 days. According to the learned counsel, in such scenario petitioner no. 1 was advised medical termination of the pregnancy.

3. Considering the submissions made, we had referred petitioner no. 1 to the Medical Board for examination. The Expert Committee submitted its report on 30.7.2018 and gave findings as under :

" 1. Length of Pregnancy is **21.5** weeks.

2. Whether the Continuance of pregnancy would involve risk to the life of the pregnant woman or grave injury to her physical or mental health?"

Ans : - No

3. Whether there is substantial risk that if the child is born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

Ans : - From available reports, there is no evidence of substantial risk that child is born with physical abnormalities i.e. lethal (incompatible with life) congenital malformation. Mental abnormalities of child cannot be commented at present."

4. Experts have submitted the report. The Courts would be guided by the report of the Experts and the views of the experts. The expert Committee has found that there is no substantial risk that the children would be born physically abnormal (incompatible with life)

5. In view of the report of expert Committee, consisting of the Chairman Academic Professor OBGY, Aurangabad, Medical Superintendent, GMCH, Aurangabad, Professor and HOD, Surgery, Aurangabad, Associate Professor, Radiology, Aurangabad, Academic Professor Medicine and HOD Psychiatry. It will not be possible for us to accept the request of the petitioner.

6. In view of above, the Writ Petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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