

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11133 OF 2019

Smt. Samrin W/o. Astakim SheikhPetitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. C.V. Thombre, Advocate for Petitioner
Mr. A.B. Girase, Government Pleader for Respondent-State

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 19th SEPTEMBER, 2019

ORAL ORDER:

1. The petition is filed seeking directions for termination of pregnancy. Under order dated 9th September, 2019, we had referred the petitioner to the Committee constituted by the Dean, Government Medical College and Hospital, Aurangabad.
2. The gestational age as per the report of the Committee is 24 weeks and two days.
3. The Committee has examined the petitioner and submitted the report . The report reads thus -

The committee has thoroughly examined Samrin W/o Astakim Sheikh on 16-09-2019 and the report of her ultrasonography done at GMCH Aurangabad on date: 14-09-2019. Following findings are noted :

A. Length of Pregnancy: Gestational Age of 24 weeks 02 days.

B. Single live intra-uterine gestation of average maturity of 23 weeks and 3 days with corpus callosal dysgenesis, narrowed posterior fossa with suspicious to tonsillar herniation, kyphoscoliotic deformity involving cervical and upper thoracic spine with, dysplastic tricuspid valve and dilated right atrium ventricle and right ventricular outflow tract, with V.S.D. (Ventricular septal defect.)

Taking into consideration the above findings there is evidence of substantial risk to the fetus if born. Hence this Committee recommends termination of pregnancy. Pregnancy can be terminated at Government recognized centre of choice of patient with due risk to mother and the risk is explained to her and her relatives. Termination of pregnancy may require surgical intervention with due risk. Risk involved in surgical intervention is explained to the mother and relatives.

4. The Committee has opined that there is risk to the fetus if born. Hence, the Committee recommends termination of pregnancy. The petitioner and her relatives have been explained about the risk involved in terminating pregnancy.

5. The learned Counsel for the petitioner submits that the petitioner is informed about the risk involved and and the petitioner wants to proceed with the process of termination of pregnancy.

6. Considering the report of the Expert Committee and the opinion given by the Expert Committee, we permit the petitioner to terminate pregnancy at the government recognized centre.

7. The writ petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

mta