

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

WRIT PETITION NO.11832 OF 2019

XYZ, Minor through her
natural guardian Sanjay
s/o Ram Dhotre

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr T.M. Venjane, Advocate for petitioner
Mr S.P. Tiwari, A.G.P. for respondents

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

DATE : 11.10.2019

ORAL ORDER :

1. Yesterday, we had heard the matter. At the request of Mr Venjane for the petitioner, we had adjourned the matter for today. Today also, we have heard Mr Venjane for the petitioner .

2. On 11.10.2019, we had recalled the order passed on 9.10.2019. We had not signed the order dated 9.10.2019.

3. On 10.10.2019, we had made the following observations:

"2. In view of that, we kept the matter today. The learned counsel for the petitioner was informed. He is present in the Court. We have also heard him. We had requested the learned Doctor to be present. Pursuant to our request, learned Dr. Vijay Kalyankar, Associate Professor, Department of Obstetrics and Gynaecology, Government Medical College and Hospital, Aurangabad and Dr. Prashant Titare, Associate Professor, Department of Radiology (Sonography),

Government Medical College and Hospital, Aurangabad are present in the Court. We had asked them about the viability of the fetus. The report is dated 3.10.2019. On the said date the gestational age is 31 weeks and 05 days. Today it would be almost 32 weeks and 03 days. The learned Doctor opined that the pregnancy has crossed the period of viability and if the pregnancy is terminated the baby born would be live baby. The fetus does not have any anomalies as per the ultrasonography performed."

The following report is received from the expert Committee.
The same reads thus :

" The committee has thoroughly examined clinically on 01-10-2019 XYZ minor and the report of her ultrasonography done at GMCH Aurangabad on date : 01-10-2019. Following findings are noted :

- A. Length of Pregnancy : Gestational Age of 31 weeks 5 days.
- B. Foetus has no Congenital anomalies.

The above said pregnancy has crossed the period of Viability. This preterm foetus if born is expected to survive. The mother also carries a substantial risk in termination, may require surgical intervention producing implications on further obstetric carrier. Hence, this Committee does not recommend termination of this pregnancy."

4. In view of the report submitted and the opinion of the learned Doctor as observed above, we decline the prayer of the petitioner for termination of pregnancy. The prayer to that extent is rejected.

5. Writ Petition stands disposed of. No costs.
6. Our observations in this matter are passed on the report received by us and limited to the present petition.

(ANIL S. KILOR, J.)

(S.V. GANGAPURWALA, J.)

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