

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
1041 WRIT PETITION NO.12865 OF 2019**

TULSABAI GAJANAN GUNJAL AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER ..RESPONDENTS

...
Mrs. Sheetal S. Bhadlekar, Advocate for the
Petitioners.

Mrs. G. L. Deshpande, AGP for Respondents-State.

...
**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATED : 18th OCTOBER, 2019.**

PER COURT:-

1. The petition is filed seeking permission to terminate the pregnancy. Under our order dated 16.10.2019, we had referred the petitioner no.1 to the expert committee constituted at Government Medical College and Hospital, Aurangabad. The expert committee has examined the petitioner no.1 and submit its report. The report reads thus:

"The committee has thoroughly examined Tulasabai Gajanan Gunjal on 17.10.2019 and the report of her ultrasonography done at GMCH Aurangabad on date: 17.10.2019.

Following findings are noted:

- A. Length of Pregnancy: Gestational Age of 25 weeks 0 days.
- B. Single live intra-uterine fetus with Anencephaly with cervical spina bifida with Meningocele.

C. Fetal pleural effusion

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."

2. The committee has observed that there is evidence of substantial risk to the fetus if born. The committee recommends termination of pregnancy. The risk is explained to both the petitioners that is petitioner no.1-Wife and petitioner no.2-Husband.

3. The learned counsel submits that petitioners want to proceed further with the termination of pregnancy of petitioner no.1.

4. In light of the above, the petitioner no.1 is permitted to terminate the pregnancy at the Government recognized centre.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE