

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7932 OF 2019

Tabbsum Aslam Mulani

.. Petitioner

Vs.

State of Maharashtra
through Principal Secretary,
Public Health Services

.. Respondent

Ms. Afreen Khan a/w. Ms. Ishwarya Subbiah for petitioner.

Ms. Nisha Mehra for respondent-State.

**CORAM : R. M. BORDE &
N.J. JAMADAR, JJ.**

DATE : 26TH JULY 2019

P.C.

1 Heard the learned counsel for the petitioner.

2 The request is made by the petitioner, who is a pregnant lady undergoing pregnancy at 24th week, for grant of permission to terminate the pregnancy.

3 Considering the medical report placed on record along with the petition, the petitioner was referred to Medical Board for examination by the experts at B.J. Medical College and Sassoon General Hospital, Pune. The petitioner appeared before the Medical Board on 18th July 2019 and she was examined by the Medical Board which consists of the Professor and Head of the Department of Obstetrics and Gynecology, Professor and

Head of Radiodiagnosis, Professor and Head of the Department of Cardiovascular Surgery, Professor and Head of Paediatrics and Professor and Head of Department of Medicine. It is reported by the Medical Board that the fetus has complex cardiac anomaly, namely, hypoplastic left heart syndrome which is stated to have high morbidity and mortality. The Committee, in clear terms, opined that the pregnancy should be terminated at the gestational age, with the permission of the High Court.

4 The petitioner has been sensitised about the risk involved in undergoing the procedure of termination of pregnancy at the advanced gestational age. However, the petitioner has consented for undergoing the procedure for termination of pregnancy at her own risk and consequences. The petitioner has also placed on record an undertaking stating that if the child is born alive, after conducting the procedure of termination of pregnancy, she would take full responsibility of the child. The said undertaking, dated 23rd July 2019 is taken on record and marked “X” for identification.

5 Considering the facts and circumstances of the case and the law laid down by this Court in the case of *Shaikh Ayesha Khatoon Vs. Union of India & Ors.* ¹ as well as in the case of *XYZ Vs. Union of India* ², the request made by the petitioner in the instant petition deserves to be

1 (2018) 3 Bom. C.R. 399

2 WP-10838-2018 & connected petitions decided on 3-04-2019

allowed and the same is accordingly allowed. It would be open for the petitioner to opt for undergoing the procedure for termination of pregnancy at B.J. Medical College and Sassoon General Hospital, Pune. On admission of the petitioner, the concerned Hospital shall, in the presence and under supervision of the experts of gynecology and pediatrics, conduct the procedure of termination of the pregnancy expeditiously.

6 In view of the directions as above, the writ petition stands disposed of.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]