

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

WRIT PETITION NO. 608 OF 2019

Pooja Vikram Lavate

... Petitioner

V/s.

Union of India & Ors.

... Respondents

Ms. Dipika Sahani for the Petitioner.
Ms Anusha Amin for Respondent Nos. 1 and 3.
Mr. B.V. Samant, AGP for the Respondent No.2.
Mr. Santosh Parad for Respondent No.4/ MCGM.

**CORAM : B.P.DHARMADHIKARI, &
REVATI MOHITE DERE, JJ.**

DATE : 25th JANUARY, 2019

P.C.:

1. Petitioner a 23 years old lady with 28 weeks pregnancy seeks leave to terminate the same. Experts Committee has in its opinion forwarded to this Court found that condition of fetus fulfills the criteria of "substantial risk of serious physical handicap". Committee has highlighted "fetus can have a Ataxia Mental Retardation Development Delay". The Committee therefore, has permitted pregnancy to be terminated after order of this Court. Committee has also stated that "Pregnancy if terminated at this stage will result in live baby". Because of this position, Committee has left it to this Court to grant permission or not.

2. Experts Committee has also felt it necessary that parents of child should be instructed to take care of baby after delivery. Lastly Committee adds, if termination is allowed, it can be done at any place as per convenience of parents.

3. Dr. Bela Verma, Professor and Head Department of Paediatrics has found that condition of fetus is associated with Medical morbidity and mortality and therefore, has permitted Petitioner to undergo MTP. Dr. N.O. Bansal, Professor and Head Department of Cardiology has found that though heart is compatible for fetal and extra uterine life, there are multiple birth anomalies which required further investigation and attention. He therefore, states that termination can be done. Dr. Vernan Velho, Professor and Head Department of Neurosurgery has found that the patient can undergo with MTP with due risk. Dr. Kamlesh Jagiasi, Associate Professor and Head Department of Neurology has found it proper to advise termination of pregnancy. He has also added that as fetus is beyond 27 weeks, parents should be advised to take care of baby, if baby is born alive. Dr. D.R. Kulkarni, Professor and Head Department of Paediatrics Surgery has found that condition is associated with medical morbidity and therefore, refer the case to Neurosurgery department.

4. The Petitioner through her Counsel states that she and her

husband would take care of child, if in the procedure is born alive.

5. In the light of experts opinion mentioned (supra), we direct Petitioner to file an undertaking with the Registry of this Court as also with hospital of her choice i.e. Cloudnine Hospital, Malad where procedure for termination shall be undertaken jointly along with her husband, they shall look after and maintain the child, if it is born alive. The affidavit be filed within four days.
6. Subject to such affidavit, we grant leave to terminate the pregnancy.
7. Writ Petition is disposed of accordingly.

(REVATI MOHITE DERE, J.)

(B.P.DHARMADHIKARI, J.)