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

CIVIL WRIT PETITION NO.358 OF 2019

Aisha Khatoon Irfan Khan

...Petitioner

Versus

Union of India and Ors.

...Respondents

Ms.Afreen Khan, for the Petitioner.

Ms.Purnima Awasthi, for the Respondent Nos.1 and 3.

Ms.S.D.Vyas, 'B' Panel, for the Respondent – State.

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

DATE : 18th JANUARY, 2019

P.C. :

1. The Report of Expert Committee is made available in a sealed envelope by the learned counsel for the Respondent – State. We had called for that report, as per order dated 11th January, 2019. The report shows that fetus of a female about 23 weeks old has got serious neurological abnormality in the form of Acrania – Anencephaly, Neural Tube Defects, and experts state that it fulfills the criteria of 'Substantial Risk of Serious

Physical Handicap'. They have also mentioned that fetus will not survive after delivery. They have, therefore, permitted termination of pregnancy, if this Court, so orders and clarify that it can be performed in any Tertiary Care Hospital.

2. The Petitioner informs through her Advocate that she wants to undergo the said procedure at K.E.M Hospital, Mumbai.

3. In view of these developments, we permit the Petitioner to terminate the pregnancy at K.E.M Hospital, Mumbai. She shall report there by 20th January, 2019, at 12.00 noon and the Doctor shall complete the necessary procedure, at the earliest thereafter.

4. Writ Petition is accordingly disposed of.

5. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

B.P. DHARMADHIKARI, J.