

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

WRIT PETITION NO.882 OF 2019

Nirmadevi Narayan

...Petitioner

vs.

Union of India through the Secretary,

Ministry of Law and Justice and Ors.

...Respondents

Ms.Bhavana Mhatre for the Petitioner.

Mr.M. C. Walimbe, AGP for the Respondent-State.

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

DATE : 29/01/2019.

P.C.:

. Not on board. Taken on board.

2. The petitioner an adult married woman seeks leave to terminate pregnancy on the ground of abnormalities in the fetus in view of pleadings in paragraph No.4.

3. On 22/1/2019 we sought opinion of Expert Committee of B.J. Medical College, Pune. Report of that Committee is made available for our perusal today in a sealed envelope. Report shows conclusion that the petitioner 26 years old is having pregnancy of 22 weeks and foetus has fatal cardiac abnormalities. If pregnancy is continued, it will have high morbidity and mortality and therefore the petitioner is advised termination thereof at this gestational age.

4. We therefore find that report of medical expert shows that the

child cannot born alive and in any case will suffer from said physical or mental abnormalities as to seriously handicap the said child. It thereby satisfies the ingredients of section 3(2)(b)(ii) of the Medical Termination of Pregnancy Act, 1971. The provisions of section 5 of the said Act are also satisfied in the present matter. We therefore grant necessary permission to the petitioner.

5. Petitioner shall report B. J. Medical College and Sassoon General Hospital, Pune by 12.00 noon on 31/1/2019. Necessary procedure shall be performed by the Doctors at the earliest. Parties to act upon authenticated copy of this order.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)