

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

CIVIL WRIT PETITION NO. 7042 OF 2019

Sangeeta Kaur Darshan Singh Labana ...Petitioner

Vs.

Union of India
And Ors. ...Respondents

Ms. Afreen Khan I/by. Neha Philip for the Petitioner.
Ms. Nisha Valani for Respondent No. 3.
Mr. R.A. Salunke, AGP for Respondent – State.

**CORAM : SHRI. RANJIT MORE &
SMT. BHARATI H. DANGRE,JJ.**

DATE : 28th JUNE 2019

P.C.:

1. In furtherance of our direction dated 24.06.2019 the learned Assistant Government Pleader has submitted a report from the J.J. Hospital, Mumbai. The report dated 27.06.2019 is signed by the Heads of the Departments of Obstetrics and Gynecologist, Department of Psychiatry, Department of Radiology, Department of Paediatrics, Department of Cardiology and Department of C.V.T.S. The committee is constituted by the Dean of J.J. Hospital, Mumbai to examine the petitioner initially in terms of our direction on 25.06.2019 and again on 26.06.2019. The separate opinions

have been recorded by the members of the said Committee and a collective opinion is also expressed.

We have carefully perused the report submitted before us and it is opined after careful study of multiple Sonography reports that the fetus suffers from Complex Cardiac Anomaly in the form of TOF Physiology as Dextrocardia with Right Sided Aortic Arch, Hypoplastic Right Heart Syndrome with Pulmonary Atresia, Ostium ASD with AV Canal Defect and 2 Vessel Umbilical Cord. The report also opined that the fetus fulfills the criteria of "Substantial Risk of Serious Physical Handicap". The head of the Department of Cardiac has also opined that the petitioner is mentally fit to undergo said procedure.

The said report is taken on record. In light of the opinion expressed in the report to which we had made a reference and since the condition of the fetus suffers from high morbidity and mortality and since it is opined that the mother is fit to undergo the procedure of Medical Termination of Pregnancy, we grant permission to the petitioner to

terminate the 24 weeks pregnancy. The petitioner is at liberty to undergo the said procedure of termination of pregnancy in the Hospital of her choice. However we expect that the procedure should be completed immediately since the lapse of period of time will pose danger to the petitioner. With the aforesaid directions Writ Petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J)