

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

WRIT PETITION NO.10528 OF 2019

Shubhangi Sunil Patil

... Petitioner

Vs

The Union of India & Ors.

... Respondents

Mr.Datta Pawar for the Petitioner

Mr.A.P. Vanarse, AGP, for Respondent – State

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATED: OCTOBER 4, 2019

P.C.:

1. The petitioner is a young lady. She is carrying a fetus of about 24 weeks. She has filed this petition seeking permission for termination of her pregnancy on the ground that the child, if allowed to be born, would suffer from physical or mental abnormalities as to seriously handicap him / her. To ascertain these facts, under our order dated 30.9.2019, we had referred the petitioner for a medical check-up to be conducted by the medical board at Sassoon General hospital, Pune. The composition of the Board is also provided in the said order.

2. Today, the said hospital has submitted a report pursuant to such medical examination. The report though, confirms cardiac anomaly, however, suggests that such anomaly is correctable and that the pregnancy can be continued. The conclusions in the report are as under:

"The committee examined the woman, Shubhangi Sunil Patil [10528 of 2019] [MRD no 1905843] on 01/01/19 and necessary investigations were done. Clinical examination and investigations reveal that the pregnancy is 24 weeks and baby has cardiac anomaly [subaortic VSD] and prominent bilateral lateral ventricles which are correctable after birth. The committee feels that the pregnancy should be continued as the anomalies are manageable after birth."

3. At this stage, the learned Counsel for the petitioner submitted that the petitioner may be sent for another medical opinion at some other government hospital. We have absolutely no basis to doubt the medical opinion submitted by the Board constituted by this Court comprising of senior Doctors at an established government hospital at Pune. Accepting the request of the petitioner for a second reference would amount to questioning their credibility or expertise for which there is no basis.

4. In view of such report of the specially constituted medical board comprising of experts in the field, the permission for termination of pregnancy as prayed for, cannot be granted. The case on hand does not fall within the parameters of section 31 of the Medical Termination of Pregnancy Act, 1971. Since this is not a case where there is a specific reason that if the child were to born, it would suffer from such physical or mental abnormalities as to seriously handicap him / her. Accepting such medical opinion, the petition is dismissed.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)