

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION (St.) NO. 10568 OF 2020

Shabana w/o Rashid Tamboli

..PETITIONER

VERSUS

State of Maharashtra & ors.

..RESPONDENTS

Mr Rameez M. Shaikh, Advocate for petitioner;
Mr D. R. Kale, G.P. for respondents

CORAM : PRASANNA B. VARALE, J.

DATE : 23rd April, 2020

ORAL ORDER:

This petition is presented through the e-mail procedure along with the praecipe.

2. In view of the Notification dated 17th April, 2020, the petition is heard by way of a virtual presence of the learned Counsel for the petitioner and learned Government Pleader before this Court. The necessary arrangement is made available by the Registry of this Court.

3. At the outset, learned Counsel for the petitioner submits that there was some difficulty for him to appear before this Court virtually by way of video conferencing but then with the assistance of the Registry of this Court, he is in a position to appear before this Court

(2)

virtually by installation/facility of link being established through the cell phone.

4. Learned Counsel for the petitioner further submits that initially as there was some technical problem, in view of the Clause 21 of the Notice dated 17th April, 2020, learned Counsel has availed the facility of virtual presence before this Court through the unit installed in the Court Room No.11 of this Bench.

5. It may not be out of place to state here that the Notice under caption “Special procedure for hearing exclusively through video conferencing”, dated 17th April, 2020 is aimed at minimising the physical presence of the lawyers or the litigants public before the respective Courts or Benches on the backdrop of COVID-19 pandemic. This detailed notice refers to all the modalities including technical specifications. In Clause No.13 of the said Notice, it is clearly mentioned that no technical support for installation will be provided and the care is also taken to assist the litigant to provide the access to video conferencing through the unit installed in the Courts at the Principal Seat and the Benches so that the litigant having an urgency and is unable to avail the facility of installation of the software can approach the Courts through this video conferencing facility through the units installed.

(3)

6. Considering the aforesaid facts, I may suggest to all the Counsel to go through the Notice dated 17th April, 2020 minutely as the same is available on the website of this Court for the perusal of the learned Counsel and litigant public.

7. The present petition is filed for seeking directions to permit the petitioner for medical examination through the competent Medical Board constituted for this purpose and in case it is reported that the continuity of pregnancy may create serious health problem and would involve a substantial risk to the life of the petitioner, respondent Nos.2 and 3 be directed to terminate the pregnancy of the petitioner.

8. Learned Counsel for the petitioner invited my attention to the medical certificate issued through a private practitioner, which is placed on record at page 12 of the petition.

9. In view of the submissions of learned Counsel for the petitioner as well as on perusal of the certificate placed on record at page 12 of the petition, issue notice to respondents.

10. Mr Kale, learned Govt. Pleader waives service of notice on behalf of the respondents.

(4)

11. The petitioner is permitted to appear before the duly constituted Medical Board available with respondent No.2 – The Government Medical College and Hospital, Ghati, Aurangabad on 24th April, 2020 at 11.00 a.m. along with her husband.

12. Learned Govt. Pleader is directed to place on record the report of the Medical Board of conducting examination of the petitioner on or before 11.00 a.m. on 27th April, 2020.

13. Before concluding this order, I may also state other fact, namely, though the petition presented to the Registry refers to certain annexures, including the copies of the judgments and the copy of Medical Termination of Pregnancy (Amendment) Bill, 2020, these documents do not find place in the petition presented before this Court. As such, I may again appeal to the learned Counsel and the litigants public that in case the praecipes are accepted for urgent circulation, the Counsel appearing for the parties/ litigants public shall ensure that all the necessary documents which are the part of the petition are submitted to the Registry of this Court and are available for perusal of this Court when the petition is being heard.

Stand over to 27th April, 2020.

(5)

Authenticated copy of this order be supplied to learned Counsel for the petitioner and learned Govt. Pleader.

(PRASANNA B. VARALE, J.)

sjk