

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

Writ Petition (ST) No.498/2020

Samrat Ashok Gaikwad & Anr. Petitioners

Vs.

The Union of India & Anr. Respondents

Mr. Ghansham S. Jadhav for the Petitioners
Ms. Anusha P. Amin for Respondent Nos.1 and 3.
Mr. S. S. Panchapor, AGP for Respondent No.2

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : FEBRUARY 5, 2020

P.C.

1 Pursuant to the praecipe filed by the learned counsel for Respondent Nos.1 and 3, the matter is taken on production board for speaking to the minutes of order dated 14.01.2020.

2 The appearance in the said order shall be corrected as under:

Mr. Ghansham S. Jadhav for the Petitioners
Ms. Anusha P. Amin for Respondent Nos.1 and 3 - UOI
Dr. K. R. Kulkarni, AGP for Respondent No.2 - State

3 Order dated 14.01.2020 stands corrected accordingly, which reads thus:

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

WRIT PETITION (STAMP) NO.498 OF 2020

1. Samrat Ashok Gaikwad &
2. Yogita Samrat Gaikwad .. Petitioner

Versus

The Union of India and Ors. .. Respondents

Mr. Ghansham S. Jadhav for the Petitioners
Ms. Anusha P. Amin for Respondent Nos.1 and 3 - UOI
Dr. K. R. Kulkarni, AGP for Respondent No.2 - State

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ
DATE : JANUARY 14, 2020
(In Chamber at 2.45 p.m.)**

P.C.:

. Heard.

2 This court by order dated 10.01.2020 on the basis of submission made by the learned Counsel for the Petitioner and averments made in the petition appointed Medical Board of B.J. Government Medical College & Sassoon General Hospital, Pune. to examine the Petitioner for medical termination of pregnancy at 23rd weeks. Medical Board submitted its report dated 13.01.2020 through the learned G.P. The said report reads thus

“Report of the Committee:-

Mrs. Yogita Samrat Gaikwad reported to the Sassoon General Hospitals, Pune on 13.01.2020.

The committee has examined and reviewed the case of Mrs. Yogita Samrat Gaikwad [W.P. ST. No. 498 Of 2020] (MRD No. 1953497) on 13.01.2020 and

sonographic investigations were done. Clinical examination and sonography reveal that the pregnancy is 24 weeks and baby has cardiac defects and absent nasal bone. The woman has no medical and obstetric complication.

Committee makes following observations:-

1) The fetal cardiac defect of A-V canal septum is surgically correctable after birth with fairly good results.

2) In view of cardiac defect with absent nasal bone, underlying chromosomal anomalies need to be ruled out after chromosomal study and after the results are available the case can be reviewed.

3 After going through the report submitted by the board, this court declined to entertain the present Writ Petition. At this stage, the learned Counsel for the petitioner submitted that Petitioner may be permitted to withdraw the present Writ Petition with liberty to file afresh for same cause of action in case some negative report comes in future. To that effect, he has given in writing. Same is taken on record and marked ‘X’ for identification. Same is accepted.

4 The learned Counsel for the Petitioner is entitled for copy of the report dated 13.01.2020 submitted by the Medical Board of B.J. Government Medical College & Sassoon General Hospital, Pune. If such application is filed by the learned Counsel for the Petitioner or Petitioner party in person, then Registry is directed to provide photocopy of the same to them on payment of charges, if any.

5 Writ Petition stands disposed of as withdrawn with liberty as prayed.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)