

Civil Writ Petition No. 6410 of 2020

Date of Decision: March 12, 2020

Sulekha Sharma and another

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sanjeev Sharma, Advocate
for the petitioners.Mr. Rohit Arya, DAG, Haryana.
for respondent No. 1.Mr. Anil Kumar Sharma, Advocate
for respondent No. 2.

Lisa Gill, J.

This petition has been filed seeking termination of pregnancy borne by petitioner No. 1 due to a poor prognosis regarding the foetus. Petitioner No. 1 is the wife of petitioner No. 2. It is submitted that their marriage was solemnized in the year 2008. The first child borne by the petitioners was unfortunately lost soon after his birth. As per the medical reports regarding the second pregnancy, it is observed that there is a poor prognosis due to the detrimental effect on development of brain. The medical record of the petitioner is attached as Annexure P1, which indicates that there is a substantial risk that if the child is born, it would suffer from such physical or mental abnormalities as to be seriously handicapped. The gestation period is beyond the period of twenty (20) weeks, therefore the present petition has been filed.

The Permanent Medical Examination Board constituted at PGIMER was requested to examine petitioner No. 1 and submit its report.

Report dated 09.03.2020 has been furnished in sealed cover today, which

has been opened. As per the said report, petitioner No. 1 was examined on 07.03.2020. The single live intrauterine foetus was found to be with congenital malformation, as per the ultrasound done on 03.03.2020. It is observed that there is a severe congenital anomaly (Gross Non communicating Hydrocephalous with brain parenchymal thinning) with detrimental effect on development of brain with poor prognosis and not compatible with normal life. The Permanent Medical Board has recommended the medical termination of pregnancy at this stage due to severe congenital anomaly.

Keeping in view the recommendation as above, this writ petition is disposed of with a direction that petitioner No. 1 be admitted at PGIMER by tomorrow i.e. 13.03.2020 and necessary procedure be carried out thereafter taking into account the necessary medical parameters. In case, the petitioners are eligible for any benefit under the Poor Patient Welfare Fund, the petitioners may submit the necessary application, which be considered by the PGIMER authorities in accordance with law.

March 12, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No