

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 7012 of 2020
Date of Decision:19.03.2020

Shalini Sharma

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Onkar Rai, Advocate
with Mr. Vijay Kumar Chaudhary, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.AG., Haryana

Mr. Anil Kumar Sharma, Advocate
for respondent no.2-PGIMER.

Mr. Arvinder Arora, Advocate
for respondent no.3.

LISA GILL, J(Oral).

Petitioner, seeks medical termination of pregnancy that she is undergoing on the ground of poor prognosis of the foetus which has been diagnosed with 'Atrioventricular Septal Defect Tricuspid Regurgitation Right Atrium and Right Ventricle Dilated.'

Respondent no.3-, is the husband of the petitioner. Though, he has given his consent for the medical termination of the pregnancy, he has raised a dispute regarding the paternity of the child. Learned counsel for the petitioner submits that this has been done as a matrimonial dispute, has now arisen between the parties but she has no objection to retention of the sample for DNA testing.

The Permanent Medical Board- PGIMER, had been requested to submit its report after evaluation of the petitioner. Learned counsel for respondent no.2, has submitted the report in a sealed cover. The same is

perused. As per the said report, the Permanent Medical Board-PGIMER, after evaluation, has found that there is a severe congenital anomaly (large VSD with suspected double outlet right Ventricle with malposed great arteries) with poor prognosis and not compatible with normal life. The Permanent Medical Board, has recommended medical termination of the pregnancy, at this stage, due to congenital malformation.

Learned counsel for respondent no.3 submits that there is no objection to the medical termination of the pregnancy keeping in view the opinion of the medical board.

Learned counsel for the petitioner and respondent no.3, submit that they have no objection, in case, the DNA sample is preserved for testing, if required, at any stage.

Keeping in view the recommendation as above, MTP is permitted. The petitioner to remain present in the office of the Medical Superintendent of respondent no.2-PGIMER today itself i.e. 19.03.2020 at 3.00.p.m and she be admitted for necessary procedure to be carried out thereafter taking into account the necessary medical parameters. It is directed that the DNA sample be retained and preserved by the authorities of respondent no.2-PGIMER, to be made available for testing, if required, under a specific Court order.

Writ petition is accordingly disposed of.

Copy of this order be handed over to learned counsel for the petitioner as well as respondent no.2 under the signatures of Bench Secretary.

19.03.2020
s.khan

[LISA GILL]
Judge

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