

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

WRIT PETITION NO. 9149 OF 2020

Pallavi Vithal Shinde and another

.. Petitioners

Versus

The State of Maharashtra and another

.. Respondents

Mr. M. D. Gitte, Advocate h/f Mr. S. G. Jadhavar, Advocate for the Petitioners.

Mr. S. G. Karlekar, AGP for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 04th JANUARY, 2021.

PER COURT:-

- . The petitioner no. 1 seeks permission to terminate the pregnancy.
2. The petitioner no. 1 was referred to the expert committee at Swami Ramanand Tirth Government Rural Medical College and Hospital, Ambajogai. The expert committee has examined the petitioner no. 1 and submitted the report. The relevant part of the report reads thus :

13. Investigations done -

Sr. No.	Investigation done	Key findings
1.	Obstetrics USG report date 01/01/2021 by Dr. Ganesh Tondage, Associate Professor	Obstetrics USG report – SLIUP OF 21 WEEKS WITH BILATERAL UPPER CLEFT LIP, BANANA SHAPED CEREBELLUM, SACRAL SPINA

	OBGY, SRTRGMC, Ambajogai	BIFIDA WITH MENINGOCOELE, MULTICYSTIC DYSPLASTIC LEFT KIDNEY, PERIMEMBRANOUS VSD WITH REDIOCALIBRE OF PULMONARY ARTERY. Diagnosis – ARNOLD CHIARI SYNDROME
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14. Additional findings and observations -

Record additional findings and observations here if any (also include any risk to the health of girl/woman in case of continuation of pregnancy as well as termination.

No Complaint G.C., Moderate, Afebrile, PR-90/min, BP 110/80mmhg, Pallor++, No oedema/Icterus P/A – FH 20-22 wks FHS +, Uterus Relax, PV – OS Closed Uneffaced, HB-10.5 gm%

15. Physical fitness for termination -

a. Yes

16. Recommendation by medical Board for termination (choose one and provide any additional recommendations of the panel in the box below if any)

a. Recommended – (if yes please mention the methods) – Medical method if failed surgical

Key recommendations of the panel if any with justification -

1. Continuation of pregnancy may affect mental health of woman
2. There is substantial risk of physical handicap to child born
3. She may have risk of various complications if pregnancy is terminated at this stage.
 - a) Haemorrhage
 - b) Failure of Abortion
 - c) Need of surgical method (Hysterotomy)
 - d) Incomplete abortion
 - e) Sepsis (Infection)
 - f) Maternal death

g) Need of blood ransfusion

4. Committee has explained the risk involved in said procedure to the patient and her relatives.

5. Affidavit of said risk to be submitted before the honorable High Court.

As there are multiple and major fetal congenital anomaly and said anomaly is not compatible with life. Hence this committee recommends termination of pregnancy at any government recognized MTP center of choice of patient with due risk.

3. The committee has recommended termination of pregnancy and has opined that there are multiple and major fetal congenital anomaly and the said anomaly is not compatible with life. The committee has explained risk involved in the termination of pregnancy to the petitioner and her husband.

4. The learned counsel for the petitioners on instructions submits that the petitioner no. 1 is informed of the risk involved in termination of pregnancy and the petitioner no. 1 wants to proceed further with the termination of pregnancy.

5. In the light of the above, the petitioner no. 1 is permitted to terminate the pregnancy at Government recognized centre.

6. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.