

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

WRIT PETITION NO. 2234 OF 2021

Ajay Yashwant Lad and anr. ... Petitioners
V/s.

Union of India and ors. ... Respondents

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Mr.Hitesh P. Shah, Advocate for the Petitioners.
Ms.M.S.Shrivastav, AGP for Respondent No.2/State.
Ms.Purnima Awasthi, Advocate for Respondent Nos.1 and 3.

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**CORAM: UJJAL BHUYAN AND
MADHAV J. JAMDAR, JJ.**

**DATE : 13th JULY, 2021.
(THROUGH VIDEO CONFERENCE)**

P. C:-

Heard learned counsel for the parties.

2. On 29th June, 2021 we had passed the following order :-

“2. Petitioners are husband and wife. They seek medical termination of pregnancy of petitioner No.2-wife on the ground of severe deformities/abnormalities in the fetus. Pregnancy is stated to be more than 24 weeks as on today.

3. Having heard learned counsel for the parties and on due consideration, we direct Nowrosjee Wadia Maternity Hospital, Parel, Mumbai to constitute a medical board for examination of petitioner No.2. Petitioner No.2 shall appear before the medial board within forty eight hours. Medical board shall submit it's report to the court in a sealed cover before the next date.

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4. Stand over to 6th July, 2021.”

3. Thereafter on 6th July, 2021, the following order was passed:-

“3. Today when the matter is called upon, report of the medical board dated 5th July, 2021 has been placed before us which we have perused. Medical board has recommended as under :-

"After careful examination of Mrs.Ananya Lad and study of Ultrasonography report and MRI of the fetus, the committee has come to a conclusion that the patient's fetus has significant brain structural defect at present 23 weeks of gestation. The couple is anguished with the condition of the fetus in utero.

Detailed evaluation by the procedure of amniocentesis to find out the underlying cause would take nearly 3 to 4 weeks. This evaluation is not likely to alter the course of the defect in the fetus brain in the present pregnancy. As a result of which such investigation are not likely to change any prognosis in present pregnancy. Delay in waiting for these investigations will increase the pregnancy gestation making it more difficult for terminating the pregnancy.

Therefore the termination of the present pregnancy is advisable.

If the honorable court permits termination of the pregnancy can be undertaken in the present case. All the due risks and the responsibility of collateral damage to the mother lies with the couple. The couple has been counseled regarding the same.”

4. In view of recommendation of the medical board as extracted above, we permit petitioner No.2 to undergo medical termination of her pregnancy.

5. At this stage, learned counsel for the petitioners submits that petitioner No.2 would like to undergo the procedure at Sir J.J.Group of Hospitals, Mumbai.

6. Accordingly, we direct petitioner No.2 to report before Sir J.J.Group of Hospitals, Mumbai without any further loss of time to undergo medical termination of her pregnancy as recommended by the medical board. Outcome of the procedure shall be informed to the court on the next date.

7. Stand over to 13th July, 2021.”

4. Today learned counsel for the petitioners has informed us that petitioner No.2 had successfully undergone medical termination of her pregnancy and was released from the hospital yesterday.

5. In view of the statement made, this writ petition is disposed of.

(MADHAV J. JAMDAR, J.)

(UJJAL BHUYAN, J.)