

PRIYA
RAJESH
SOPARKAR

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

WRIT PETITION NO.4827 OF 2021

Mrs.Komal Rohan Bhosale and anr. ... Petitioners

V/s.

State of Maharashtra and ors. ... Respondents

Ms.Suvidha R. Patil, Advocate for the Petitioners.

Mr.A.B.Kadam, AGP for Respondent No.1/State.

Mr.Jamshed Mistry alongwith Mr.Dipesh Siroya, Advocates for Respondent No.3.

**CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : SEPTEMBER 16, 2021.**

P.C.:-

Heard Mr.Patil, learned counsel for the petitioners; and Mr.Kadam, learned AGP for respondent No.1/State; and Mr.Jamshed Mistry, learned counsel for respondent No.3.

2. On 30th August, 2021 we had passed the following order:-

“2. By filing this Petition under Article 226 of the Constitution of India, Petitioners seek permission of the Court for medical termination of pregnancy of Petitioner No.1 which is stated to be in its 22nd week on the ground of severe abnormalities in the fetus.

3. Be it stated that the Petitioners are husband and wife.

4. Having heard learned Counsel for parties and on due consideration, we direct Respondent No.3 i.e. the Dean of Nowrosjee Wadia Maternity Hospital, Mumbai to constitute a Medical Board for examination of Petitioner No.1. Petitioner No.1 shall report before the Medical Board within 48 hours. After examination of

Petitioner No.1, the Medical Board shall submit report to this Court in sealed cover on or before the next date.

5. Stand over to 2nd September, 2021. To be taken up physically after virtual hearing.'

3. Thereafter, when the matter was called upon on 2nd September, 2021, the following order came to be passed:-

"3. Today, when the matter is called upon, Mr.Jamshed Mistry, learned counsel for respondent No.3 has placed before us a detailed report of the medical board constituted by respondent No.3 i.e. Nawrosjee Wadia Maternity Hospital, Mumbai. We have gone through the report. Opinion of the medical board reads as under :-

"After careful examination of Mrs. Komal Rohan Bhosale and study of Ultrasonography and 2 D Echo reports of the fetus, the committee has come to a conclusion that the patient's fetus has significant heart structural defect at 22 weeks of gestation. The couple is anguished with the condition of the fetus in utero.

Therefore, the termination of the present pregnancy is advisable.

If the honourable 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 the above, we grant permission to the petitioner No.1 to undergo medical termination of pregnancy in respondent No.3 hospital expeditiously.

5. Outcome of the procedure shall be informed to the Court on the next date."

4. Today when the matter is called upon, learned counsel for the petitioners submits that petitioner No.1 was admitted in the

Nowrosjee Wadia Maternity Hospital on 6th September, 2021, whereafter the procedure was successfully carried out on 8th September, 2021. She was discharged from the hospital on 9th September, 2021.

5. We place on record our appreciation for the urgency shown by respondent No.3/Hospital in doing the needful.

6. No further order is called for.

7. Writ petition is disposed of.

(MADHAV J. JAMDAR, J.)

(UJJAL BHUYAN, J.)

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