

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4993 OF 2021

Akshata Ankur Gurav ..Petitioner
Versus
State of Maharashtra and Anr. ..Respondents

Mr. Shrivallabh Panchpor i/by Mr. Shantanu Joshi, Advocate for the
Petitioner.

Smt. Ashwini Purav, AGP for the Respondent – State.

Husband of Petitioner – Mr. Ankush Gurav also present.

CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : 22nd SEPTEMBER, 2021

P.C.

Heard Mr. Panchpor, learned counsel for the petitioner and
Smt. Purav, learned AGP for the respondent - State.

2. On 02.09.2021, we had passed the following order :-

“2. Petitioner seeks medical termination of her pregnancy
which is stated to be in its 29th week on the ground that fetus
suffers from severe abnormalities.

3. Having heard learned counsel for the parties and on due
consideration, we direct the Dean of Sir J. J. Group of
Hospitals and Grant Government Medical College, Mumbai
to constitute a medical board for examination of the
petitioner.

4. Petitioner shall report before the medical board within
48 hours.

5. Medical board shall submit its report in sealed cover on or before the next date.

6. Stand over to 7th September, 2021.”

3. Thereafter when the matter was heard on 07.09.2021, the following order came to be passed :-

“3. Today, when the matter is called upon, learned AGP has placed before us a report of the medical board dated 05.09.2021 which we have perused.

4. After careful examination and study of ultrasonography report, medical board has opined that the fetus suffers from serious neurological abnormalities details of which are mentioned in the report. In that view of the matter, medical board has recommended medical termination of pregnancy. However, it has expressed the view that since the gestation is beyond 29 weeks, there is possibility that the fetus may be born alive.

5. At this stage, learned counsel for the petitioner submits that through inadvertence the name of the petitioner is wrongly mentioned and therefore, seeks leave to amend the cause-title of the writ petition.

6. Leave to amend is granted.

7. Let the amendment be carried out forthwith. Re-verification is dispensed with.

8. In view of the recommendation of the medical board, we grant liberty to the petitioner to undergo medical termination of pregnancy in the KEM Hospital, Mumbai.

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9. Outcome of the procedure shall be informed to the Court on or before the next date.”

4. Today, when the matter is called upon, learned counsel for the petitioner on instructions of husband of the petitioner has informed us that there was breech delivery. In other words, though medical termination of pregnancy was not carried out, the fetus resulted in birth of a still born baby.

5. In view of the aforesaid development, no further order is called for.

6. Writ petition is accordingly disposed of.

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MADHAV J. JAMDAR, J

UJJAL BHUYAN, J