

CWP-11096-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision: 24.06.2021

Alka Rani and another

...Petitioners

Versus

State of U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jagdeep Singh Bajwa, Advocate,
legal aid counsel (HCLSC), for the
petitioners.

Mr. Jagjot Singh Lalli, APP, U.T. Chandigarh.

Mr. Prateek Gupta, Advocate,
for respondent No.2.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

The petitioners couple has approached this Court for termination of petitioner No.1's 23 weeks foetus as on 17.06.2021, on the ground that the medical tests have confirmed the foetus suffering from 'Anhydraminos' (kidney ailment).

On 21.06.2021, petitioner No.1 expressed her willingness to appear before the Medical Board on 22.06.2021 at 11.00 A.M. Her prayer was granted and the case was adjourned for today, awaiting the report of the Medical Board.

Today, report dated 23.06.2021 of the Medical Board, PGIMER, Chandigarh, has been filed by the learned counsel for respondent No.2 through

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e-mail. The same is taken on record and marked as Annexure A-1.

This Court has perused the said report. The Medical Board has recommended the medical termination of the pregnancy due to multicystic dysplastic kidney and left renal agenesis with anhydramnios. But, at the same time, it has been opined by the Medical Board that termination of the pregnancy at this advanced gestation of 22 weeks, carries more than the usual risks and that the same have been explained to petitioner No.1. The relevant part of the report reads as under:

“The petitioner Alka Rani appeared in the O/o Medical Superintendent on 22.06.2021 and was medically evaluated by the Medical Board at PGIMER, Chandigarh on dated 22.06.2021:

Following are the observations:

- 1. As per the ultrasound done on 22.06.2021, the period of gestation is 22 weeks. She has a single live intrauterine fetus with right multicystic dysplastic kidney and left renal agenesis with anhydramnios. This is a severe congenital malformation which is not compatible with normal life.*
- 2. The patient is psychologically distressed due to carrying a pregnancy with congenital fetal malformation and does not wish to continue this pregnancy.*
- 3. The patient has been examined and has been found to be medically and physically fit.*
- 4. Keeping in view the above, the Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to multicystic dysplastic kidney and left renal agenesis with anhydramnios. We also wish to bring to the notice of the Hon'ble High Court that the medical termination of pregnancy at an advanced gestation of 22 weeks carries more than the usual risks which have been explained to patient.”*

Towing the stand of petitioner No.1 before the Medical Board,

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learned counsel for the petitioners submits that he does have instructions from petitioner No.1 to undergo the procedure and despite being aware of the complications involved in it, she is ready and willing to give her consent before respondent No.2 for the termination of her pregnancy, at her own risk.

The Medical Board's report opines the procedure at hand being troubled one involving high risk complications. Further, the statutorily prescribed period for termination of the pregnancy is already over. But, in view of the ready and willingness of petitioner No.1 and further in view of the law laid down in similar judgments of the Coordinate Benches passed on 20.9.2019 in CWP No.25996-2019 titled as 'Marjina and another Vs. State of Punjab and others', and passed on 24.04.2020 in CWP-7279-2020, titled as 'Monika Bawa and another Vs. State of Punjab and another', this Court considers it appropriate to request respondent No.2, PGIMER, Chandigarh, through its Director/Medical Superintendent, to get the pregnancy of petitioner No.1 terminated under the supervision of Head of the Department of (Obstetrics and Gynaecology), on receiving the requisite consent from petitioner No.1. The procedure be performed at the earliest keeping in view the urgency of the matter.

With these observations, the present petition is hereby allowed.

A copy of this order downloaded from the website of this Court shall be accepted as evidence of the order and action shall be taken in accordance therewith.

24.06.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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