

(1)

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

913 WRIT PETITION NO.7498 OF 2022

LATA SUNIL CHAVAN
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

....

Mr Sanjaykumar B. Chavan, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th July, 2022

PER COURT:

1. We have perused the report tendered to us along with the covering letter (2 pages), dated 19/07/2022, addressed to the Registrar (Judicial) of this Court, which is taken on record and collectively marked as 'X-1' for identification.
2. The medical opinion reads as under :-

S. No.	Report	Opinion on the findings
1	USG anomaly scan 19/07/2022-SLIUG with 27 weeks with absent right frontoparietal lobe with deformed shape of skull with	Associated with lethal fetal anomaly

(2)

	<i>dilated bilateral lateral ventricles with unilateral cleft lip and hypertelorism..</i>	
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Additional Investigations (if done):

<i>S. No.</i>	<i>Investigations done</i>	<i>Key findings</i>
1	<i>Usg obstetrics anomaly scan</i>	<i>USG anomaly scan 19/07/2022-SLIUG with 27 weeks with absent right frontoparietal lobe with deformed shape of skull with dilated bilateral lateral ventricles with unilateral cleft lip and hypertelorism..</i>
2	<i>CBC, Urine routine</i>	<i>HB-12.9gm, TLC 9500, PLATELET 3.3Lac/mm3, urine routine normal</i>

Opinion by Medical Board for termination of pregnancy:

- a) *Allowed*
- b) *Denied*

Justification for the decision: Associated with lethal fetal anomaly that if the child would born, it would suffer from such physical or mental abnormalities to be seriously handicapped.

Physical fitness of the woman for the termination of pregnancy:
MTP may be done with due risk. With the present advanced gestational age, there is high possibility of a surgical intervention, blood transfusion, and other unforeseen risk. The Hon. High Court is humbly requested to take the undertaking of the said risk from the patient and her husband."

3. The learned Advocate for the petitioner submits, that an affidavit of the petitioner herself, is placed on record. The same is marked as 'X-2' (02 pages) for identification.

(3)

4. The learned Advocate for the petitioner submits that, at the time of admitting the petitioner in the Government Medical College and Hospital, either tomorrow i.e. on 21/07/2022 or the day after tomorrow i.e. on 22/07/2022 at 10.00 a.m., copy of the affidavit 'X-2' along with the affidavit of the husband, would be tendered to the Government Medical College and Hospital, while completing the procedural formalities.

5. In view of the above, this petition is disposed off, by permitting the petitioner to subject herself to the medical termination of pregnancy procedure at 10.00 a.m. on 21/07/2022 or on 22/07/2022 at the Government Medical College and Hospital, Aurangabad. Copy of the affidavit of the petitioner and an affidavit of her husband would be tendered at the time of admission and while completing the procedural formalities. Thereafter, the concerned Medical Board would proceed with the medical procedure.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk