

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

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CWP-14290-2021
Date of Decision: 22.09.2022

NEHA KUMARI

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: None for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Amit Jhanji, Sr. Advocate with
Ms. Nitika Garg, Advocate
for the respondent No.2.

None for remaining respondents.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition had been filed for issuance of a writ in the nature of Mandamus directing the respondents to constitute a Medical Board for termination of pregnancy of the petitioner that was of 13 weeks and 3 days at the time of institution of the present petition i.e. 20.07.2021.

The matter had been taken up on 18.08.2021 wherein the petitioner had expressed her willingness to live with respondent No.3. Consequently, they were directed to file an affidavit in support of the said statement. The matter was thereafter taken up on 20.08.2021 when the petitioner Neha Kumari as well as respondent No.3 duly identified by their counsel had joined proceedings through Video Conferencing. The petitioner made a specific statement that she wished to continue with her pregnancy and that she is residing with respondent No.3 as her husband out of her own free will and volition. Respondent No.3 had also made a statement that he would look after the petitioner and take due care of the child.

The petitioner was called upon to file an affidavit in this regard. The matter was thereafter adjourned to 31.08.2021. Counsel appearing on behalf of the petitioner submits that the petitioner had not contacted him for filing of the affidavit.

The matter has been taken up today since then, however, there is no representation on behalf of the petitioner. It seems that the petitioner has no surviving cause of action and she does not intend to pursue with the present petition. Moreover, the grievance espoused by the petitioner seems to be taken care of as the petitioner had taken a decision to give birth to her child.

Present petition is accordingly dismissed for non-prosecution

22.09.2022.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No