

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.305 OF 2023

- 1) Divyani w/o Swapnil Saware,
aged about 24 years,
occupation : Housewife,
- 2) Swapnil s/o Prabhakar Saware,
aged about 31 years,
occupation : private,

Both are r/o 195, Purpidit Colony,
behind Chafle Showroom,
Sant Tukdoji Ward, Hinganghat,
District Wardha-442301.

... Petitioners

- Versus -

- 1) State of Maharashtra, through its
Principal Secretary, Department of
Public Health, Mantralaya,
Mumbai-400032.
- 2) The Civil Surgeon, District
Government Medical Hospital,
Wardha, District Wardha.

... Respondents

Shri A.K. Dhabarde, Advocate h/f Shri R.M. Wasnik, Advocate for
petitioners.

Smt. S.S. Jachak, Assistant Government Pleader for respondents.

CORAM : A.S. CHANDURKAR AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : JANUARY 13, 2023

ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :

Rule. Rule is made returnable forthwith. Heard finally by consent of the learned Counsel for the parties.

2) The petitioners are a married couple. The petitioner no.1 carries pregnancy of about 28 weeks. In view of medical advice received by her suggesting that there are abnormalities in the foetus, it is desired to terminate the pregnancy. The petitioners, therefore, prayed that the requisite Medical Board be constituted to facilitate termination of such pregnancy.

3) On 10/1/2023, the Civil Surgeon, District Government Medical Hospital, Wardha was directed to constitute a Medical Board for examining the petitioner no.1. The petitioner no.1 was directed to appear before the Medical Board on 11/1/2023 and report was to be submitted by today.

4) Today, Smt. Jachak, learned Assistant Government Pleader for the respondents, has tendered copy of report of the Medical Board pursuant to aforesaid examination. The same is taken on record and marked "A" for identification. It is seen that the said Board was comprising of six Doctors. They examined the petitioner

no.1 and have opined that if the child is born, it would suffer from physical/mental abnormalities and would be seriously handicapped. It is thus suggested that the pregnancy in question can be terminated for medical reasons. The petitioner no.1 has been found to be physically fit for such termination. It is further recommended that the aforesaid procedure can take place at the Mahatma Gandhi Institute of Medical Sciences, Sevagram, District Wardha.

5) In the light of the aforesaid report, the following order is passed :

As per the recommendations of the Medical Board, the petitioner no.1 is free to have her pregnancy terminated in accordance with the provisions of the Medical Termination of Pregnancy Act, 1971. As recommended, such termination can be carried out at the Mahatma Gandhi Institute of Medical Sciences, Sevagram, District Wardha.

6) With the above directions, the writ petition is disposed of. Rule accordingly. No costs.

7) The parties to act on the authenticated copy of this

judgment.

JUDGE

JUDGE

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