

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 4518 OF 2023

‘A’

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through Principal Secretary,
Public Health Services,
Mantralaya, Mumbai – 23.
2. District Hospital Wardha,
Behind Pawade Nursing Home,
Gond Plat, Wardha.

RESPONDENTS

Ms S.P. Dhotre, Advocate for the petitioner.
Shri A.S. Fulzele, Additional Government Pleader for the respondents.

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

DATE : 25/7/2023

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

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner was married with one Mohan Raut on 22/5/2022. Through the said wedlock, the petitioner has conceived. On 1/7/2023 when the petitioner approached one Dr. Kale for obtaining a Sonography Report, she got knowledge of the fact that the foetus was physically and mentally not fit. With the consent of her husband, the petitioner obtained opinion in the matter of termination of the said pregnancy. Since the pregnancy was stated to be beyond twenty weeks, the present Writ Petition has been filed praying that the petitioner be permitted to terminate the said pregnancy in view of the Sonography Report received by her.

3. While issuing notice on 20/7/2023, a report of the Medical Board was called for. The learned Additional Government Pleader for the respondents has tendered a copy of the said medical report dated 24/7/2023. Its copy is taken on record and marked 'A' for identification.

4. Perusal of the aforesaid report as submitted by the Medical Board indicates that the said Board has recommended termination of the pregnancy by opining that if the pregnancy is continued, the child if born would suffer from physical and mental abnormalities so as to be seriously handicapped. It was also been opined that the foetus has severe congenital anomaly and thus would be unable to survive. The report of the said Board is unanimous and it recommends termination of the petitioner's pregnancy.

5. On hearing the learned Counsel for the parties and after perusing the aforesaid report, we find that the opinion of the Medical Board deserves acceptance. A similar issue has been decided by this Court on 27/6/2022 in *Writ Petition No. 2823/2022 ['A' Vs. State of Maharashtra & Anr.]* and after referring to the decision in *Ms. X. Vs. State of Maharashtra and another [2022(3) Mh.L.J. 67]*, a similar prayer therein was granted.

6. In view of aforesaid and in the light of the report of the Medical Board, the following order is passed :

ORDER

The petitioner who is presently admitted at the District Hospital, Wardha is permitted to have her pregnancy terminated as per report of the Medical Board dated 24/7/2023. The Civil Surgeon of the District Hospital, Wardha to take necessary steps expeditiously in terms of the report of the Medical Board dated 24/7/2023.

7. Rule is made absolute in the aforesaid terms with no order as to costs.

8. An authenticated copy of this order be supplied to the learned Counsel for the parties.

(JUDGE)

(JUDGE)

SUMIT