

04.10.2024
Court No.09
Item no.103
CP

WPA No. 1592 of 2023
With
CAN 1 of 2024

Saswati Mohury & anr.
Vs.
The Union of India & ors.

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee
....for the petitioners.

Mr. Siddhartha Lahiri
Ms. Marry Dutta
.....for the Union of India.

By a detailed interim order dated March 24, 2023, the petitioners were allowed to freeze the embryo, irrespective of the husband having crossed the upper age limit. The order has not been challenged by the respondents. This court is of the view that instead of allowing the embryo to go to waste and before the wife crosses the age limit, the assisted pregnancy on the strength of the frozen embryo should be utilized provided the medical team involved in this process are absolutely sure that the process would not be a concern for any health hazards to the petitioner no. 1.

This order is an exceptional one in view of the order already passed by a Coordinate Bench and this order is the last opportunity that the petitioner no. 1 can avail of to have her own baby.

As nothing remains to be decided and the challenge to the vires of the Act is withdrawn by the petitioner no.1, the writ petition is disposed of.

The affidavit-in-opposition is taken on record.

In view of such disposal, CAN 1 of 2024 is also disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)