

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO.37722 OF 2024**

Mrs. XYZ
Versus
The State of Maharashtra and ors.

....Petitioner

....Respondents

Ms. Manisha Jagtap along with Ms.Swara Vichare, Advocates for the Petitioner.
Mr. P. P. Kakade, GP with Mr. H. D. Mulla, AGP for Respondent No.1-State.

**CORAM : SHIVKUMAR DIGE &
ADVAIT M. SETHNA, JJ.**

**DATE : 24th DECEMBER 2024
(Vacation Court)**

P.C. :

1. By this writ petition, the petitioner is seeking a direction of this Court to allow her to terminate her pregnancy and direct the respondents to carry out required medical procedure.

2. It is contention of learned counsel for the petitioner that on 6th December 2024, ultra sonography was performed on the petitioner. The report of the ultra sonography examination indicated “congenital anomaly of fetus i.e. heart condition. The medical reports/opinions dated 18th December 2024 and 19th December 2024 confirmed that the present case is a fit case for medical termination of the pregnancy of the petitioner. The petitioner as well as her family has decided to opt for termination of pregnancy. Therefore, the same is required to be done at the earliest as the

petitioner is 31 weeks and 5 days pregnant. Learned counsel further submitted that if the petitioner is made to continue with the pregnancy, it will cause mental anguish to her.

3. This Court has called for a report of the Medical Board in respect of termination of pregnancy of the petitioner. Today, we received the report of the Medical Board of Shri Chatrapati Shivaji Maharaj Sarvopchar Rugnalaya, Solapur. In the report, it is mentioned that they have performed clinical examination and investigation of the petitioner on 23rd December 2024 at 3.00 pm. and the findings and observations of the board are as under :

"14. Additional Findings and Observations :

Record additional findings and observations here, if any (Also include any risk to the health of Girl / woman in case of continuation of pregnancy as well as termination):-

On Examination gestational age is of 32/2 weeks, so, if decision of termination is taken, following complications can occur during delivery -

- 1) Delivery time is prolonged as she is 32/2 weeks gestation.*
- 2) Patient may require surgical intervention and intraoperative and postoperative complications is similar to other surgeries.*
- 3) According to USG done 23/12/24, the Gestational age 32/2 weeks and so, there are chances of Surviving of fetus requiring NICU Admission and management.*
- 4) For mother in future pregnancy, chances of complications are more likely.*
- 5) If patient requires surgical intervention, she becomes a High Risk Case of Hysterotomy. So, in the next pregnancy, she can have chances of Uterine Scar Dehiscence, Scar rupture. "*

The report of the board indicates that physical fitness for termination is not proper and they referred to higher centre for fetal 2d echo

with Cardiologist opinion. As per the report of the board, presently, the petitioner is 32/2 weeks gestation. If the petitioner undergoes surgical intervention, she becomes a high risk case of Hysterectomy and the child will be born alive.

4. It is the contention of learned GP that the pregnancy of the petitioner is at an advanced stage. The child would be born alive and there would be risk to the life of the mother i.e. petitioner. Hence, requested to pass appropriate orders.

5. We have heard both learned counsel. Perused the report of the Medical Board Shri Chatrapati Shivaji Maharaj Sarvopchar Rugnalaya, Solapur. The said report indicates that the pregnancy of the petitioner is at advanced stage i.e. more than 32 weeks. If the petitioner undergoes surgical intervention, it will create further complications for future pregnancy. There are chances that the child will be born alive. Moreover, the petitioner is not physically fit to undergo medical termination.

6. In view of above, we are not inclined to allow the petition. The writ petition is disposed of.

(ADVAIT M. SETHNA , J.)

(SHIVKUMAR DIGE, J.)