



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8920 OF 2024

X. Y. Z.

.....Petitioner

Vs.

The Dean of Sir JJ Medical College and
Hospital, Mumbai & Ors.

.....Respondents

Mr. Tejash Dande, with Ms. Trushna Sha & Mr. Bharat Yadhavi, for the
Petitioner.

Mrs. M. P. Thakur, AGP, for Respondent No.1-State.

Mr. P. Awasthi, for Respondent No.2.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.

DATE : 27th JUNE, 2024.

PC:-

1. Leave to amend the cause title of the Petition in terms of replacing the Respondent No.1 with the Dean of Vitthal Saynna Civil Hospital, Thane. Amendment be carried out on or before the next date.

2. The Petitioner is a married adult. She states that, there is a divorce proceeding pending in the Family Court, Thane between herself and her husband. She already has a child aged four years. Out of her relationship with a close friend, she found herself pregnant.

3. The Petitioner states that, this is an unwanted pregnancy. She accepts that she has come to the Court late, at about her 26th week of pregnancy. This is beyond the 24 weeks' outer limit provided in the Medical Termination of Pregnancy (Amendment) Act, 2021 (M.T.P. Act).

4. The Petitioner categorically asserts that the pregnancy is unwanted. This places the Petitioner's case within the meaning of Explanation-1 to Section 3(2) read with Section 3(3) of the M.T.P. Act.

5. Having regard to these circumstances, we require the authorities at the Vitthal Saynna Civil Hospital, Thane to constitute a Medical Board as prescribed by Section 3(2D) of the M.T.P. Act to examine the Petitioner. Ms. M. P. Thakur, learned AGP appearing for the State states that the said hospital is a Government Hospital designated to constitute the Medical Board by the State Government.

6. The Petitioner will be present before the board from 9.30 am tomorrow, 28th June 2024. We request the Board to submit its Report in hard copy on 2nd July 2024 given the urgency in the matter. The Report shall also reflect the effect of the pregnancy on the Petitioner's physical and mental health after taking into consideration her actual and reasonably foreseeable environment.¹

7. List the Petition first on board on 2nd July 2024.

8. All concerned will act on production of a digitally signed copy of this order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

¹ This is in terms of the Judgment and Order dtd. 29th April 2024 passed by the Supreme Court in the matter of A (mother of X) v. State of Maharashtra & Anr. in Civil Appeal No.5194 of 2024: 2024 INSC 371.