

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 10665 OF 2024**

ABC,
Age 27 years
Maharashtra.

.....Petitioner

Vs.

1. The State of Maharashtra,
Through Government Pleader,
Mumbai.
 2. The State of Maharashtra,
Through its Principal Secretary,
Public Health Department,
Dhobi Talao, CST, Fort,
Mumbai – 400 001.
 3. J. J. Group of Hospitals and Grant Medical,
Through its Medical Board College, J. J. Marg,
Nagpada-Mumbai Central,
Off Jijabhoy Road, Mumbai,
Maharashtra – 400 008.
-Respondents

Mr. Ashley Cusher for the Petitioner.
Mrs. M. P. Thakur, A.G.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 30th JULY 2024**

PC:-

1) The Petitioner is a 27 years old married woman. She is in her 27th week of pregnancy. The fetus has been detected with Hypo-plastic right heart syndrome. There is a report of the Shree Siddhivinayak

Maternity Hospital at Nallasopara (E), District-Thane of 23rd July 2024 at Exhibit “B” indicating a fetal anomaly of the nature of Hypo-plastic Right Heart Syndrome. The concerned doctor has thus advised medical termination of pregnancy

2) Having regard to these circumstances, we require the authorities at the J.J Hospital, Mumbai to constitute a Medical Board as prescribed by Section 3(2D) of the Medical Termination of Pregnancy (Amendment) Act, 2021 (M.T.P Act) to examine the Petitioner.

3) The Petitioner will present herself before the Dean at the hospital on 31st July 2024 at 11:00 a.m. We request the board to submit the copy of the report to this Court at the earliest considering the urgency and latest by 1st August 2024. The board is required to only certify whether the Petitioner is fit to undergo the procedure and to reconfirm the anomaly detected. We would request that, a Clinical Psychologist be appointed to the Medical Board to also evaluate the patient’s mental health.

4) All concerned will act on production of the authenticated copy of this order.

5) List the matter First on Board on 1st August 2024.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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