



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 54 OF 2025

**AJAY MADANRAO GAIKWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND ANOTHER**

...
Shri Rahul G. Joshi, Advocate for the Petitioners.
Shri M.K. Goyanka, AGP for Respondent Nos.1 and 2/State.
...

**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 10th January, 2025

Per Court :-

Pursuant to the minutes recorded in the first session, the learned AGP tenders across the bar a report of the Medical Board opining that petitioner No.2 can be allowed to terminate pregnancy.

2. The learned advocate for the petitioners submits, on instructions, that the petitioners are ready to run the risk of consequences of permitting termination of pregnancy at this stage.

3. In the light of the fact that earlier the Medical Board

was not agreeable with termination of pregnancy, petitioner No.2 once again had approached the Radiologist and with the report, had again insisted for permission to terminate pregnancy. We had directed the Medical Board to once again opine on the basis of the report of the Radiologist furnished by the petitioners today. Pursuant to such directions, the Medical Board tenders its opinion, which reads as under:-

“Opinion by Medical Board for termination of pregnancy:

- a) Allowed*
- b) Denied*

Justification for the decision:-

Although the above mentioned condition is not life threatening, there is substantial risk of physical & mental handicap to the baby if born. In addition above USG findings suggest possibility of pulmonary hypoplasia. Hence MTP advised.

Physical fitness of the woman for the termination of pregnancy:-

MTP may be done with due risk. Need of a surgical intervention and possibility of blood transfusion, and possibility of other unforeseen risks explained to patient and relatives. They have consented to take all the possible risks.”

4. We have heard both the sides and considered the opinion, rather changed opinion of the Medical Board and the reasons assigned by it (supra). Since the child in all probability

would be born with serious handicap of lower limb and it would have potential of seriously affecting the mental condition of petitioner No.2 (would be mother), in the light of the opinion being expressed by the experts, we allow the Writ Petition and permit the termination of pregnancy to take place within a day or two at the risk of the petitioners.

5. As per the request of the learned advocate on behalf of the petitioners, the process of termination of pregnancy is permitted to be undertaken at Endoworld Hospital Private Limited, Chhatrapati Sambhajanagar.

6. Parties to act on an authenticated copy of this order.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)