

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.14128 OF 2025

X.Y.Z.

... Petitioner

Versus

State of Maharashtra & Anr.

... Respondents

Ms. Meena Kakalia for the Petitioner

Mrs. M. P. Thakur a/w Mr. P. P. Kakade, G.P and Mr. A. R.
Deolekar, A.G.P for the Respondents-State

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
(IN CHAMBERS)
MONDAY, 3rd NOVEMBER 2025**

P.C. :

1 The petitioner seeks permission to medically
terminate her pregnancy, which, at the time of filing of the
petition, was approximately 24 weeks and 2–3 days.

2 The petition was filed on 8th October 2025. However,
it appears that the then advocate for the petitioner did not take

steps to move the matter before this Court, and consequently, the petition was taken up only on 24th October 2025, upon the petitioner's request to her then advocate.

3 On 24th October 2025, the Vacation Court directed the Dean, Sir J.J. Group of Hospitals, Mumbai, to constitute a Medical Board in terms of Section 3 of the Medical Termination of Pregnancy Act, 1971, read with the Medical Termination of Pregnancy (Amendment) Act, 2021, for medical examination of the petitioner. The petitioner was directed to appear before the Medical Board on 27th October 2025, and the Board was requested to submit its report by 4:00 p.m. on 28th October 2025, considering the urgency involved. The matter was then adjourned to 29th October 2025.

4 On 29th October 2025, when the matter was called out before the Vacation Bench, the advocate then appearing for the petitioner remained absent. Considering the gravity and

urgency of the matter, this Court deemed it appropriate to grant one more opportunity to the petitioner and adjourned the matter to 30th October 2025. On 30th October 2025, the matter was stood over to 31st October 2025.

5 On 31st October 2025, the Vacation Court noted the report of the Medical Board. However, having regard to the limited jurisdiction of the Vacation Court under Chapter I, Rule 5 of the Bombay High Court (Appellate Side) Rules, 1960, it was directed that the matter be placed before the Regular Court. Infact, the Vacation Court in its order dated 31st October 2025, noted in Para 5 that, it was conscious that the petitioner was at an advanced stage of pregnancy and that time was running against her, however, considering the limited powers exercised by the Vacation Court, directed that the matter be listed under the caption ‘Direction’ on 3rd November 2025. Accordingly, the matter has been placed before us today.

6 The petitioner is a young girl aged 25 years. It appears that her parents were divorced in 2011, and following her mother's remarriage, the petitioner has had minimal contact with her. The petitioner presently resides with her father, who is retired from service. She is employed in a private company, earning a monthly salary of Rs.35,000/–, from which she bears her father's medical expenses and pays a rent of Rs.17,000/– per month.

7 The petitioner states that she was in a consensual relationship with a boy, and as a result of that relationship, she conceived. The petitioner's weight was only 33 kilograms, and she realized that she was pregnant only when she gained a little weight and noticed a bump, after which, she visited KEM Hospital for medical examination. It is at this stage, that the petitioner learnt that she was pregnant with a gestational age of approximately 24 weeks and 2–3 days. Pursuant thereto, the

aforesaid petition was filed seeking permission for medical termination.

8 As noted earlier, pursuant to this Court's order dated 24th October 2025, the Dean, Sir J.J. Group of Hospitals, Mumbai, constituted a Medical Board. We have perused the report of the Medical Board. The Medical Board has opined as under:

*"Diagnosis- A 25 years old student pursuing graduation and was in a consensual relationship. She is an unmarried Primigravida with average gestational age of 26 weeks and 1 day on obstetric ultrasonography with **no gross congenital anomaly in the foetus** for committee opinion for medical termination of pregnancy. The expected foetal weight is 917gms*

1. The clinical examination suggests the pregnancy to be 26-28 weeks.

2. The opinion given by the Psychiatry dept. is - "... The patient may experience similar emotional and psychological effects whether she continuous the pregnancy or decides to terminate it" as indicated in the psychological assessment.

*3. As this patients is more than 18 years of age (major) and there is **no substantial foetal anomaly**, this medical board is of the opinion that there is no ground for termination of this pregnancy within the existing statutory framework.*

4. However, if the Honourable Court is of the view that continuation of pregnancy would have grave social anguish to the petitioner while continuing an unwanted pregnancy, the Honourable Court may consider permitting termination of pregnancy at any Government Recognized Centre of choice of the petitioner with directives to that effect.”

9 It appears that the Medical Board, in its opinion, has stated that on obstetric ultrasonography, they found ‘no gross congenital anomaly in the foetus’, and at another place it is mentioned that there is ‘no substantial foetal anomaly’. This suggests that while no major anomaly has been confirmed, the possibility of some foetal anomaly has not been entirely ruled out.

10 Considering the opinion of the doctors, this Court interacted with the members of the Medical Board from Sir J.J.

Hospital through video conferencing. The doctors have opined that if the petitioner is required to continue with her pregnancy, she is likely to suffer irreparable psychological harm. Being an unmarried girl, continuation of the pregnancy would also expose her to serious social stigma.

11 The petitioner, who is present before us in Chambers, states that her father is unaware of her pregnancy, and that she requires her job not only to sustain herself but also to look after her ailing father. She submits that the pregnancy has already caused her significant emotional trauma, and that its continuation would cause her grave psychological harm and she would also be socially stigmatized. She further apprehends that disclosure of her pregnancy to her father could worsen his health condition and adversely impact his health.

12 We are conscious of the petitioner's right to reproductive freedom, her autonomy over the body, and her right

to choice, privacy and dignity, all of which are constitutionally protected. We are also conscious of the Medical Board's opinion, which does not rule out complete foetal anomaly. We are also mindful of the fact, that the petitioner is underweight and that continuation of the pregnancy would adversely affect both her physical and mental health. Having regard to the peculiar facts of this case, we are also conscious of the personal impact of the pregnancy on the petitioner's psyche.

13 Having regard to the aforesaid, it would be expedient and in the interest of justice to permit medical termination of the petitioner's pregnancy.

14 Accordingly, the petitioner is permitted to undergo medical termination of her pregnancy at Sir J.J. Group of Hospitals, Mumbai, the hospital chosen by her. The petitioner states that she will get herself admitted to Sir J.J. Hospital tomorrow. The hospital authorities shall conduct necessary

medical procedure forthwith, keeping in mind the petitioner's health and safety.

15 The petitioner shall be given all necessary assistance, including psychological counselling, both before and after the procedure, as may be required.

16 In the event the child is born alive, the hospital shall ensure that all necessary medical facilities, including admission in the Neonatal Intensive Care Unit (NICU), are provided, and the costs thereof shall be borne by the State.

17 We express our anguish at the delay that has occurred due to lack of diligence on the part of the petitioner's earlier advocate in not moving the matter expeditiously, and the further delay occasioned by the limited powers of the Vacation Court.

18 The petition is accordingly allowed in the aforesaid
terms.

19 The matter be listed for compliance on 10th
November 2025.

20 All concerned to act on the authenticated copy of this
order.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.