

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.15254 OF 2025

XYZ	)	
	)	
Age : 19 years, Occupation – Student	)	
	)	
Residing at : Sanpada Appa Colony,	)	
	)	
A Wing, Room No.304, Sec. 5,	)	
	)	
Sanpada, Navi Mumbai,	)	
	)	
Maharashtra – 400 705.	)	... Petitioner
	)	
V/s.	)	
	)	
1. STATE OF MAHARASHTRA	)	
	)	
Through the Principal Secretary,	)	
	)	
Public Health Department,	)	
	)	
Mantralaya, Mumbai - 23	)	
	)	
	)	
2. VITTHAL SAYANNA CIVIL HOSPITAL	)	
	)	
Add : Tembhi Naka, Opposite	)	
	)	
Police Quarter,	)	
	)	
Thane – 400 601.	)	... Respondents

Ms. Krupali H. Rajani a/w. Ms. Aafreen Shaikh, Ms. Khushi Bangia, Ms. Esha Pachare and Ms. Sarika Agarwal, Advocate for the Petitioner

Mrs. M.P. Thakur, AGP, for the Respondent - State

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 14TH NOVEMBER, 2025.

P.C. :-

1. Heard learned counsel for the parties.
2. By this petition, the petitioner seeks termination of her pregnancy. The petitioner aged 19 years, a student seeks termination of her pregnancy, which at the time of filing of the petition was less than 24 weeks.
3. By an order dated 11th November 2025, this Court has directed that the Medical Board at the Respondent No.2 i.e. Vitthal Sayanna Civil Hospital, Thane be constituted for examination of the petitioner.

4. Pursuant thereto the petitioner was examined by the Medical Board constituted at the Vitthal Sayanna Civil Hospital, Thane. The Medical Board so constituted has tendered its report in a sealed envelope. The said sealed envelope is opened in the Court and we have perused the report dated 14th November 2025. From the said report, it appears that the petitioner at the time of her examination by the Medical Board was 23 weeks and 4 days pregnant and as such well within 24 weeks. The medical board has opined that the petitioner can be permitted to terminate her pregnancy.

5. After taking into consideration the medical history, careful examination by Gynecologist, Pediatrician, Radiologist and Psychiatrist of District Medical Board, Thane, they have come to the opinion that abnormality is detected in the fetus.

6. In the report, it is further stated that the abnormality may indicate other health issues including heart, kidney and gastro intestine issues. Accordingly, the Medical Board has opined

that the pregnancy may be terminated with informed consent of the mother and her parents. The said report is taken on record and marked 'X' for identification.

7. We have interacted with the doctors of the Medical Board. Dr. Suresh Wankhede, Psychiatrist, Civil has in the interaction opined that an abnormality of the umbilical cord is found in the fetus. He further opined that in the present case, the abnormality may increase health problems including heart, kidney and gastro intestine. He at the end opined that the pregnancy may be terminated.

8. We have also interacted with the Petitioner, who is present in person before us. She stated that she wants to undergo termination of pregnancy.

9. 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. MTP does not allow any interference with the personal choice of pregnant woman in terms of proceeding with the termination. The MTP act leaves no scope for interference by the family or the partner of the pregnant person in matters of reproductive choice.

10. The petitioner got married at the age of 18 years and stated to be victim of domestic violence. The petitioner is a student studying in 12th. It appears that the petitioner became pregnant pursuant to which she approached the doctors seeking termination of her pregnancy. When the petitioner approached the hospital, she was well within the permissible limits within which pregnancy could be terminated. We do not understand the reasons as to why the hospital at Navi Mumbai did not permit the petitioner to terminate her pregnancy despite the petitioner being less than 21 weeks pregnant. In fact even when the aforesaid petition was filed by the petitioner, the petitioner was less than 24 weeks pregnant, when she was examined by the Medical Board, she was 23 weeks and 4 days pregnant and it was well within the

permissible limits as permitted by the MTP Act. The delay that is occasioned is purely beyond the control of the petitioner as the petitioner, approached the concerned doctors well within 24 weeks period. The petitioner is aged 19 years and is student and victim of domestic violence. It appears that continuation of the pregnancy will impact her physical as well as mental health.

11. The pregnancy report of the Medical Board dated 14th November 2025 shows that the pregnancy is of 23 weeks and 4 days (by USG report dated 13th November 2025). Thus, even as of today the pregnancy is less than 24 weeks.

12. Considering the aforesaid, we permit the petitioner to undergo termination of pregnancy at the Vitthal Sayanna Civil Hospital, Thane.

13. The petitioner to be admitted to the hospital tomorrow after which the doctors to decide when the procedure needs to be undertaken.

14. Needless to state all counselling during and post delivery to be done not only on the petitioner, but also for her parents.

15. The petition is accordingly allowed in the aforesaid terms.

16. The matter be listed for compliance on **28th November 2025.**

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

(SANDESH D. PATIL, J.) (REVATI MOHITE DERE, J.)

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