

Salgaonkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2059 OF 2026

X since minor through mother .. Petitioner

Versus

Central Hospital Ulhasnagar & Anr. .. Respondents

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Ms.Saloni Ghule for the Petitioner.

Smt.M.P.Thakur, A.G.P. for the State/Respondent.

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATE : 17th FEBRUARY, 2026

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P.C:-

1. In continuation of our order passed yesterday, 'X' had reported to the Civil Hospital, Thane. In response to the queries raised by us, on which we wanted the Board to clarify, a fresh report is submitted before us by Mrs.Thakur, learned Government Advocate, under the signature of the Members of the Medical Board, including two Gynecologists, one Pediatrician and Civil Surgeon from the Civil Hospital, Thane.

In regard to our queries, we received the following responses, which we deem appropriate to reproduce in seriatim :-

<i>Sr. No.</i>	<i>Court Query</i>	<i>Opinion of Medical Board</i>
1.	Whether the mother would suffer any adverse	As per clinical examination done on

	consequences on her health parameter i.e. physical and psychological?		13/02/2026, there is no any physical and psychological element.
2.	Whether termination of the pregnancy at this stage, would involve any risk to her life?		No
3.	Whether the pregnancy shall be permitted to be terminated?		No

2. The report forwarded to us expressed a word of caution, by stating that the Board's role under the SOP for non-anomaly cases beyond 24 weeks is to provide medical facts to the Court and not to render a recommendation on termination.

However, when the Court by its order 16/02/2026 specifically directed the Board to furnish a clear opinion on health risks, the Board has complied with the same and the report is submitted and the Board's initial denial in terminating the pregnancy was consistent with the statutory scheme as the Board is of opinion that the case does not fall under its exclusive jurisdiction and, therefore, requires Court intervention.

The report dated 17/02/2026 is taken on record and marked as 'X-1' for identification.

3. With a clear opinion of the Board to the effect that if the pregnancy of the minor girl is terminated today, it will not involve any risk to her life and as per the clinical examination done on 13/02/2026, it would also not involve any physical or

psychological element, we find that when 'X', a minor girl through her mother has approached this Court seeking termination of unwanted pregnancy, we have examined the said request in the light of the report from the Medical Board.

'X' is minor unmarried girl and at present, she is aged 16. She is carrying a pregnancy over 31 weeks and definitely beyond the threshold limit of 24 weeks, within which a pregnancy would be permitted to be terminated, but looking to the peculiar circumstances involved, when 'X' is not desirous of continuing the pregnancy, which is outside marriage and she herself being minor, is in a state of confusion as to how she will be able to cope up with the situation and through her mother and the learned counsel representing her, has exercised her autonomy and right not to deliver a child on completion of the gestation period and is desirous of terminating the pregnancy prematurely.

4. There is a clear medical opinion expressed by the Board that terminating the pregnancy by 'X' at this stage would not involve any risk to her life. Further, in light of the view expressed by the Apex Court in *A (Mother of X) Vs. State of Maharashtra & Ors. (Civil Appeal No.827 of 2026)*, which involved somehow identical facts, when the pregnancy of the girl was over 30 weeks and the girl being minor, expressed her desire to terminate the pregnancy, by setting aside the order of the Bombay High Court, which had refused termination of pregnancy, the Appeal was allowed and J.J.Group of Hospitals, Mumbai was directed to conduct the procedure of medical termination of pregnancy, by bearing in mind all the medical safeguards.

5. Being guided by the authoritative pronouncement to the aforesaid effect and since we find that the case before us is also of a minor unmarried girl, carrying an unwanted pregnancy and who is not desirous of continuing the pregnancy and who has approached the Court for its termination, we allow the Writ Petition by permitting 'X' to undergo medical termination of pregnancy.

6. Though the learned counsel for the Petitioner has made a request before us that the procedure shall be carried out in a hospital at Ulhasnagar, we refuse such indulgence, since we are of the view that it is the Medical Board from V.S. General Hospital, Thane, which has examined the girl and the opinion sought is from the said Board, which comprises of 2 Gynecologists from the said Hospital, and it is well advised that the procedure is conducted in the same hospital with the participation of the two Gynecologists, who have signed the said report or atleast under their supervision, who have opined that there is no danger to her life, even if the pregnancy is terminated at advanced stage.

7. The mother of 'X' shall give a written undertaking consenting to the medical termination of pregnancy of 'X' to the Hospital, before the procedure actually commence.

The mother of 'X' shall ensure that 'X' is admitted in the hospital during the course of the day, so that the procedure can immediately commence.

Needless to state that the Civil Hospital, Thane shall conduct the procedure of medical termination of the

pregnancy of 'X', by keeping in mind all the medical safeguards.

8. With this direction, Petition is made absolute.

9. Parties to act on the authenticated copy of the order.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)