

rajshree

Digitally
signed by
RAJSHREE
KISHOR
MORE
Date:
2026.03.21
13:42:47
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3611 OF 2026

X.Y.Z. Through her father
V/S

....Petitioner

Maasaheb Meenatai Thakre
Hospital Nerul & Ors.

....Respondents

Mr.Sarvesh Deshpande a/w Ms.Mansi Dande for the Petitioner.

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

Ms.Anjali Helekar a/w Mr.Advait Helekar for Respondent No.2.

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

**DATE : 21st MARCH 2026
(IN CHAMBER)**

Oral Judgment (Per Bharati Dangre J) :

1 Rule. Rule is made returnable forthwith.

2 In furtherance of our order dated 18/03/2026, Mrs. M.P. Thakur, the learned Government Advocate has produced before us the report of examination of the minor girl, represented through her father.

The report under the signature of Civil Surgeon, Civil Hospital thane dated 20/03/2026 inform that in terms of the directions of this Court, the District Medical Board was

constituted under the Medical Termination of Pregnancy Act, 1971, under the Chairmanship of Civil Surgeon , with two Gynecologists as well as Radiologist, Pediatrician and Psychologist being its members.

It is informed that the girl was examined on 19/03/2026 and after due examination and and consideration of all medical findings, the District Medical Board has prepared its report.

3 The Report forwarded to the Court dated 20/03/2026 is taken on record and marked as 'X' for identification.

It is accompanied with Form D, which is the report about the medical termination beyond 24 weeks. The Gynecology Department has specifically expressed its opinion as below :

“Patient is unmarried 14 years old with single viable fetus in cephalic presentation.

As Ultrasound on 19.03.2026 suggestive of gravid uterus with live single viable fetus in cephalic presentation, 28 weeks, with foetal weight 1159 gm $\pm$ 173 gm.

If terminated at this stage baby may born alive and need NICU care.”

Similar is the opinion expressed by the Pediatric Department.

The Radiology Department has specifically indicated that the Ultrasonography of gravid shows a single viable fetus in in cephalic presentation with average gestational age of 28 weeks.

4 The opinion of the Medical Board for termination of pregnancy is in the positive and the justification is to the following effect :-

“6) Opinion by Medical Board for termination of pregnancy – Allowed.

After taking detailed history and conducting thorough clinical examination, and review of reports by the Gynaecologist, Radiologist, Paediatrician, and Psychiatrist, the District Medical Board, Thane has formed the following opinion:

As per ultrasonography dated 19/03/2026 & 20/03/2026, there is a single live intrauterine fetus of gestational age 28 weeks, with estimated fetal weight of 1159 gm $\pm$ 173 gm, in cephalic presentation with no gross fetal anomaly.

Continuation of pregnancy may lead to pregnancy related complications like Anaemia, pregnancy induced Hypertensions as well as complication during labour. It is also going to have Psychological impact on pregnant mother (minor) with uncertain future.

Pregnant mother (minor) and her mother have expressed desire to terminate the pregnancy and are made aware of the dangers of continuation of pregnancy as well as termination of pregnancy. Surgical intervention might required. After termination of pregnancy at this stage baby may delivered alive and baby may require NICU Care. And this situation explained to her relatives.

Since the pregnancy has advanced to 28 weeks, well beyond legal limits of termination of pregnancy i.e. 24 weeks. The termination can only be done with Hon'ble Court permission.

7) Physical fitness of the woman for the termination of pregnancy – Yes.”

5 The Petitioner's father is present before us and we again inquired with him about the termination of pregnancy and in no uncertain terms he made it clear that the pregnancy be terminated as his daughter is minor and the pregnancy is unwarranted. We are also informed that the girl is already hospitalized in Civil Hospital, Thane.

6 In the wake of aforesaid, since the minor girl through her father had made a clear choice of terminating the unwarranted pregnancy by exercising her right not to give birth to the child,

and the District Medical Board is in favour of termination of the pregnancy, as it is indicated that continuation of the pregnancy may lead to pregnancy related complications like anemia alongwith hyper-tension as well as complications during labor plus it will also have psychological impact upon the mother with uncertain future.

Since the minor girl alongwith her father has expressed desire to terminate the pregnancy, they were made aware about the dangers of continuation of pregnancy as well as termination and it was also indicated that surgical intervention might be required. However, since the consensus is expressed to undergo the procedure, we permit the pregnancy of 28 weeks to be terminated and we direct the Civil Hospital, Thane to start the procedure forthwith, as we are informed that the minor girl is admitted in the hospital.

We also make it clear that if the baby is born alive and need NICU care, the hospital shall arrange for the same with no liability being fastened upon the family of the minor girl. The child is permitted to be then dealt with, in accordance with law.

With the abovesaid directions, Writ Petition is allowed.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]