



**256 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-6726-2026 (O&M)
Date of Decision: 21.04.2026**

Shobhini Mala

...Petitioner

Versus

Union Of India and Another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Divyanshi Priyam, Advocate
for the petitioner (Through V.C.).

Mr. Dheeraj Jain, Senior Advocate/Senior Panel Counsel
with
Ms. Gurneet Sagoo, Advocate
for the respondent-UOI.

Mr. Akshit Pathania, AAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to permit her to proceed with altruistic surrogacy despite age limit prescribed under Section 4(iii)(c)(I) of the Surrogacy (Regulation) Act, 2021.

2. The petitioner was born on 01.06.1979. She solemnized marriage in 2013. She conceived in 2015, however, miscarriage took place. She in 2016 underwent freezing of eggs. The petitioner suffered second miscarriage on 30.03.2022. She second time conceived with the help of IVF. She wants to undergo surrogacy, however, has crossed age limit of 45 years. At present, she is 46 years of age.

3. Learned counsel representing the petitioner submits that petitioner's case is squarely covered by order dated 22.01.2026 passed by this Court in '*Sarbjit Kaur and Another Versus State of Punjab and Others*', *Law Finder Doc Id#2843006*.

4. Learned Senior counsel representing respondent No.1 submits that petitioner is a divorcee, thus, age limit of 45 years is applicable to her. In her case, eggs were freezed. Supreme Court judgment dated 09.10.2025 in '*Vijaya Kumari S. and Another Versus Union of India*', (2026) 2 SCC 96 relied upon by her is inapplicable.

5. On being confronted with order dated 22.01.2026 passed by this Court in *Sarbjit Kaur (Supra)*, learned Senior counsel representing respondent No.1 expressed his inability to distinguish facts of present case from said order.

6. Heard the arguments and perused the record.

7. From the perusal of record, it is evident that petitioner was about 36 years old when she underwent freezing of eggs. She utilized embryo in 2021-2022, however, suffered miscarriage. Her case is squarely covered by order dated 22.01.2026 passed by this Court in *Sarbjit Kaur (Supra)*.

8. In the backdrop, the instant petition is hereby ***allowed***.

9. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

21.04.2026

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No