



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

CWP-13085-2026(O&M)
Date of decision: 19.05.2026

Dr. Pushpa and another

... Petitioners

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Anmol Partap Singh Mann, Advocate, and
Mr. Navjot Singh Sidhu, Advocate,
for the petitioners.

Mr. Vipul Aggarwal, Sr. Panel Counsel,
for the respondent-UI.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to permit petitioner No.1 to provide Assisted Reproductive Technology Services, including In Vitro Fertilization (IVF) treatment for the purpose of conception of a human embryo and its implantation and consequential pregnancy which is being denied on account of petitioner No.1 being marginally over the age prescribed in Section 21(g)(ii) of the Assisted Reproductive Technology Act, 2021 i.e. 50 years.

2. As per record and pleadings, petitioners are husband-wife and resident of State of Haryana. They approached respondent No.7-National Fertility & Test Tube Baby Centre, Bishnoi Nursing Home, Hisar for conceiving a child. They are 51 and 54 years old respectively. The petitioner



in 2023 underwent IVF treatment which resulted in conception of twins. Unfortunately, during pregenancy, one foetus did not survive and only one healthy female child was delivered on 04.09.2024. The petitioners want second child, however, upon approaching respondent No.7-Dr. Anurag Bishnoi, they were informed that they were no longer eligible to avail IVF services as petitioner No.1 has crossed the age of 50 years. As per petition, the petitioner No.1 is more than 50 years, however, she is having good health with no major medical condition which would come in her way to deliver second child.

3. Learned counsel for the petitioners submits that issue involved herein is squarely covered by judgment dated 22.01.2026 passed by this Court in "**Sarbjit Kaur and another vs. State of Punjab and others**", Law Finder Doc ID # 2843006.

4. Learned counsel for respondent-UOI expressed his inability to controvert applicability of aforesaid judgment to instant case, however, submit that petitioners may be directed to furnish their undertaking before authorities to the effect that if any injury/damage is caused to petitioner No.1 on account of aforesaid treatment, they would be responsible.

5. Faced with this, learned counsel for the petitioners submits that aforesaid undertaking would be furnished before competent authority.

6. In the wake of statement of both sides and judgment of this Court in **Sarbjit Kaur and another** (supra), this Court is of the considered opinion that petition deserves to be allowed and accordingly allowed. The



petitioners shall furnish aforesaid undertaking before competent authority and respondent No.7 would be free to proceed with further treatment.

7. Pending application(s), if any, also stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

May 19, 2026
Rajan

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No