

Bombay High Court

Smt. Gunjan S/O Sunil Pihul vs Union Of India, Through Its ... on 31 July, 2019

Bench: Ravi K. Deshpande

wp5409.19.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5409 OF 2019  
(Smt. Gunjan Sunil Pihul vrs. Union of India and ors)

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

Ms. S.H.Bhatia, Advocate for Petitioner  
Ms. Mugdha Chandurkar, Advocate for Respondent No.1  
Shri B.M.Lonare, AGP for Respondent Nos.2 and 3.

CORAM: R.K. DESHPANDE AND  
VINAY JOSHI, JJ.

DATE: 31st JULY, 2019.

Issue notice for final disposal of the matter, returnable on 02.08.2019.

The claim for medically termination of pregnancy beyond 20 weeks' is not covered by Section 3 of the Medical Termination of Pregnancy Act, 1971. Our attention is invited to the instructions issued by the Department of Health and Family Welfare, Government of India, as per the decision of the Apex Court. As per the instructions, the Medical Board is required to be constituted, consisting of experts from the Department of Gynae & Obstetrics, Paediatrics, Radiology/Sonology, Cardiology, Pulmonology, Neurology, Genetics, Pathology, Administration etc., to submit the opinion on the question of premature termination of pregnancy. The pregnancy of the petitioner is of 22 weeks' and therefore, she is required to approach this Court.

wp5409.19.odt 2/3 The petitioner is carrying 22 weeks' pregnancy and after conducting ultra-sonography, 3D/4D USG Scan and clinically examining the petitioner, it seems that foetus in the womb of the petitioner is reported to be abnormal with serious ailments/defects/deformity pertaining to the heart, lungs and other parts of the body. This aspect is required to be examined by the Medical Board, which is required to submit the report to this Court for passing further order in the matter.

In view of the aforesaid position, we direct the Dean, Government Medical College and Hospital at Nagpur, to constitute Medical Board as contemplated by the communication dated 14.08.2017 issued by the Department of Health and Family Welfare, Government of India, and submit the report to this Court on 02.08.2019.

The petitioner to supply the copy of the petition along with Annexures and the Instructions dated 14.08.2017 to the Dean, Government Medical College and Hospital at Nagpur, who shall act upon accordingly.

The petitioner undertakes to attend the Medical College and Hospital at Nagpur at 11.30 a.m. on 01.08.2019. The Board shall conduct the clinical examination of the petitioner and also go through the reports. If advised, to conduct further tests.

wp5409.19.odt 3/3 Steno copy of the order be supplied to the parties to act upon.

JUDGE

JUDGE

Rvjalit