

# RACHITA PADWAL

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To,  
The Prothonotary & Senior Master,  
Bombay High Court,  
Fort, Mumbai 400 001

01.07.2020

Sir,

Sub: **IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

LD-VC-84 of 2020

WRIT PETITION NO. (L)	OF 2020
Punam Abhinav Shah )	...Petitioner
Vs.	
State of Maharashtra )	...Respondent

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Be pleased to circulate the papers and proceedings in the captioned matter before their Lordships the Hon'ble Justice KK Tated and the Hon'ble Justice Milind N Jadhav on 03.07.2020 for speaking to the minutes.

1. The matter was heard by this Hon'ble Bench on 30.06.2020 after which the order enclosed herewith came to be passed. After hearing both sides, this Hon'ble Court permitted the Petitioner to terminate the pregnancy as per the Medical Board's opinion dated 27.06.2020 at a medical facility of her choice.
2. A direction was also given by the Hon'ble Bench that in case the child is born alive, it shall be the responsibility of the Petitioner and her husband to assume full responsibility of such child.
3. While the referencing to judgment of a Division Bench of the Court in Writ Petition No. 10835/2018, 9748/2018 & (OS) 3172/2018, this Hon'ble Bench in paragraph no. 19 of the enclosed order has noted:

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*“The Division Bench had further held that if medical termination of pregnancy was permitted and inspite of that if the child was born alive, then the registered Medical Practitioner and the hospital concerned was required to assume full responsibility to ensure that such child is offered best medical treatment available in the circumstances and in such cases if the parents of such child were not willing to or are not in a position to assume the responsibility for such child, then, the State and its agencies will have to assume full responsibility for such child in the best interests of such child and in accordance with the statutory provisions of the Juvenile Justice Act.”*

The corrections therefore sought at the order dated 30.06.2020 are as noted below:

1. On Pg. 13, in paragraph 22(iii):

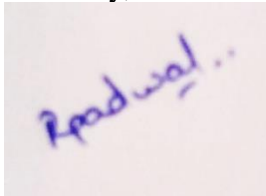
The following to be deleted:

*‘In case if the child is born alive, it shall be the responsibility of the petitioner and her husband i.e. child’s parents to assume full responsibility for such child.’*

The following to be added-

*‘In case, if the child is born alive and if the Petitioner and her husband are not willing or are not in a position to take responsibility of such a child then the State and its agencies will have to assume full responsibility for such child.’*

Sincerely,



Rachita Padwal  
Advocate for the Petitioner