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CWP No.24686-2025(O&M)

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

**CWP No.24686-2025(O&M)**

**Date of Decision: 02.04.2026**

**Veena Kumar alias Avinash Kaur Dhillon and another**

**....Petitioners**

vs.

**Union of India and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Ms. Aerika Singh, Advocate  
Mr. Kunal Thapa, Advocate  
Mr. Irshaan Singh, Advocate  
for the petitioners

Ms. Krishna Dayama, Advocate (through VC)  
for Union of India

Mr. Pritpal Singh Nijjar, Addl. Standing Counsel (through VC)  
Mr. Viraj Gandhi, Junior Panel Counsel  
for UT Chandigarh

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**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 continue with her Assisted Reproductive Technology Treatment (for short 'ART') and undergo embryo transfer from amongst the embryos lawfully created by respondent No.4 in 2019.

2. As per record and pleadings, petitioners are husband-wife and resident of Canada. They approached respondent No.4-Jindal IVF and Sant Memorial Nursing Home for availing ART facility for conceiving a child.



They were 47 and 48 years old respectively. Respondent No.4 after PGT created four embryos on 17.12.2019. A female child was born from aforesaid embryo. The petitioners want second child from three embryos which are lying preserved with Hospital. The Union Legislature has introduced ART Act, 2021 and as per said Act, ART is not permissible for female beyond 50 years. At present, petitioner No.1 is more than 50 years, however, as per reply of respondent No.4, 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*. The petitioners are even on better footing because they were less than the prescribed outer age when embryos were created.

4. Learned counsel for respondents expressed their inability to controvert applicability of aforesaid judgment to instant case, however, submit that petitioners may be directed to furnish their undertaking before respondent No. 3 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 respondent No. 3 within a day from today.

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



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opinion that petition deserves to be allowed and accordingly allowed. The petitioners shall furnish aforesaid undertaking before respondent No. 3 and respondent No. 4 would be free to proceed with further treatment.

7. Pending Misc. application(s), if any, shall stand disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**02.04.2026**  
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Whether speaking/reasoned:	Yes	
Whether reportable:		No