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IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(1685/2026) IN CS(OS) 2/2026
CM(1686/2026) CM(1687/2026) CM(1688/2026))

BARDANA SUPER HI TECH AGRO TONIC PRIVATE LIMITED
..... Petitioner(s)

Through: Mr. Danish Majid Dar, Advocate.

V/s

MUFSA FUNGICARE CROP SCIENCE PRIVATE LIMITED AND OTHERS
..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

06.04.2026

CM No. 1685/2026:

This is an application filed by the plaintiff seeking dispensation in resorting to Pre-Institution Mediation as mandated under Section 12 A of the Commercial Courts Act.

The plaintiff has filed the accompanying suit seeking permanent prohibitory injunction against the defendants restraining them from using the Mark "Agro Hi Tech" or any other similar Mark which according to the plaintiff is infringing his registered trade Mark "Super Hi-Tech Agro Tonic, "Hi-Tech Agro Tonic," "Bardana Super Hi-Tech Agro Tonic".

It has been contended that the defendants by using the offending Mark is committing continuous breach of registered Trade Mark of the plaintiff and as such, the relief that is being sought by the plaintiff is emergent in nature.

In view of the above, the application is allowed and the plaintiff is permitted to file accompanying suit without resorting to the requirement of Pre-Institution Mediation in terms of Section 12 A of the Commercial Courts Act.

CM disposed of.

CS(OS) No. 02/2026:

Issue summons to the defendants subject to taking of necessary steps by the plaintiff within one week.

List on 20.05.2026.

CM No. 1687/2026 & CM No. 1686/2026:

By virtue of these applications, the plaintiff is seeking an interim ex parte relief to the effect that the defendants be restrained from using the Mark “Agro Hi Tech” or any other deceptively similar Mark which infringes or imitates the plaintiff’s registered Trade Mark “Super Hi-Tech Agro Tonic, “Hi-Tech Agro Tonic,” “Bardana Super Hi-Tech Agro Tonic,” with a further prayer that issuance of prior notice to the defendants be dispensed with.

It is case of the plaintiff that it is engaged in the manufacture and marketing of fertilizers, organic fertilizers, natural fertilizers, mixed fertilizers, seed coatings, manures and allied agricultural products since 2000. It is further pleaded that the plaintiff is proprietor of registered Trade Mark and Device Mark *inter alia* the proprietor of registered Trade Mark including Registration No. 4151497 in Class 1 in respect of fertilizers and allied goods. It has been further pleaded that vide Certificate dated 19.08.2020, “Bardana Super Hi-tech Agro Tonic Private Limited stands registered as a Trade Mark and vide Certificate dated 19.08.2020 Trade Mark image portraying “Agro Hi Tech” stands registered in the name of the plaintiff. It is further case of the plaintiff that the defendants are using similar Mark on similar type of products under the name “Agro Hi Tech” which is phonetically similar to the registered Trade mark of the plaintiff. According to the plaintiff, due to impugned action of the defendants, it is suffering loss including diversion of trade, confusion amongst purchasers, erosion of market share, dilution of goodwill, weaking of brand identity and injury to commercial reputation and if the injunctive relief is not granted to the plaintiff, it is going to suffer irreparably. To support its assertion made in the plaint, the plaintiff has placed on record documents showing registration of the aforesaid Trade Mark in its favour and the

plaintiff has also placed on record documents showing package which is being used by the defendants in respect of similar products.

From a perusal of the documents placed on record by the plaintiff, it appears that there is a *prima facie* case in favour of the plaintiff and in case *ex parte* injunctive relief is not granted in its favour, it is going to suffer irreparably, as such, requirement of prior notice to the defendants is dispensed with.

Issue notice of this application to the defendants subject to taking of necessary steps by the plaintiff within one week.

In the meantime, the defendants are restrained from using the impugned Trade mark “Agro Hi Tech” or any other deceptively similar Mark to the plaintiff’s registered Trade Mark on labels, packages etc.

CM No. 1686/2026 stands disposed of.

CM No. 1687/2026 is listed along with main suit.

CM No. 1688/2026:

Issue notice to the defendants subject to taking of necessary steps by the plaintiff within one week.

In the meantime, Shri Taha Khaleel, Advocate is appointed as Local Commissioner to make inventory of the products bearing Mark “Agro Hi Tech” from the warehouses/stores of the defendants company located at Rakhi Lajoura, Pulwama, Jammu

and Kashmir. Station House Officer, Police Station, Pulwama shall render full assistance to the Local Commissioner for accomplishing the task. The Commissioner shall serve a prior notice to the defendants before visiting the site intimating them about the schedule of his visit. The report shall be submitted by the Commissioner by next date of hearing. The fee of the Local Commissioner tentatively fixed at Rs. 40,000/- to be payable by the plaintiff in advance. The Local Commissioner shall also be reimbursed by the plaintiff for transport and other charges that may be incurred by him.

List as above.

(Sanjay Dhar)
Judge

SRINAGAR

06.04.2026

Aasif