

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

CM No. 2612/2026 IN
CS(OS) No. 2/2026

BARDANA SUPER HI TECH AGRO TONIC PRIVATE LIMITED

.....Petitioner(s)

Through: Mr.Danish Majid Dar, Advocate

V/s

**MUSFA FUNGICARE CROP SCIENCE PRIVATE LIMITED AND
OTHERS**

... ..Respondent(s)

Through: Mr.Jehangir Iqbal Ganie,
Sr.Advocate with
Mr. Owais, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

06.05.2026

CM No.2612/2026:

1. Issue notice of this application to the plaintiff/non-applicant through counsel. Mr. Danish Majid Dar, Advocate accepts notice on behalf of the plaintiff. He seeks time to file reply to the application. Needful be done by next date of hearing.

CS(OS) No. 2/2026:

2. Learned Sr. Counsel appearing for the defendants has submitted that in view of the provisions contained in

Section 15 of Code of Civil Procedure, the plaintiff ought to have filed the present suit in the Court of lowest grade competent to try it, but instead of doing so, the plaintiff has directly approached this Court.

3. This Court, while dealing with an identical issue in the case titled **Bardana Super Hi-Tech Agree Tonic Pvt.Ltd. vs. AMCONS IPL (AGRO INDUSTRIAL EXPANSION) Pvt.Ltd. (CS(OS) No.1/2026)**, has vide order dated 24.04.2026 held that the provision contained in Section 15 of the Code of Civil Procedure is applicable to the High Court exercising original civil jurisdiction and, as such, it is not open to a litigant to file a suit directly before the High Court if the suit is cognizable by a Court of lower grade.

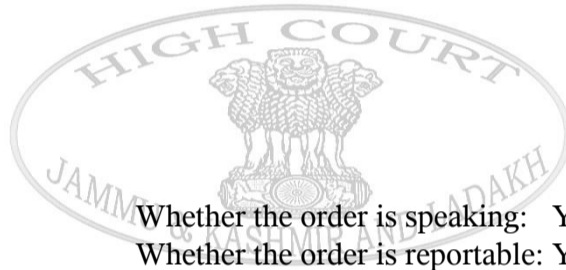
4. In view of the aforesaid legal position, this Court instead of exercising the option of returning the plaint in terms of Order VII Rule 10 of the CPC, opts to exercise its powers under Section 24 of the Civil Procedure Code and directs the transfer of the main suit alongwith the connected applications to Commercial Court (Principal District Judge) Pulwama, which is competent to try the suit, for its disposal under law. The parties are directed to appear before the said Court on 20.05.2026. It shall be open to the transferee Court to vacate/modify or

confirm the interim orders passed by this Court in the present suit, notwithstanding the fact that the transferee Court is inferior to this Court. The Local Commissioner shall also file his report before the transferee Court.

5. The Registry is directed to transmit the record of the suit to the transferee Court alongwith a copy of this order well before the date fixed in the case.

**(SANJAY DHAR)
JUDGE**

SRINAGAR
06.05.2026
Sarveda Nissar



Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No