

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Pronounced on: 11.09.2026
Uploaded on : 14.09.2026

TrP (Crl) No. 11/2026

**Vivek Gupta, age 41 years,
S/o of Sh. Vinod Gupta,
R/o H. No. 384, Janipur, Jammu**

.....Petitioner

Through: Ms. Mandeep Reen, Sr. Advocate with
Mr. Sohail Mustafa, Advocate

Vs

**Ms. Nuzhat Gul W/o Mr. Jehangir Rather,
Secretary, Jammu and Kashmir Sports Council,
Resident of "The Vilas No. 3"
Near Heritage Public School, Sainik Colony, Jammu**

**At present House No. 15, Lane No. 1,
Fair Bank Colony, Rawalpura, Srinagar**

.....Respondent

Through: Mr. Syed Faisal Qadri, Sr. Advocate
(Through Virtual Mode)
with Mr. Manik Dutt, Advocate

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(11.09.2026)

01. The erstwhile High Court of Jammu and Kashmir of the State of Jammu and Kashmir was having two usual places of sitting which being Srinagar and Jammu which in the course of time came to be recognized and referred as **Srinagar Wing and Jammu Wing** respectively.

02. At present, High Court of Jammu and Kashmir & Ladakh is a creature of the Jammu and Kashmir Reorganization Act, 2019 but in the matter of practice and procedure, the law obtaining with respect to the erstwhile High Court of Jammu and Kashmir of the State of Jammu and Kashmir to continue to be in effect in terms of **Section 77 of Jammu and Kashmir Reorganization Act, 2019** meaning thereby that the usual place/s of sitting of the High Court of Jammu and Kashmir & Ladakh is continuing to be at Srinagar as well as Jammu by the nomenclature of the **Srinagar Wing** and **Jammu Wing**, respectively.

03. It is in this perspective that the institution and hearing of the cases before the erstwhile High Court of Jammu and Kashmir, and presently before the High Court of Jammu and Kashmir & Ladakh, have been and are taking place in the sense that the matters which fall within the Jammu Province are meant to be instituted/filed at Jammu Wing of the High Court of Jammu and Kashmir & Ladakh, and those relatable to the Kashmir Province are filed and instituted in the Srinagar Wing.

04. Realizing that there was a lack of clarity related to the expressions '**Jammu Wing**' and '**Srinagar Wing**' in the context of **Circular No. 06 dated 18.12.2010** issued by

the Hon'ble Chief Justice of the erstwhile High Court of Jammu and Kashmir but continuing to be in operation even with respect to the High Court of Jammu and Kashmir & Ladakh, the Hon'ble Chief Justice of the High Court of Jammu and Kashmir & Ladakh, came forward with a **Circular No. 325 of 2021/RG dated 20.05.2021**, in context whereof the discipline of filing of cases relatable to the Jammu Wing and Srinagar Wing of the High Court of Jammu and Kashmir & Ladakh, has been reiterated.

05. The filing of cases is permissible both by physical mode as well as by e-mode.
06. In the matter of institution/filing of a case taking place by e-mode, then an e-mode filed case, be it of the Srinagar Wing or the Jammu Wing, can be filed from anywhere without requirement of submission of a physical file at the respective filing counter of the Srinagar Wing and/or Jammu Wing but, nevertheless, a given case would not lose its identity of being relatable to the Jammu Wing or the Srinagar Wing even if filed through an e-mode and therefore, would continue to be listed accordingly before the concerned Wing by reference to which the cause of action as well as the locus of the parties to the *lis* would be related to.

- 07.** In the present case, the petitioner came forward with the present transfer petition under Section 447 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 thereby seeking transfer of a criminal complaint preferred by the respondent before the Court of learned Chief Judicial Magistrate (CJM), Srinagar.
- 08.** Thus, the cause of action for the petitioner to seek transfer of the case is relatable to the Srinagar Wing and, therefore, the filing of the present petition, which has taken place through physical mode, ought to have taken place before the Srinagar Wing of the High Court of Jammu and Kashmir & Ladakh but instead has taken place before the Jammu Wing without prior permission of the Hon'ble Chief Justice of the High Court of Jammu and Kashmir & Ladakh, as envisaged in terms of **Order No. 325 of 2021/RG dated 20.05.2021 read with Circular No. 06 dated 18.12.2010.**
- 09.** Accordingly, this Court allows the learned counsel for the petitioner to have the withdrawal of the present transfer petition with liberty to submit the present transfer petition or file fresh transfer petition before the Srinagar Wing of the High Court of Jammu and Kashmir & Ladakh, and thereupon seek the leave of the Hon'ble Chief Justice of High Court of Jammu and Kashmir &

Ladakh, to transfer the petition for adjudication by or before the Jammu Wing of the High Court.

10. The present transfer petition is accordingly, ***disposed of as dismissed as withdrawn.***

**(RAHUL BHARTI)
JUDGE**

**JAMMU
11.09.2026
SUNIL**

Whether the order is speaking ? : Yes/No
Whether the order is reportable ? : Yes/No

