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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 970/2025 & CCP(O) 118/2025, I.As. 22457/2025,  
22458/2025, 22460/2025

GULFAST INDIA PRIVATE LIMITED & ANR. ....Plaintiffs  
Through: Mr. Rishub Kapoor, Advocate

versus

SANOJ KUMAR TRADING AS MOTOTRACK LUBRICANT &  
ANR. ....Defendants  
Through: Mr. Kiratraj Sadana, Advocate

**CORAM:**  
**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **01.12.2025**

**CCP(O) 118/2025**

1. Learned counsel for the defendants states that the defendants have taken all remedial steps to remove the infringing links provided in the present contempt petition.
2. At this stage, learned counsel for the plaintiffs states that in addition to the infringing links set out in the contempt petition at paragraph 9, the plaintiff has verified that there are posts from the year 2023, which continued to remain available on the Facebook handle of the defendant.
3. In response, learned counsel for the defendants submits that, as the defendants have lost access to the password of the concerned social media account, it has written to Facebook requesting that the said handle be deleted.
- 3.1. He states that the defendants have discontinued the use of the



impugned packaging and have adopted a new packaging, which is in no manner similar to the plaintiff's packaging.

3.2. He has handed over colour prints of the proposed trade dress and has also filed the same through e-Diary No. 8646238/2025<sup>1</sup> and provided a copy to the plaintiffs.

4. This Court has perused the new trade dress proposed by the defendants and is satisfied that the same is separate and distinct from the plaintiffs' trade dress.

5. Moreover, in view of the steps taken by the defendants to take down the infringing links and the explanation offered by the defendants for its Facebook handle, this Court is satisfied that the defendants have taken appropriate steps and there is no occasion to proceed with contempt.

6. Accordingly, the captioned petition is disposed of.

**CS(COMM) 970/2025**

7. Learned counsel for the defendants states that in view of the new packaging adopted by the defendants, the suit may be disposed of by recording his submission that the defendants undertake not to use the impugned packaging set out at paragraph '39' of the plaint.

7.1. He further states that the defendants will not use in future any packaging which is identical or deceptively similar to the packaging of the plaintiffs as set out in paragraph '39' of the plaint. In addition, he states that the defendants undertake to withdraw the trademark application bearing no. 6272458 for the device mark **"MOTOTRACK"**, and the suit may be disposed of.

7.2. He states that an affidavit to this effect will be filed within one (1)



week from today.

8. Learned counsel for the plaintiffs submits that the plaintiffs have no objection to the suit being disposed of in terms of the aforesaid undertaking, subject to the defendant filing its affidavit within one (1) week.

9. The statements made by the plaintiffs and the defendants are taken on record, and the parties shall remain bound by their respective submissions.

10. The defendant is hereby permanently restrained from using identical or similar trade dress, which is deceptively similar to the plaintiff's trade dress as set out at paragraph '39' of the plaint.

11. The statement of the defendant that it has discontinued using the impugned packaging set out in paragraph 39 of the plaint is taken on record.

12. The defendant is also directed to take steps within one (1) week for the withdrawal of its application bearing no. 6272458 for the device mark "MOTOTRACK".

13. The defendant will file an affidavit accepting this order within one (1) week. In case the affidavit is not filed, the registry is directed to list the matter before the Court.

14. The suit is disposed of in terms of this order. The registry is directed to draw up a decree in terms of this order.

**Refund of Court fee**

15. Learned counsel for the plaintiff states that since the matter has been settled at an initial stage, the plaintiff may be refunded the partial court fee.

16. Keeping in view the aforesaid facts, the registry is directed to refund 50% Court Fee in favour of Plaintiff No. 1 within four (4) weeks, in accordance with law. The said direction has been passed having regard to

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<sup>1</sup> Filed on 01.12.2025



Sections 16 and 16A of the Court Fees Act, 1870.

17. Pending applications, if any, stand disposed of.

18. Further dates, if any, stand cancelled.

19. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in), shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

**MANMEET PRITAM SINGH ARORA, J**

**DECEMBER 1, 2025/rhc/aj**