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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 590/2021, I.A. 15213/2021 & I.A. 47048/2024**

JK TYRE AND INDUSTRIES LIMITEDPlaintiff
Through: Mr. Nakul Jain, Advocate.
versus

**GAUTAM KUMAR PROPRIETOR SHRI BALAJI OILS AND
CHEMICALS & ORS.**Defendants
Through: Ms. Suman Gupta, Advocate for D-1
and D-2 along with D1 & D2 in person.
Ms. Abha Kulshreshtha, Advocate for
D-3 and D-4.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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25.02.2026

1. Learned counsel appearing on behalf of the parties submit that the *inter se* disputes between the plaintiff and the defendant nos.1 and 2 have been amicably resolved and in terms of such settlement, an affidavit of Mr. Gautam Kumar on behalf of the defendant nos.1 and 2 along with Annexure A appended thereto, has been handed over the Bench and is taken on record.
2. The contents of the said affidavit are extracted hereunder:

"AFFIDAVIT

Affidavit of Gautam Kumar, S/o. Arun Kumar, aged about 42 years, R/o. M-269, Ground Floor, Guru Harkishan Nagar, West Delhi, Delhi 110087.

I, the above-named deponent, do hereby solemnly affirm, depose and say as under:

1. *That I am the defendant no. 1 and Defendant no. 2 in the above noted Suit and therefore well conversant with the facts and circumstances of the present case and as such I am competent to depose about the same by way of this affidavit.*
2. *That I have already stopped the manufacturing after getting the*



direction of this Hon'ble Court and I am ready to suffer an injunction in terms of Prayer in the plaint and will never use Plaintiff's registered trademarks



and or any deceptively similar marks as well as the artistic work



in future.

3. That I will change the artistic work, color combination of my Registered Trademark/Device under Application no. 4589235. The updated device has been sent the the Plaintiff and the same has been accepted by the Plaintiff and the Plaintiff has no objection to the use of this new trade artistic work/ Device for my Trademark JIKTURBO. Copy of the new artistic work/Device is annexed as **"Annexure A"**.

4. It has been agreed between the Parties that I will pay a sum of Rs. 4,50,000/- (Rupees Four Lakh Fifty Thousand Only) towards full and final settlement of the suit to the Plaintiff by way of 1 DD of amount 1 lakh and 4 Cheques of Rs. 87500/- each in the name of the Plaintiff J K Tyre & Industries Ltd. and details of which are as follows:

i. DD no. 503038 in favour of J K Tyre & Industries Ltd. dated 21/02/2026 of Rs. 1,00,000/- (Rupees One Lakh Only).

ii. Cheque No. 000779, Guru Harkishan Nagar Branch, dated 25/03/2026 of Rs 87,500/- (Rupees Eighty Seven Thousand Five Hundred Only) in favour of J K Tyre & Industries Ltd.

iii. Cheque No. 000775, Guru Harkishan Nagar Branch, dated 25/04/2026 of Rs 87,500/- (Rupees Eighty Seven Thousand Five Hundred Only) in favour of J K Tyre & Industries Ltd.

iv. Cheque No. 000778, Guru Harkishan Nagar Branch, dated 25/05/2026 of Rs 87,500/- (Rupees Eighty Seven Thousand Five Hundred Only) in favour of J K Tyre & Industries Ltd.

v. Cheque No. 000780, Guru Harkishan Nagar Branch, dated 25/06/2026 of Rs 87,500/- (Rupees Eighty Seven Thousand Five Hundred Only) in favour of J K Tyre & Industries Ltd.

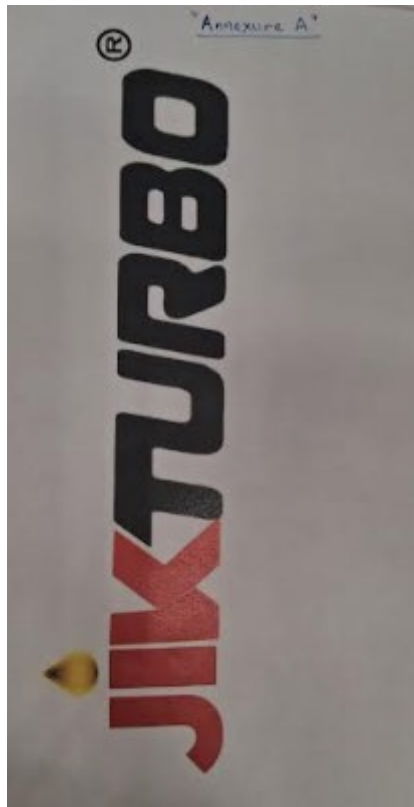
5. That the aforementioned details are believed to be true to the best of my knowledge.



VERIFICATION:

Verified at Delhi on this 25th day of February, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and believe and nothing material has been concealed there from."

Annexure-A



3. As per affidavit on behalf of defendant nos. 1 and 2, Mr. Gautam Kumar, the deponent states that he has stopped manufacturing of the infringing product after directions were passed by this Court. He also deposes that the defendant nos. 1 and 2 are ready to suffer an injunction in terms of the prayer in the plaint and that he will never use plaintiff's registered trademarks or any deceptively similar marks or artistic work in future as enumerated in para 2 of the affidavit. He also deposed that the artistic work, color combination of his registered Trademark/Device under application no. 4589235 has been changed and the updated device has been sent to the plaintiff which was acceptable to the plaintiff. The other terms of the settlement are in respect of various payments to be made in terms of Para 4 of the affidavit.



4. The original demand drafts and four cheques as specified in Para 4 of the affidavit have been handed over to the learned counsel for the plaintiff, who acknowledges the same.

5. Another affidavit has been filed on behalf of defendant nos. 3 and 4 wherein defendant no. 4/Ms. Shama is the proprietor of defendant no. 3. The said affidavit of undertaking is extracted hereunder:

“AFFIDAVIT/UNDERTAKING

I, Shama, aged about 39 years, W/o Nazakat Ali, R/o H. No. D-533, West Vinod Nagar, Delhi-110092, do hereby solemnly affirm and declare as under:-

- 1. That I am Defendant No. 4 in the above mentioned suit and am fully conversant with the facts of the case and competent to file and swear this affidavit. I am also filing this affidavit for and on behalf of Defendant No.3.*
- 2. That there has been a settlement between the plaintiff and defendants No. 1 & 2.*
- 3. That I undertake not to infringe the trademark of the plaintiff in future.*
- 4. I state that I have understood the above affidavit in vernacular.*

VERIFICATION:

Verified at New Delhi on this 25.02.2026 that the contents of paras 1 to 4 of my affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.”

6. In view of the above, having regard to the fact that the affidavits have been filed by the defendant nos. 1 & 2 and separately by defendant nos. 3 & 4, the present suit is decreed in terms of the prayers sought by the plaintiff.

7. The parties shall remain bound by the contents of their respective affidavits.

8. Let a decree sheet be drawn up accordingly.

9. The suit is decreed and disposed of accordingly along with all pending applications.

10. The affidavits are taken on record.

TUSHAR RAO GEDELA, J

FEBRUARY 25, 2026/anj