



C.S.No.48 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.S(Comm. Div.)No.48 of 2023
and O.A.Nos.171 & 172 of 2023
and A.No.1298 of 2023

M/s. Paulsons Beauty and Fashion Pvt Ltd.,
Represented by its Authorized Signatory,
Shabnam Banu
Having registered address at:
No.12, Halls Road, Kilpauk,
Chennai – 600 010.

...Plaintiff

Vs.

M/s.Doni & Guys Salon,
No.31/60, Rajaji Road,
Tambaram West, Chennai – 600 045.

... Defendant

PRAYER: This Civil Suit is filed under Order VII Rule 1 of C.P.C read with Order IV Rule 1 of the Madras High Court Original Side Rules and Section 135 of the Trade Marks Act, 1999 ; praying to pass the judgment and decree:-

a) Granting a permanent injunction restraining the Defendant, their men, servants, agents or anyone claiming through or under them from in any



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manner infringing the Plaintiff Trade Mark and Trading Style “TONI & GUY” by using the offending Trade Mark and Trading style “DONI & GUYS” or any other mark or marks which are similar or in any way deceptively similar to or a colorable imitation of the Plaintiff's Trade Mark ;

b) Granting a permanent injunction restraining the Defendant, their men, servants, agents or anyone claiming through or under them from in any manner Passing-off the Plaintiff Trade Mark and Trading style “TONI & GUY” by using the offending Trade Mark and Trading style “DONI & GUYS” or any other mark or marks which are similar or in any way deceptively similar to or a colorable imitation of the Plaintiffs Trade Mark;

c) Directing to the Defendant to pay the Plaintiff the costs of the suit;

For Plaintiff :Mr.Vijayan Subramanian

For Defendant :Mr.S.S.Karthikeyan
JUDGMENT

The suit has been filed by the plaintiff seeking injunction restraining the defendant from infringing/passing off the plaintiff's trademark “TONI & GUY”.

2. After service of notice, the defendant entered appearance and filed



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an affidavit dated 05.04.2023, stating that the dispute between the parties are amicably settled and the defendant has changed its name to “SMART TRENDZ ELITE”. In the affidavit, the defendant also agreed to withdraw its Trademark Application No.2905154 in class 44 pending before the Trademark Registry.

3. The affidavit of the defendant dated 05.04.2023 is recorded and the suit is disposed of accordingly. Consequently, connected Original Applications in O.A.Nos.171 and 172 of 2023 and Application in A.No.1298 of 2023 are closed.

06.04.2023

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Index: Yes/No

Speaking Order: Yes/No

S.SOUNTHAR, J.

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