



C.S.No.47 of 2023

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 19.04.2023

**CORAM:**

**THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

**C.S(Comm. Div.) No.47 of 2023**  
**and O.A.Nos.170 & 173 of 2023**  
**and A.No.1299 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.Tony & Guy Wedding Salon,  
Edapally- Panvel Highway,  
Puthiyavalapu, Kanhangad,  
Kerala – 671 531

... Defendant

**PRAYER:** This Civil Suit is filed under Order VII Rule 1 of Civil Procedure Code, 1908 read with Order IV Rule 1 of High Court O.S. Rules and Section 134 and Section 135 of the Trademarks Act, 1999 ; praying to pass the judgment and decree:-



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A) Granting a permanent injunction restraining the Defendant, their men, servants, agents or anyone claiming through or under them from in any manner infringing the plaintiff Trade Mark and Trading style “TONI & GUY” by using the offending Trade Mark and Trading style “TONY & GUY” 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.

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 “TONY & GUY” 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 the Defendant to pay the Plaintiff the costs of the suit and pass such further or other orders as this Court may deem fit and proper in circumstances of the case.

For Plaintiff : M/s.Preetha Natarajan  
for Vijayan Subramanian



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### JUDGMENT

The learned counsel for the plaintiff filed a memo, stating that subsequent to the service of notice in the injunction application, the respondent informed him that he had changed the name of the respondent, undertaking as “BEAUTY & GUY” . It is also stated that the defendant has executed an affidavit of undertaking stating that the name of the defendant has been changed to “BEAUTY & GUY”.

2. The learned counsel for the plaintiff also filed an affidavit of undertaking said to have been executed by the defendant and sent to the learned counsel for the plaintiff. The memo filed by the learned counsel for the plaintiff dated 18.04.2023 is recorded. The suit is disposed of accordingly. Consequently, connected applications are closed. No costs.

**19.04.2023**

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Index: Yes/No

Speaking Order: Yes/No

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**S.SOUNTHAR, J.**

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