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O.S.A.(CAD) Nos.127 to 132 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.11.2025

CORAM:

THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**
and
THE HONOURABLE MR. JUSTICE **MUMMINENI SUDHEER KUMAR**

O.S.A.(CAD) Nos.127 to 132 of 2025

and

C.M.P.Nos.28724, 28729, 28734, 28737, 28738, 28740, 28743, 28744,
28749 & 28750 of 2025

Spalon India Private Limited
Rep. by its Authorized Representative,
Ms.Sneh Koticha,
2nd Floor, Saba House,
No 209/A, St.Mary's Road
Alwarpet, Chennai 600018

.. Appellant in all OSAs

Vs.

Maya Choudhary
Trading as, Bounce Salon and Makeover Studio,
1st Floor, Ashok Nagar Main Road,
Above Madame Outlet, Udaipur,
Rajasthan, India 313001,

Also at 1st Floor, Centrum, Sukhadia Cir,
Above Shivam Optical,
Panchwati, Udaipur,
Rajasthan, India - 313 001,

Also at 1st Floor, Savina Main Road., Opp.SBI
Sector 11, Railway Colony, Udaipur,
Rajasthan, India 313 001.

.. Respondent in all OSAs

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COMMON PRAYER: Original Side Appeal (CAD) is filed under Section 13(1-A) of the Commercial Courts Act, 2015 read with Order 36 Rule 9 of O.S.Rules, praying to set aside the order dated 24-10-2025 passed by the Learned Judge in A.Nos.3227 & 3226 of 2025 O.A.Nos.178, 177, 176, 179 of 2025 in C.S(Com.Div).No.56 of 2025 on the file of this Court.

For Appellant : Mr.Satish Kumar
for Mr.M.S.Bharath in all OSAs

For Respondent : Mr.Srinath Sridevan
for Mr.A.Jayesh Kumar Daga in all OSAs

COMMON JUDGMENT

The “Bounce” word mark and trademark used in business of hairdressing is the subject matter of these appeals.

2. The Interlocutory application filed seeking an interim injunction was considered at the time of admission and an *ex parte* interim injunction was granted. Thereafter, the respondent/defendant filed an application to vacate the injunction. The learned Single Judge, after considering the rival submissions, found that, in his *prima facie* opinion, there is a notable difference in the trademark, logo and design of the plaintiff and the defendant. His conclusion regarding the rival claims is as below:-



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“25.After hearing the learned counsel for the defendant, it is clear that there are notable differences in the trademark, logo and design of the plaintiff and defendant. The plaintiff’s trademark consist of only the word ‘BOUNCE’. However, the defendant has used the mark ‘Bounce Salon & Makeover Studio’. As rightly pointed out by the learned counsel for the defendant, the defendant’s logo depicts a graphic of a pair of scissors, surrounding this, there are eight stars arranged in a semi-circle and the logo also incorporates a circular seal with the words ‘Bounce Salon and Makeover Studio’. That apart, the plaintiff is operating in Chennai, Bengaluru and Hyderabad and the defendant is operating only in Udaipur.”

3. After considering the judicial pronouncements on infringement, the learned Single Judge vacated the interim order granted in favour of the plaintiff on 12.03.2025 and allowed the application in A.Nos.3226 and 3227 of 2025. Being aggrieved, the present appeals are filed by the plaintiff.

4. The learned counsel for the appellant submitted that the learned Single judge had compared only the word “Bounce”,



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ignoring the fact that the plaintiff/appellant also holds the word mark “Bounce” and the notable difference pointed out by the learned Single Judge are merely illusory. The learned counsel also took efforts to impress upon this Court to make a comparison of the two marks and to consider the investigation report obtained from a private agency at the instance of the appellant.

5. The learned counsel for the respondent submitted that the trade as such is confined to a specific territory. The apprehensions and allegations raised by the plaintiff, who carries on business in Chennai, are unfounded as the defendant carries on business in Udaipur, Rajasthan. It is contended that the allegations of infringement are incorrect and have already been considered by the learned Single Judge, who vacated the earlier *ex parte* interim order.

6. The learned counsel also submitted that the defendant has only three outlets and presently has no intention of expanding her business. Whereas, the plaintiff, who has no presence in Udaipur,



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Rajasthan or has no prima facie case to seek an injunction,
leaving aside the merits.

7. This Court finds that the submissions made by the learned counsel for the respondent are absolutely acceptable and in consonance with Judicial pronouncements. We are of the opinion that the present appeals have been filed just to protract and frustrate the process of trial pending before the learned Single Judge. Hence, We find no merit in these appeals.

8. Accordingly, these Original Side Appeals (CAD) stand dismissed. Consequently, the connected Civil Miscellaneous Petitions are closed. No costs.

[Dr.G.J., J.] & [M.S.K., J.]
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Dr.G.JAYACHANDRAN., J.
and
MUMMINENI SUDHEER KUMAR., J.

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