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A.No.4297 of 2021

**A.No.4297 of 2021**  
**and**  
**O.A.No.757 & 758 of 2021**  
**in**  
**C.S.(Comm.Div.)No.102 of 2021**

**N.ANAND VENKATESH. J.,**

Pursuant to the orders passed by this Court on 13.12.2021, the learned counsel for the defendant submitted the modified mark of the defendant, wherein, the colour scheme and trade dress have been substantially changed by the defendant. The learned counsel for the plaintiff submitted that, with the changed colour scheme and the trade dress, there must not be any further grievance for the plaintiff, if the defendant is going to continue with the same while selling the products in the market. However, in the meantime, there are nearly one lakh cement bags that are already under circulation in the market and to that extent, the damage has been caused to the plaintiff. The learned counsel submitted that, this is the only short issue that requires the consideration of this Court.

2.In view of the above development, O.A.No.757 and 758 of 2021 and A.No.4297 of 2021 are disposed of by taking into account the modified



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colour scheme and the trade dress of the respondent/defendant and by recording the undertaking that respondent/defendant will supply the cement bags only with the modified colour scheme and trade dress.

**21.12.2021**  
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