

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Civil Revision No.7719 of 2018 (O&M)
Date of Decision:November 15, 2018.**

Gau Raksha Mandal (Regd)

.....PETITIONER(s).

VERSUS

Niranjan Dass

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

The petitioner has filed ejectment application against the respondent on the ground that “he has ceased to occupy the shop in dispute for a continuous period of more than four months without reasonable cause”. The petition was filed on 05.02.2015. Vide application dated 18.07.2018, petitioner wants to plead that respondent is using the shop in dispute as a store 'godown' and has changed user of the same, as such, is liable to be ejected. The application filed by the petitioner was declined by the Rent Controller. It is not disputed that the petitioner can file separate petition seeking ejectment of the respondent on the ground which is sought to be added in the petition by way of amendment. Allowing of this petition will result in de novo trial of the petition, which is already 5 years old.

When there is no bar for the petitioner to file separate petition on the ground

of change of user, there is no purpose of allowing this plea in the pending petition by way of amendment.

Keeping in view the above facts, I find no merits in this petition. The same is dismissed with liberty to the petitioner to file fresh ejectment petition against the respondent, if so desired.

November 15, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***