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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **MAC.APP. 492/2024, CM APPL. 53975-53977/2024**  
**DAYA RANI (SINCE DECEASED) THROUGH HER HUSBAND**  
**ASHOK KUMAR**

Through: **Appearance not given.** .....Appellant

versus

**K (DRIVER MINOR) & ORS.**

Through: **None.** .....Respondent

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**  
**24.10.2024**

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1. An Appeal under Section 173 of Motor Vehicles Act has been filed in the name of Smt. Daya Rani, who admittedly had died on 25.12.2023. This Appeal has come before this Court for the first time on 13.09.2024 which implies that the Appeal had been filed by a dead person. If so is the case, the application of the Legal Heirs to be substituted under Order 2 Rule 23 itself is not tenable.
2. After some submissions learned counsel for the Appellant seeks permission to withdraw this present Appeal with liberty to file a fresh Appeal through the Legal Heirs.
3. In view of the submissions made, the Appeal is permitted to be withdrawn with liberty as prayed for.



4. The Appeal is dismissed as withdrawn.

**NEENA BANSAL KRISHNA, J**

**OCTOBER 24, 2024/va**