

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

Sr. No.122

**FAO-388-2021 (O&M)  
Date of decision : 26.07.2021**

Go Digital General Insurance Company Limited

..... Appellant

**VERSUS**

Neelam and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Vishal Aggarwal, Advocate, for the appellant.

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**SUDHIR MITTAL, J. (Oral)**

Upon examination of the record, learned counsel for the appellant submits that the fact that the driver of the vehicle admitted his presence at the spot, although, deposing that he was not involved in the accident as well as the fact that he allegedly left his mobile phone at home on the date of the incident, would cumulatively go to show that he was colluding with the claimants. This is further corroborated by the fact that the mechanical inspection report is dated 27.05.2019, whereas, the date of the accident is 19.04.2019.

To accept the submission of learned counsel for the appellant, I would have to rely upon inferences. The first inference would be that the statement of the driver of the vehicle recorded during the police investigation that he had left his mobile phone at home on the date of the accident is false. The second inference would be that his admission in the witness-box that he was present at the spot, although, not involved in the accident, is collusive in nature. Finally, from the date of the report of the mechanical inspection, I would need to infer that the vehicle was deliberately involved in an accident at a later stage.

The Tribunal has returned a finding of fact based upon evidence and to reverse the said finding of fact on the basis of inferences, is not possible.

Thus, the appeal has no merit and is dismissed.

(SUDHIR MITTAL)  
JUDGE

26.07.2021  
Ramandeep Singh

Whether speaking / reasoned  
Whether Reportable

Yes / No  
Yes/ No