

IN THE SEYCHELLES COURT OF APPEAL

PHILIP LAFORTUNE

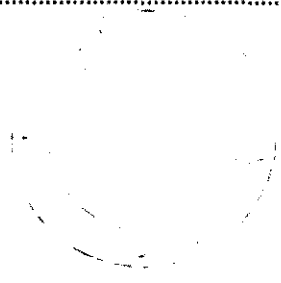
APPELLANT

VERSUS

STATE ASSURANCE CORPORATION OF SEYCHELLES RESPONDENT

Civil Appeal No. 14 of 1995

.....
Mr. A. Juliette for the Appellant
Mr. B. Georges for the Respondent





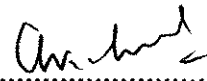
J U D G M E N T

The Appellant had insured his motor vehicle S5544 with the Respondent under a comprehensive insurance cover. The Respondent was obligated under the insurance policy to indemnify the Appellant against loss or damage to his vehicle. He accordingly made a claim in the sum of Rs. 165,000 for the damage to the vehicle which he alleged was beyond economical repair, as well as for loss of use and moral damages. The Respondent pleaded that the accident had been simulated by the Appellant or his agents and accordingly had no obligation to indemnify the Appellant.

There was no direct evidence as to the simulation of the accident. On the other hand it would be unreasonable to expect an insurance company to bring forward direct evidence of such simulation. The Defence relied entirely on circumstantial evidence to demonstrate that the accident could not have caused the damage to the vehicle in the manner described by the Appellant. The trial judge held that the circumstantial evidence on record had led him to the irresistible conclusion that the accident was a simulated one.

Counsel for the Appellant sought to impugn the inferences which the trial judge drew from the circumstantial evidence and submitted that those inferences were not justified. We are however satisfied that the trial judge was perfectly entitled to draw the inferences which he did specially as the Appellant had not succeeded to establish how the vehicle which it was alleged had been parked on the mountainside found its way on the seaside, regard being had to the parts of the vehicle which were damaged and the damaged Tata bus which appeared in the photographs.

This appeal has therefore no merit and is dismissed with costs.

		
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H. GOBURDHUN P	E.O AYOOLA JA	L.E. VENCHARD JA

Dated this 29 day of Feb 1996.