

MAGISTRATES' COURT RULES 1999.

FORM 7

COUNTERCLAIM

**IN THE MAGISTRATES' COURT
OF VICTORIA
AT**

Court Number

BETWEEN

Plaintiff

Of:
And

Defendant

Of:

NATURE OF COUNTERCLAIM (state shortly)
AMOUNT OF COUNTERCLAIM

TO THE PLAINTIFF--

TAKE NOTICE that this counterclaim has been brought against you by the defendant for the counterclaim set out in the pages attached.

IF YOU INTEND TO DEFEND this counterclaim, **YOU MUST GIVE NOTICE OF DEFENCE, within 21 days of service upon you of the counterclaim, to –**

(c) to the defendant whose address for service is

And

(d) the Registrar of the Magistrates' Court of Victoria at

IF YOU DO NOT GIVE NOTICE OF DEFENCE WITHIN 21 DAYS OF SERVICE, the defendant may **OBTAIN AN ORDER AGAINST YOU** for the amount of the counterclaim and costs without further notice.

DATE OF FILING--

TO THE DEFENDANT:

If your counterclaim arises from a motor vehicle collision, complete Part A.

If your counterclaim does not arise from a motor vehicle collision complete Part B.

If yours is a combined counterclaim, complete the appropriate parts.

**PART A
(COUNTERCLAIM ARISING FROM A MOTOR VEHICLE COLLISION INCLUDING
PERSONAL INJURY)**

WHAT IS THE NATURE OF YOUR COUNTERCLAIM? *(e.g. cost of repairs to motor vehicle, cost of repairs to damaged fence.)*

WHERE DID YOUR CLAIM ARISE? *[Give the location of any collision, including a Melway reference if possible, and in the space below draw a sketch plan of the collision with names of roads, etc. Identify your vehicle as "1", the vehicle driven by the plaintiff as "2" and any other vehicles involved as "3", "4", "5", etc.]*

WHEN DID YOUR COUNTERCLAIM ARISE?--

HOW DID THE COLLISION HAPPEN?--*[You must set out here in as much detail as you can how the collision happened and why you believe the plaintiff is at fault. If the space is insufficient you may attach other sheets.]*

HOW MUCH ARE YOU CLAIMING?--

Dated:

[To be signed by the Defendant or the Defendant's Solicitor]

PART B

(ANY COUNTERCLAIM NOT ARISING FROM A MOTOR VEHICLE COLLISION)

WHAT IS THE NATURE OF YOUR COUNTERCLAIM? *(e.g. work done; money owed; goods or services supplied; personal injury other than that arising from a motor vehicle collision; application to fence; injunction.)*

WHERE DID YOUR COUNTERCLAIM ARISE?--

PARTICULARS OF THE COUNTERCLAIM--

[You must set out here in as much detail as you can the substance of your counterclaim. If the space is insufficient you may attach other sheets.]

HOW MUCH MONEY (IF ANY) ARE YOU CLAIMING?-- \$
Plus Interest
Plus Costs

WHAT OTHER RELIEF OR REMEDY (IF ANY) ARE YOU CLAIMING?

Dated:

[To be signed by the Defendant or the Defendant's Solicitor]