

MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2020

Rule 10.02(5), 10.04(6)

FORM 10B

**COUNTERCLAIM**  
(service outside Australia)

IN THE MAGISTRATES' COURT  
OF VICTORIA AT

Court Number:

BETWEEN

Plaintiff

OF

And

Defendant

OF

Date of Document  
Filed on behalf of:  
Australian Lawyer  
name:  
Address:

Code:

Telephone:  
Reference

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NAME AND ADDRESS of Australian lawyer for the defendant –

Address for service of the defendant – (if no Australian lawyer)

Counterclaim Amount:        \$

**STATEMENT OF COUNTERCLAIM**

*(Here set out in numbered consecutive paragraphs all the material facts relied on for the counterclaim against the plaintiff including particulars of every fact or matter.*

*If the counterclaim arises by or under any act, identify the specific provision relied on. State specifically the amount or other relief or remedy sought. State the place where and the date when the claim arose.*

*If the counterclaim arises out of a motor vehicle accident and includes a claim for the costs of repairs to the vehicle or total loss of the vehicle, an itemised quotation of the cost of the repairs or an assessment of the loss (whichever is relevant) must be attached to this counterclaim.)*

1.

## TO THE PLAINTIFF

TAKE NOTICE that this counterclaim has been brought against you by the defendant as set out in the statement of counterclaim.

IF YOU INTEND TO DEFEND this counterclaim, YOU MUST GIVE NOTICE OF DEFENCE, **within the proper time to give notice of defence**, to –

- (a) the defendant, and
- (b) the registrar of the Magistrates' Court of Victoria at  
*(insert proper venue)*

**IF YOU GIVE NOTICE OF DEFENCE THE ADDRESS FOR SERVICE OF THE DEFENDANT MUST BE IN VICTORIA;** and

THE COURT will write to you and tell you of the hearing date.

IF YOU DO NOT GIVE NOTICE OF DEFENCE WITHIN THE PROPER TIME TO GIVE NOTICE OF DEFENCE, the defendant may OBTAIN AN ORDER AGAINST YOU for the amount of the counterclaim and costs without further notice.

\*THE PROPER TIME TO GIVE NOTICE OF DEFENCE is as follows—

- (a) where you are served with the counterclaim in Papua New Guinea, within 28 days after service;
- (b) where you are served with the counterclaim in New Zealand under Part 2 of the Trans-Tasman Proceedings Act 2010 of the Commonwealth, within 30 working days (within the meaning of that Act) after service or, if a shorter or longer period has been fixed by the Court under section 13(1)(b) of that Act, the period so fixed;
- (c) where you are served with the counterclaim in any other place out of Australia, within 42 days after service.

DATE OF FILING:

THIS COUNTERCLAIM IS VALID IF IT BEARS THE ALLOCATED COURT NUMBER AND THE  
DATE OF FILING

Date:

*(eg. 5 September 20 )*

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*(To be signed by the Defendant or the  
Defendant's Australian lawyer)*