 **DEFENDANT’S APPLICATION UNDER PART 5**

**OF THE COURTS (CASE TRANSFER) ACT 1991**

Form 9

*Courts (Case Transfer) Rules 2021*

Rule 21(1)

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| IN THE MAGISTRATES’ COURT | | | | | | | | | Court Reference: | | | | |  | |
| OF VICTORIA AT | | | |  | | | | | | |  | | | | |
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| BETWEEN | | |  | | | | | | | | | | | | |
| Plaintiff | | | | | | | | | | | | | | | |
| OF |  | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | |
| And | | |  | | | | | | | | | | | | |
| Defendant | | | | | | | | | | | | | | | |
| OF |  | | | | | | | | | | | | | | |
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| Date of document: | | | | |  | |  | | | | | | | | |
| Filed on behalf of: | | | | |  | | | | | | |  | | | |
| Australian lawyer name: | | | | |  | | | | | | | | Code: | |  |
| Address: | | | | |  | | | | | | | | | | |
| Email: | | | | |  | | | | | | | | | | |
| Telephone: | | | | |  | |  | | | | | Reference: |  | | |
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| TAKE NOTICE that the defendant in this proceeding applies for an order under Part 5 of the **Courts (Case Transfer) Act 1991**that the proceeding be transferred to | | | | | | | | | | | | | | | |
| [*suggested transferee court*] | | | | | |  | | | | | | | | | |
| at [*location of transferee court*] | | | | | |  | | | | | | | | | |
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| THE DEFENDANT certifies that the defendant’s counterclaim in this proceeding involves a matter exceeding the jurisdiction of the Magistrates’ Court of Victoria and that the plaintiff does not consent to the Magistrates’ Court of Victoria having jurisdiction. | | | | | | | | | | | | | | | |
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| Date: | |  | | | | | |  | | | | | | | |
|  | | | | | | | | | |  | | | | | |
|  | | | | | | | | | | [*Signature of defendant or Australian Lawyer*] | | | | | |
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| **Note** | | | | | | | | | | | | | | | |
| This application must be filed in the proceeding and a copy served on all other parties to the proceeding. | | | | | | | | | | | | | | | |