 **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  |       |  |
|  |
| BETWEEN |        |
| Plaintiff |
| OF |       |
|  |
| And |        |
| Defendant |
| OF |       |
|  |
|  |
| 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*]  |       |
|  |
| 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. |
|  |
| Date:  |       |  |
|  |  |
|  | [*Signature of defendant or Australian Lawyer*] |
|  |
| **Note** |
| This application must be filed in the proceeding and a copy served on all other parties to the proceeding. |