

Form 5: Defence and Counterclaim

[Rule 10.2 (1)]

(Heading as in Form 1)

Defence

I dispute the claim on the following grounds —

I certify that all the facts set out in my defence are true to the best of my knowledge information and belief.

My address for service is

Telephone no.

Dated

Signed

[Defendant in person]

We are acting for the defendant; our address for service is:

Signed

(Legal practitioner for the defendant)

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, FAX xxx.xxxx. The office is open between [..... a.m.] and [..... p.m.] to except public holidays.

Counterclaim

I claim against the claimant
(set out details of the remedy or relief sought)
on the following grounds —

I certify that all the facts set out in my counterclaim are true to the best of my knowledge information and belief and that I am entitled to the remedy claimed

Dated

Signed

[Defendant in person]

We are acting for the defendant; our address for service is:

Signed (Legal practitioner for the defendant)

Notes:

(a) The defendant may set out the defendant’s defence in another manner — it is not necessary to use this form.

- (b) the defendant must:
 - state which allegations in the claim are admitted
 - which are denied
 - which are neither admitted or denied because the defendant does not know whether they are true.
 - identify any documents considered necessary to the defendant's case.

- (c) The defendant must give reasons for denying any allegations made by the claimant.

- (d) The defendant must set out clearly all the facts on which the defendant relies to dispute the claim and must set out any different version of events on which the defendant relies.

- (e) The defendant may not be allowed to give evidence about any fact which is not set out in the defence.

- (f) If the defendant wishes to counterclaim the defendant must
 - specify any remedy that the defendant seeks against the claimant
 - include a short statement of all facts on which the defendant relies
 - identify any documents which the defendant considers necessary to the defendant's case.

- (g) If the defendant is represented by a legal practitioner, the defendant must also sign the form and give the defendant's address for service.