

## Form 2.16                      Answer to counterclaim

*Court Procedures Rules 2006*

(see r 466 (Counterclaim—answer to))

In the \*[Supreme/Magistrates] Court of the Australian Capital Territory

No \*[SC/MC]                      of (year)                      (Court to complete)

(name)

Plaintiff

(name)

Defendant

The defendant to the counterclaim relies on the following facts in defence of the counterclaim:

*(set out particulars of defence in numbered paragraphs)*

*(complete if the defendant to the counterclaim is a person other than the plaintiff)*

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Filed for the defendant to the counterclaim by:

*(the defendant to the counterclaim's address for service and telephone number (if any) or, if the defendant is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor)*

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**\*Particulars in an action for possession of land**

*(complete if the defendant to the counterclaim chooses not to file a notice of intention to respond)*

On (date) (name of Judge/Associate Judge/Registrar) gave the defendant to the counterclaim leave to file this defence.

\*The defendant to the counterclaim (name) responds to the counterclaim as lessor.

\*The defence is limited to the following part of the land:

*(set out the part of the land to which the defence is limited)*

**\*Corrected particulars of defendant to counterclaim**

*(complete if the particulars of the defendant to the counterclaim stated in the counterclaim are incorrect and the defendant to the counterclaim chooses not to file a notice of intention to respond)*

The correct particulars of the defendant to the counterclaim are as follows:

*\*(if the defendant to counterclaim is an individual)*

Full name:

\*[Home/Business] address:

*\*(if the defendant to counterclaim is a corporation)*

Name:

*(if the corporation is a company or a registered body within the meaning of the Corporations Act 2001 (Cwlth))*

\*[Australian Company Number/Australian Registered Body Number]:

Type of body:

Address of \*[registered office/public officer]:

\*Representative capacity in which defendant is sued:

\*The defendant to the counterclaim agrees to the defendant's name being amended accordingly on the counterclaim.

**\*Particulars of solicitor for defendant to counterclaim**

*(complete if defendant to counterclaim is represented by a solicitor)*

Solicitor's full name:

*(if the solicitor practises in a firm of solicitors)*

\*Solicitor's firm:

Solicitor's full business address:

Solicitor's telephone no:

\*Name, address and telephone no of solicitor's agent:

**Defendant to counterclaim—address for service of documents**

*(set out address for service of defendant to counterclaim)*

*(if represented by a solicitor the following information may be provided)*

\*Document exchange box no:

*(if postal address different from address for service)*

\*Postal address:

\*Email address:

Date:

*(signature of defendant to the counterclaim or defendant's solicitor)*

*(name of defendant to the counterclaim or defendant's solicitor)*

### **Notice about response**

You have 14 days to file in the Court and serve a response to this answer. If you do not do so, you may be prevented from presenting evidence in relation to allegations of fact made in this answer.

### **\*Certificate that answer to counterclaim has reasonable prospects of success**

*(complete this section if the Civil Law (Wrongs) Act 2002, s 188 applies to the action)*

I, *(solicitor's full name)* certify that I believe, on the basis of provable facts and a reasonably arguable view of the law, that this answer to counterclaim has reasonable prospects of success.

Date:

*(signature of defendant to the counterclaim's solicitor)*

*(name of defendant to the counterclaim's solicitor)*

*\*omit if, or whichever is, inapplicable*