

Litigants in Person

Form completion guide

Form 5A Writ (page 1 of 5) Items in [blue] must be completed

SUPREME
COURT OF
VICTORIA



Form 5A

Rule 5.02

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE

No. [X] of [X]

[COMMON LAW DIVISION OR COMMERCIAL & EQUITY] DIVISION

BETWEEN

[FULL NAME(S) OF PLAINTIFF(S), IF MORE THAN 2, INSERT NAME OF
1ST PLAINTIFF "AND OTHERS ACCORDING TO THE SCHEDULE"]

Plaintiff/s

– and –

[FULL NAME(S) OF DEFENDANT(S), IF MORE THAN 2, INSERT NAME OF
1ST DEFENDANT "AND OTHERS ACCORDING TO THE SCHEDULE"]

Defendant/s

WRIT

Date of document: [COMPLETE]

Filed on behalf of: The Plaintiff

Prepared by: [COMPLETE [Name]]

Tel: [COMPLETE]

Fax: [COMPLETE]

Address: [COMPLETE]

TO THE DEFENDANT

TAKE NOTICE that this proceeding has been brought against you by the plaintiff for the claim set out in this writ.

IF YOU INTEND TO DEFEND the proceeding, or if you have a claim against the plaintiff which you wish to have taken into account at the trial, YOU MUST GIVE NOTICE of your intention by filing an appearance within the proper time for appearances stated below.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by –

- (a) filing a “Notice of Appearance” in the Prothonotary’s office, 436 Lonsdale Street, Melbourne, or, where the writ has been filed in the office of a Deputy Prothonotary, in the office of that Deputy Prothonotary; and
- (b) on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff’s address for service, which is set out at the end of this writ.

[‘No.’] & [‘of’]
information
will be supplied
when you file
this document.

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IF YOU FAIL to file an appearance within the proper time, the plaintiff may OBTAIN JUDGMENT AGAINST YOU on the claim without further notice.

*THE PROPER TIME TO FILE AN APPEARANCE is as follows—

- (a) where you are served with the writ in Victoria, within 10 days after service;
- (b) where you are served with the writ out of Victoria and in another part of Australia, within 21 days after service;
- (c) where you are served with the writ in New Zealand or in Papua New Guinea, within 28 days after service;
- (d) where you are served with the writ in any other place, within 42 days after service.

FILED: [REGISTRY WILL STAMP THIS WHEN YOU FILE THIS DOCUMENT]

[‘FILED’] will be stamped when you file this form.

Prothonotary

THIS WRIT is to be served within one year from the date it is filed or within such further period as the Court orders.

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IN THE SUPREME COURT OF VICTORIA AT MELBOURNE

No. [X] of [X]

[‘No.’] & [‘of’]
information
will be supplied
when you file
this document.

Choose either

[COMMON LAW DIVISION OR COMMERCIAL & EQUITY] DIVISION

BETWEEN

[FULL NAME(S) OF PLAINTIFF(S), IF MORE THAN 2, INSERT NAME OF
1ST PLAINTIFF “AND OTHERS ACCORDING TO THE SCHEDULE”]

Plaintiff/s

– and –

[FULL NAME(S) OF DEFENDANT(S), IF MORE THAN 2, INSERT NAME OF
1ST DEFENDANT “AND OTHERS ACCORDING TO THE SCHEDULE”]

Defendant/s

STATEMENT OF CLAIM

Date of document: [COMPLETE]

Filed on behalf of: The Plaintiff

Prepared by: [[Name] COMPLETE]

Tel: [COMPLETE]

Fax: [COMPLETE (if applicable)]

Address: [COMPLETE]

1. COMPLETE
[Claim to be set out in separate numbered paragraphs.
The Statement of Claim must first identify each party to the
proceedings and the capacity in which they are being sued.
2. Second, the Plaintiff must identify the alleged facts (each fact to be
set out in a separate numbered paragraph) which support the claim or
claims being made.
3. At the end of the Statement of Claim, the Plaintiff to set out what
specific claims are made and the orders sought by the Plaintiff to be
made by the court.]

Dated the [COMPLETE] day of [COMPLETE] 20 [COMPLETE]

[SIGN]

Plaintiff

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1. Place of trial— [COMPLETE]
2. Mode of trial— [COMPLETE]
3. This writ was filed by— [COMPLETE]
4. The address of the plaintiff is— [COMPLETE]
5. The address for service of the plaintiff is— [COMPLETE]
6. The address of the defendant is— [COMPLETE]

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SCHEDULE OF PARTIES

[COMPLETE SCHEDULE ONLY if three or more Plaintiffs
or three or more Defendants]

BETWEEN

[COMPLETE FULL NAME]

[COMPLETE FULL NAME]

[COMPLETE FULL NAME]

No. [X] of [X]

First Plaintiff

Second Plaintiff

Third Plaintiff

[‘No.’] & [‘of’]
information
will be supplied
when you file
this document.

and

[COMPLETE FULL NAME]

[COMPLETE FULL NAME]

[COMPLETE FULL NAME]

First Defendant

Second Defendant

Third Defendant

Dated: [COMPLETE]

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