**Form CFI 9**

**Rules 50, 311 and 317**

**Counterclaim**

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| **Court of First Instance** | |
| **Division\*** | [select division] |
| **Case number\*** | [case number] |

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| **Title of Proceedings** | |
| **[First] Claimant\*** | [full name] |
| [Second Claimant] [number of Claimants (if more than two)] | [#full name #number (refer to Party Details at rear for full list of parties)] |
| **[First] Defendant\*** | [full name] |
| [Second Defendant] [number of Defendants (if more than two)] | [#full name #number (refer to Party Details at rear for full list of parties)] |
| **[First] Counterclaimant\*** | [full name] |
| [Second Counterclaimant] [number of Counterclaimants (if more than two)] | [#full name #number (refer to Party Details at rear for full list of parties)] |
| **[First] Counterdefendant\*** | [full name] |
| [Second Counterdefendant] [number of Counterdefendants (if more than two)] | [#full name #number (refer to Party Details at rear for full list of parties)] |

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| **Filing Details** | | |
| **Filed for\*** | [name of counterclaimant(s)] | |
| **Legal representative** | [name] | |
| **Firm** | [name of firm] | |
| **Firm reference** | [reference number] | |
| **Contact name\*** | [name] | |
| **Contact telephone\*** | [telephone] | |
| **Contact email\*** | [email address] | |
| **Nature and Value of Counterclaim** | | |
| **Nature of Counterclaim\***  *(Select most appropriate nature of claim from list)* | | [select nature of claim] |
| **Counterclaim Value (USD)\*** | | [claim value in USD if money and/or property claim]  [specify USD0 if claim is for unquantified damages] |
| **Interest** | | [details of any claim for interest] |

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| **Orders** |
| **Final orders sought\*** |
| [numbered paragraphs] |

| **Particulars of Counterclaim** |
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| **Particulars of Counterclaim\*** |
| [numbered paragraphs]  [attach a copy of any document referred to in the counterclaim form unless the document has previously been uploaded to the eCourts Platform] |

| **Propositions of Law** |
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| **Propositions of Law\*** |
| [numbered paragraphs] |

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| **Law** | |
| **Law governing the dispute\*** | [Law governing the dispute] |
| **Basis of the jurisdiction of ADGM Courts\*** | [Basis of the jurisdiction of ADGM Courts]  [Specify if jurisdiction is pursuant to a request under section 16(2)(e) of ADGM Courts Regulations] |

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| **VERIFICATION  THE ADGM ECOURTS PLATFORM CAN READ THE CONTENTS OF WORD FORMS CONVERTED TO PDF.**  **SCANNED FORMS CANNOT BE READ BY THE PLATFORM. THIS MEANS THAT IF YOU UPLOAD A SCANNED FORM, YOU WILL NEED TO RE-ENTER THE INFORMATION INTO THE ONLINE FORM.**  **DO NOT PRINT AND PHYSICALLY SIGN THE SECTION BELOW. THE ONLINE FORM WILL PROMPT YOU FOR YOUR ELECTRONIC SIGNATURE.** |

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| ***YOU WILL BE REQUIRED TO PROVIDE THE FOLLOWING VERIFICATION UPON FILING***  ***Litigant in person*** |
| *I certify that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the counterclaim in these proceedings has reasonable prospects of success.* |
| ***Legal Representative/Authorised Officer***  *I am [#the legal representative #an authorised officer] of the counterclaimant(s)* |
| *I certify that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the counterclaim in these proceedings has reasonable prospects of success.* |

| **Notice to counterclaimant** |
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* It is the responsibility of the counterclaimant to serve the counterclaim form on all other parties to this counterclaim.
* Your attention is drawn to the methods of service of the counterclaim form set out in Part 4 of the ADGM Court Procedure Rules 2016 and Practice Direction 14.

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| **Notice to counterdefendant** |

* Please read this counterclaim very carefully. If you have any difficulty understanding it or require assistance on how to respond to the counterclaim you should seek legal advice as soon as possible.

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| **Failure to acknowledge service** |

* If the counterclaim has been filed in the Commercial and Civil Division and you do not file an acknowledgement of service within 14 days of being served with the counterclaim:
  + - you will be in default in these proceedings; and
    - the court may enter default judgment against you without any further notice to you.
* The default judgment may be for the final orders sought in the counterclaim and for the counterclaimant's costs of bringing these proceedings.

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| **How to respond** |

* If you do not dispute the counterclaim you should contact the counterclaimant and try to settle it by agreement or by paying the money and the interest you admit to be due.
* If you wish to challenge the counterclaim, or the power of the court to deal with it, or if you wish to ask for any order from the court such as for time to pay, you must:
* if the counterclaim has been filed in the Commercial and Civil Division, file and serve an acknowledgment of service within 14 days of being served with the counterclaim, and within 28 days of being served with the counterclaim file and serve:
  1. an admission and any request for time to pay
  2. an admission and any request for time to pay and a defence, together with any counterclaim, if you admit only part of the claim
  3. a defence, together with any counterclaim, if you dispute the whole of the claim, or
  4. an application to dispute the court’s jurisdiction.
* if the counterclaim has been filed in the Employment Division, within 14 days of being served with the counterclaim file:

1. an admission and any request for time to pay
2. an admission and any request for time to pay and a defence, together with any counterclaim, if you admit only part of the claim
3. a defence, together with any counterclaim, if you dispute the whole of the claim, or
4. an application to dispute the court’s jurisdiction.

* if the counterclaim has been filed in the Small Claims Division, within 7 days of being served with the counterclaim file:

1. an admission and any request for time to pay
2. an admission and any request for time to pay and a defence, together with any counterclaim, if you admit only part of the claim
3. a defence, together with any counterclaim, if you dispute the whole of the claim, or
4. an application to dispute the court’s jurisdiction.

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| **Forms** |

* All of the court’s forms are available on the court’s website.
* An acknowledgement of service must be made using **Form CFI 7**.
* A defence must be filed using **Form CFI 8**.
* A counterclaim must be filed using **Form CFI 9**.
* If you admit liability in whole or in part and seek special arrangements for time to pay you should give written notice to the claimant to that effect and file **Form CFI 34**.
* If you wish to dispute the court’s jurisdiction you need to apply to the court in relation to a counterclaim that has been filed:
  1. in the Commercial and Civil Division, using **Form CFI 12** and any application must be supported by written evidence using **Form CFI 15**; and
  2. in the Employment Division or Small Claims Division, using **Form CFI 12C**.

| **Procedures** |
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| * The procedures of the court are governed by the ADGM Court Procedure Rules 2016 which are available on the court’s website. * The procedure for commercial and civil claims is governed by **Practice Direction 2**. The procedure for small claims is governed by **Practice Direction 3**. The procedure for employment claims is governed by **Practice Direction 4**. * The procedure for making an application is governed by **Practice Direction 7**. |

*[separate page]*

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| **Party Details** |

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| **Counterclaimant(s)** | |
| **ADGM Registration No.** *(if applicable)* | [ADGM Registration#] |
| **Full Name\*** | [name] |
| **Address\*** | [address] |
| *(for additional Claimant(s), please fill out the section below for each Claimant)* | |
| **ADGM Registration No.** *(if applicable)* | [ADGM Registration#] |
| **Full Name\*** | [name] |
| **Address\*** | [address] |

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| **Counterclaimant(s) Contact Details** *(complete if self-represented or by authorised officer as applicable)* | |
| **Name of authorised officer** | [name] |
| **Capacity to act for Claimant** | [e.g. Director] |
| **Address for service\*** | [address] |
| **Telephone\*** | [telephone] |
| **Email\*** | [email address] |

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| **Counterclaimant(s) Legal Representative** *(complete if legally represented)* | |
| **Name** | [name] |
| **Firm** | [name of firm] |
| **Address of Firm** | [address of firm] |
| **Contact person** | [contact person] |
| **Email** | [email address] |
| **Telephone** | [telephone] |
| **Firm Ref** | [firm reference] |

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| **Counterdefendant(s)** | |
| **ADGM Registration No.** *(if applicable)* | [ADGM Registration#] |
| **Full Name\*** | [name] |
| **Address\*** | [address] |
| **Email** | [email address] |
| *(for additional Counterdefendant(s), please fill out the section below for each Counterdefendant)* | |
| **ADGM Registration No.** *(if applicable)* | [ADGM Registration#] |
| **Full Name\*** | [name] |
| **Address\*** | [address] |
| **Email** | [email address] |